

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

TSB-A-83(37)S
Sales Tax
August 29, 1983

STATE OF NEW YORK
STATE TAX COMMISSION

ADVISORY OPINION

PETITION NO. S830328A

On March 28, 1983 a Petition for Advisory Opinion was received from Quail Hollow Events, P.O. Box 825, Woodstock, New York 12498.

The issue raised is whether admissions to the Woodstock Arts and Crafts Fair, conducted by Petitioner in 1982, were subject to sales tax.

The event in question was divided into two areas, a juried exhibition area, apparently devoted to sales, and a demonstration area. According to the brochure distributed to publicize the show, the demonstration area was used for continuous demonstrations, throughout the show, of various craft techniques. While the brochure also announced continuous entertainment, Petitioner states that most of the invited musicians and other entertainers did not appear. Rather, the stage provided was used by musical instrument makers to play their instruments.

Section 1105(f)(1) of the Tax Law imposes a tax on admissions charges to any "place of amusement" in the State.

The Sales and Use Tax Regulations provide, in relevant part, that: "Taxable charges for entertainment or amusement include admissions to sporting events such as baseball or football games, stock car racing, and college athletic events, carnivals, rodeos, circuses and exhibitions.

. . . Example 4: An admission charge to a trade show such as a boat, auto or horse show which is open to the public is an admission charge for entertainment or amusement." 20 NYCRR 527.10(b)(2)(ii).

As thus construed, it is clear that section 1105(f)(1) of the Tax Law is applicable to charges for admission to an arts and crafts fair involving demonstrations and exhibitions in addition to the display of goods for sale. The presence or absence of music or other traditional entertainment is not by itself necessarily dispositive of the issue. The charges for admission to Petitioner's show thus came within the ambit of such statutory provision, and were accordingly subject to tax.

DATED: August 10, 1983

s/FRANK J. PUCCIA
Director
Technical Services Bureau