

Form AS 2916.1

Rev. Oct 9 15

Commonwealth of Puerto Rico
DEPARTMENT OF THE TREASURY**For seller's use**Invoice, receipt or
transaction number:

_____**CERTIFICATE FOR EXEMPT PURCHASES AND FOR SERVICES SUBJECT TO THE 4% SPECIAL-SUT
(Tangible Personal Property, Exempt Services and Services Subject to the 4% Special-SUT)**

Transaction date: Month _____ Day _____ Year _____

The purpose of this Certificate for Exempt Purchases and for Services Subject to the 4% Special-SUT (Certificate) is to release the merchant seller from his or her obligation of collecting and remitting the sales and use tax (Basic-SUT) or the 4% SUT on services rendered to other merchants and designated professional services (4% Special-SUT) on the sale for which this Certificate is issued. Also, in the case of business to business services subject to the 4% Special-SUT, this Certificate has the purpose of establishing the obligation of the merchant seller of collecting and remitting the 4% Special-SUT, instead of the Basic-SUT.

PART I **MERCHANT SELLER'S INFORMATION**

Seller's name _____

Address _____

Municipality, State _____

Zip Code _____

PART II **PURCHASER'S INFORMATION**

1.a. I certify that I am engaged in business in Puerto Rico and that my Merchant's Registration number is: _____-_____

b. The North American Industry Classification System (NAICS) code that appears on my Merchant's Registration Certificate

is _____ and the activity's description is the following: _____.

2. If you are an agency of the Commonwealth of Puerto Rico or the Federal Government, provide your employer
identification number: _____

3. If you are a diplomat, provide the tax exemption number that appears on the exemption card issued by the United States Department of State:

_____-_____-_____ and the expiration date: Month _____ Day _____ Year _____

4. If you are an individual affected by a disaster (Section 6080.12 of the Puerto Rico Internal Revenue Code of 2011, as amended (Code)), provide your driver's
license or passport number: _____

5. Indicate the reason for the exemption or exclusion and provide the requested information, as applicable:

- a. ☐ Reseller (exemption from Municipal SUT only)
- b. ☐ Eligible Reseller
- c. ☐ Manufacturing Plant
- d. ☐ Business to Business Services (subject to the 4% Special-SUT)
- e. ☐ Capitalized Repair Services (subject to the 4% Special-SUT)
- f. ☐ Commonwealth of Puerto Rico (Agency _____)
- g. ☐ Federal Government (Agency _____)
- h. ☐ Farmer (Bona Fide Farmer's Number _____)
- i. ☐ Direct Pay Permit (Total Exemption Certificate Number _____)
- j. ☐ Housing Cooperative Ruled by Act 239-2004
- k. ☐ Diplomat (Country or Mission _____)
- l. ☐ Special Acts (Act No. _____)
- m. ☐ Exportation
- n. ☐ Individual Affected by a Disaster (Section 6080.12 of the Code)
- o. ☐ Residents' Associations, Board of Owners of Residential Condominiums, and Associations of Residential Owners
- p. ☐ Social Interest Housing Residential Projects that receive federal or state rent subsidies
- q. ☐ Member of the same controlled group or group of related entities engaged in industry or business in Puerto Rico
- r. ☐ Entity engaged in the repair, maintenance and conditioning of airships with exemption decree under Act 73-2008
- s. ☐ Person located in a foreign trade zone and engaged exclusively in the fuel storage or processing
- t. ☐ Designated professional services provided to a labor or workers' organization
- u. ☐ Entity exempt from any kind of taxes by means of its Organic Law (Act No. _____, Section _____)
- v. ☐ Subcontracted services provided as part of a construction project
- w. ☐ Subcontracted telecommunications services provided to telecommunications companies

6. I am engaged in the business of _____ and I mainly sell _____.

7. I am purchasing:

- a. ☐ Tangible personal property for resale (exemption from Municipal SUT only)
- b. ☐ Raw materials
- c. ☐ Machinery and equipment used in manufacturing
- d. ☐ Services provided to a business (subject to the 4% Special-SUT)
- e. ☐ Capitalized repair services of tangible personal property and real property (subject to the 4% Special-SUT)
- f. ☐ Tangible personal property according to special exemption granted under classifications 5.f. through 5.n. indicated above.
- g. ☐ Services acquired according to special exemption granted under classifications 5.f. through 5.w. indicated above, if applicable.

8. Describe the tangible personal property, services, raw materials, or machinery and equipment that you are purchasing:

PART III		PURCHASER'S CERTIFICATION	
I hereby declare under penalties of perjury that this certificate has been examined by me, and that to the best of my knowledge and belief all the information provided herein is true, correct and complete. I also certify that: - I am entitled to claim an exemption as indicated on line 5 of Part II, or I am duly authorized to represent the purchaser in the signature of this Certificate for Exempt Purchases and for Services Subject to the 4% Special-SUT. - I will only use this certificate to buy taxable items or services for which I am entitled to claim an exemption or exclusion or to document that I am subject to the 4% Special-SUT. - If I acquire taxable items, but I use or consume them for non-exempt purposes in Puerto Rico, I will report and pay the use tax directly to the Department of the Treasury. - That the Exemption Certificate, Reseller Certificate, Eligible Reseller Certificate or any other Waiver evidencing the exemption is in force at the date of the purchase transaction.			
Purchaser's name		Purchaser's signature	
Address		Telephone	
Municipality		State	Zip Code

Retention: Six (6) years.

CERTIFICATE FOR EXEMPT PURCHASES AND FOR SERVICES SUBJECT TO THE 4% SPECIAL-SUT

INSTRUCTIONS

Who must complete this form?

