

701—16.48(422,423) Carpeting and other floor coverings. The sale of carpeting and other floor coverings to any person constitutes a sale at retail of tangible personal property and is subject to sales or use tax, unless purchased for resale or otherwise exempt from tax.

Floor coverings which are shaped to fit a particular room or area and which are attached to the supporting floor with cement, tacks, or by some other method making a permanent attachment with the building or structure are considered to be building materials and shall be taxable in the same manner as building materials which are used or consumed in the performance of a construction contract. See rule 701—19.2(422,423) and 701—subrule 19.3(3) for tax treatment. On and after July 1, 1992, the sale of carpeting is not to be treated as the sale of a “building material.” Prior to July 1, 1992, carpeting was treated the same as floor coverings. The sale of other types of floor covering continues to be the sale of a building material. See the following paragraph for sales and use tax treatment of carpeting on and after July 1, 1992. The gross receipts for the sale of rugs, mats, linoleum, and other types of floor coverings which are not attached but which are simply laid on finished floors, are not considered building materials and are subject to tax, unless purchased for resale or otherwise exempt from tax.

On and after July 1, 1992, the sale of “carpeting” to owners, contractors, subcontractors or builders is not the sale of a building material, but the sale of ordinary tangible personal property, which can be purchased for resale by owners, contractors, subcontractors or builders. “Carpeting” is any floor covering made of fabric, usually wool or synthetic fibers. For purposes of this rule, “carpeting” also includes any pads, tack strips, adhesive, and other materials other than subflooring necessary for installation of the carpeting. On and after July 1, 1992, sellers of carpeting should continue to charge purchasers sales tax unless the carpeting is purchased for resale or some other exempt purpose, in which case the purchaser must provide the seller with an exemption certificate upon demand.

On and after July 1, 1992, sales of carpeting, with installation, are taxable in the following manner:

1. If separate contracts exist for the sale of the carpeting and for the installation, only the gross receipts from the sale of the carpeting are subject to tax.
2. If the selling price of the carpeting and the installation charge are stated as one charge or lump sum, the entire charge is subject to sales tax.
3. If the invoice itemizes the installation charge separately from the selling price of the carpet, only the selling price of the carpet is subject to sales tax if the installer and the purchaser of the carpet intend that a sale of the carpet shall occur. See 701—subrule 18.31(1) for more information.

In the following examples assume that contractor A purchases carpeting from supplier B for installation in customer C’s home. Whether or not A will purchase the carpeting from B for A’s own consumption (and thus, A will pay the tax to B) or A will purchase the property from B for resale to C (and thus, C will pay the tax to A) depends upon any contracts existing between A, the contractor, and C, the customer.

EXAMPLE A: A contracts with C to install carpeting in C’s home. Separate contracts exist between A and C for the sale of the carpeting and for its installation. Under these circumstances, A purchases the carpeting from B for resale to C. No tax is due upon the transaction between A and B; tax is due upon A’s resale of the carpet to C, but not upon A’s charges for carpet installation, a nontaxable service.

EXAMPLE B: A charges C one lump sum for the carpeting and installation. In this case, A collects sales tax from C on the entire lump sum. The lump sum is treated, for sales tax purposes, as the gross receipts from the sale of tangible personal property; so A purchases the carpet from B for resale and without tax.

EXAMPLE C: A and C contract for the sale of the carpet separate from its installation. A sends C one invoice for the installation and sale of the carpet with the installation charge listed on the invoice separate from the selling price of the carpet. Under these circumstances, only the selling price of the carpet listed on the invoice is subject to sales tax and A purchases the carpet from B for resale and thus, without obligation to pay sales tax to B. See 701—subrule 18.31(1) for more information.

This rule is intended to implement Iowa Code sections 422.42(9) and 423.1.