This form must be completed by:

1. A purchaser registered in the Merchant's Registry of the Department of the Treasury, that holds a valid Reseller Certificate, Eligible Reseller Certificate or Exemption Certificate and purchases tangible personal property for resale (exemption from Municipal SUT only), raw materials and equipment used in manufacturing;
2. A purchaser registered in the Merchant's Registry of the Department of the Treasury, that receives services from another merchant that is also registered in said registry, including those subcontracted services (that is, when the merchant providing the service, Contractor, provides such services through another merchant, Subcontractor), and such services are subject to the 4% Special-SUT (except the designated professional services, even if these services are provided to other merchants, and the services indicated in Section 4010.01(bbb)(1) of the Code);
3. A merchant that receives capitalized repair services to tangible personal property or real property, that are subject to the 4% Special-SUT;
4. An agency of the Commonwealth of Puerto Rico or the Federal Government that acquires taxable items for its official use, including services subject to the 4% Special-SUT;
5. A bona fide farmers, duly certified by the Department of Agriculture, that acquires services, agricultural goods, and machinery and equipment used for said agricultural activity;
6. A merchant that holds a Total Exemption Certificate, which allows him or her to pay the sales and use tax directly to the Secretary of the Treasury instead of paying it to the seller;
7. A housing cooperative ruled by Act 239-2004, that acquires materials, equipment or services to render the services compatible with its ends and purposes, provided that in order for the cooperative to be eligible for the Basic-SUT or 4% Special-SUT exemption, as applicable, on the services received, its units must be used at least 85% for residential purposes;
8. A diplomat who holds a valid exemption card issued by the United States Department of State, that entitles him or her to claim an exemption from the sales and use tax;
9. A person covered by any special act that provides an exemption from the payment of the sales and use tax;
10. A person who acquires taxable items for use or consumption outside of Puerto Rico;
11. An individual affected by a disaster who acquires taxable items that constitute basic need articles required for the restoration, repair and needs supply and damages caused by reason of the disaster;
12. A residents' associations, board of owners of residential condominiums, and associations of residential owners, as defined in Section 1101.01(a)(5)(A) of the Code, for the common benefit of its residents, provided that the units of the association or board are used at least 85% for residential purposes;
13. A social interest housing residential project that receives federal or state rent subsidies, which residents pay directly a maintenance fee, that holds a current Exemption Certificate issued by the Department;
14. A person engaged in industry or business or for the production of income in Puerto Rico that receives services from another person engaged in industry or business or for the production of income in Puerto Rico and is part of a controlled group of corporations or a controlled group or group of related entities, as defined in Sections 1010.04 and 1010.05 of the Code, including partnerships or excluded members engaged in industry or business or for the production of income in Puerto Rico, that if applying the group of related entities rules, will be considered a component member of such group;
15. A person engaged in the repair, maintenance and conditioning of airships business that is covered by an exemption decree under Act 73-2008, known as the "Economic Incentives for the Development of Puerto Rico Act", or any previous or subsequent similar act that makes purchases of raw material, machinery and equipment used in manufacturing or receives services;
16. A person engaged exclusively in the storage or processing of gasoline, jet fuel, aviation fuel, gas oil or diesel oil, crude oil, partially elaborated or finished products derived from oil, and any other hydrocarbon mixture, mentioned in Subtitle C of the Code, provided that the storage or handling of fuel takes place in a foreign trade zone or subzone, as this term is defined in Section 3010.01(a)(16) of the Code, that acquires services;
17. A labor or workers' organization organized under the provisions of Act 130 of May 8, 1945, as amended, known as the Puerto Rico Labor Relations Act, and Act 45-1998, as amended, known as the Labor Relations for Puerto Rico Public Service Act, that receives designated professional services, provided that it is in compliance with subparagraphs (A), (B) or (C) of paragraph (4) of subsection (a) of Section 1101.01 of the Code;
18. A public or private entity, which Organic Law provides that it is exempt from any kind of taxes, that receives services;
19. A merchant that subcontracts services as part of a commercial, touristic or residential construction project; and
20. A merchant engaged in providing telecommunications services that subcontracts telecommunications services.

The purchaser must provide this form to the seller at the moment of the purchase together with copy of the Merchant's Registration Certificate, Reseller Certificate, Eligible Reseller Certificate, Exemption Certificate or any other document evidencing the exemption requested on this Certificate. The purchaser must keep a copy for his or her records. This Certificate should not be sent to the Department of the Treasury.

Instructions to the Purchaser

In order to be valid, all parts of this certificate must be completed. In addition, this certificate must be signed by the owner, partner, corporate official or other person duly authorized to represent the purchaser.

If you intentionally issue a fraudulent Certificate for Exempt Purchases and for Services Subject to the 4% Special-SUT, you will be responsible for the payment of the sales and use tax, and the applicable penalties.

Instructions to the Merchant Seller

If you are a seller registered in the Merchant's Registry of the Department of the Treasury and accept a Certificate for Exempt Purchases and for Services Subject to the 4% Special-SUT, you will be released from your obligation of collecting and remitting the Basic-SUT or the 4% Special-SUT or will be required to collect and remit the 4% Special-SUT instead of the Basic-SUT, as applicable. You are required to keep a copy of this certificate in your files for a period of 6 years, counted from the filing date of the Sales and Use Tax Monthly Return, in which the transaction for which this Certificate is completed is reported.

For your convenience, a space is provided in the upper right corner of this form so that the merchant seller can identify the invoice, receipt or transaction number related to the transaction for which this Certificate is issued.

Additional Information

Exempt sales or sales subject to the 4% Special-SUT which are not supported by a valid Certificate for Exempt Purchases and for Services Subject to the 4% Special-SUT will be subject to the corresponding Basic-SUT.

For additional information regarding this certificate, please contact the Department of the Treasury at 787-722-0216, option 8, or visit any of the Merchant's Service Centers.