

**EXEMPTION CERTIFICATE AND
STATEMENT OF DELIVERY IN INDIAN COUNTRY****NOTE TO SELLER AND PURCHASER**

Sales tax does not apply when a retailer transfers ownership of merchandise (tangible personal property), including a vehicle, vessel, or aircraft to a Native American purchaser in Indian country, provided the Native American lives in Indian country. The Native American purchaser is not required to live on the specific reservation where ownership transfers.

Retailers located outside Indian country may sell to Native American purchasers who request delivery in Indian country. For a sale to qualify as a transfer of title (ownership) in Indian country, both of the following conditions must be met:

- The contract of sale or other sales agreement cannot transfer ownership of the item to the purchaser before it is delivered in Indian country; and
- The purchaser or purchaser's agent cannot take possession of the item before delivery in Indian country.

In addition, the retailer generally must deliver the product by:

- Using the retailer's vehicle or other facilities of the retailer; or
- By mail, common carrier (UPS, FedEx, etc.), or contract carrier (a shipping, trucking, or transport company) when both of the following requirements are met:
 - o The contract of sale or sales invoice must include a statement specifically requiring delivery in Indian country (for example, FOB name of Native American reservation); and
 - o The goods are in fact delivered to the purchaser in Indian country.

When delivery does not take place as described above, ownership of the item being sold or purchased generally transfers to the purchaser outside Indian country. *Note:* This is a general description of transfers of ownership in Indian country. Specific rules may apply to certain types of sales and leases.

This may be used to document that the sale was to a Native American purchaser residing in Indian country and/or to document that delivery occurred in Indian country. The section *Exemption Certificate* may be used to document that the property was sold to a Native American purchaser residing in Indian country. Completion of this section in full by a Native American purchaser will provide the retailer with sufficient documentation that the property was sold to a Native American residing in Indian country. Additional documentation showing transfer of ownership and delivery of the property to the Native American purchaser in Indian country must also be obtained. If the property is delivered by facilities of the retailer, proper completion of the *Statement of Delivery* and *Notary Statement* may serve as documentation that transfer of ownership and delivery of the property to a Native American purchaser occurred in Indian country. If the property is delivered via common carrier or contract carrier, completion of the *Statement of Delivery* and *Notary Statement* is not required. Instead, the retailer should retain a bill of lading or other documents showing delivery in Indian country along with a contract of sale or other sales agreement specifically showing title passing to the Native American purchaser in Indian country.

For California sales and use tax purposes, a "Native American" is a person who is both of the following:

- An individual of Native American descent; and
- Eligible to receive services as a Native American from the United States Department of the Interior (Regulation 1616, subd. [d][2]).

EXEMPTION CERTIFICATE

(to be completed by purchaser)

When accepted in good faith, this exemption certificate may be used for the purchase of a vehicle, vessel, aircraft, or other tangible personal property. Please provide a complete description of the property purchased. If the property is a vehicle, vessel, or aircraft, please provide the year, make, model, and identification number of the vehicle, vessel, or aircraft in addition to a description of the property purchased. If you intend to use this certificate as a blanket exemption certificate to cover multiple transactions, please indicate this by including "all tangible personal property" in the *Description of Property Purchased* field below. The use of a blanket exemption certificate for multiple transactions will require proof of delivery of the property in Indian country for each transaction.

I hereby certify that the property described below is being purchased for use in Indian country and I am (select one):

A Native American residing in Indian country; or A Native American organization in Indian country.

DESCRIPTION OF PROPERTY PURCHASED

YEAR	MAKE	MODEL	VIN/LIC NUMBER	
NAME OF PURCHASER (please print)		DRIVER LICENSE NUMBER OR OTHER STATE ID	DAYTIME TELEPHONE NUMBER	
STREET ADDRESS		CITY	STATE	ZIP CODE
PURCHASER'S SIGNATURE			DATE	

NOTICE TO PURCHASER

Use tax is due when the Native American purchaser who lives in Indian country does both of the following:

- Takes ownership and delivery of an item in Indian country; and
- Uses the item outside Indian country more than one-half of the time in the first 12 months after the sale.

If use tax applies, you must pay it directly to the California Department of Tax and Fee Administration.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATEMENT OF DELIVERY

(to be completed by seller)

NOTICE TO SELLER

If you are delivering the property to the Native American purchaser in Indian country by your own facilities, you may use this statement of delivery to document delivery in Indian country. It is recommended that you also complete the *Notary Statement* below to document delivery of the property to the Native American purchaser in Indian country. The *Notary Statement* may be completed by a California notary public or by a duly authorized tribal official or his or her designee. If you are delivering the property to the Native American purchaser in Indian country by utilizing a common carrier or a contract carrier, you do not need to complete the *Statement of Delivery* or the *Notary Statement*. Instead, you should retain your bill of lading or other shipping documents as proof of delivery in Indian country along with your sales contract or sales invoice indicating ownership transferred in Indian country.

I hereby certify, under penalty of perjury under the laws of the State of California, that the below described vehicle, vessel, aircraft, or other tangible personal property was delivered to the purchaser in Indian country on the date and at the place stated below. If the property is a vehicle, vessel, or aircraft, please provide the year, make, model, and identification number of the vehicle, vessel, or aircraft in addition to a description of the property.

TYPE OF MERCHANDISE, VEHICLE, VESSEL, OR AIRCRAFT			INVOICE NUMBER	
YEAR	MAKE	MODEL	VIN/LIC NUMBER	
NAME OF RESERVATION		ADDRESS <i>(street, city, ZIP Code)</i>	DATE OF DELIVERY	
NAME OF SELLER		SELLER'S PERMIT NUMBER	DAYTIME TELEPHONE NUMBER	
STREET ADDRESS		CITY	STATE	ZIP CODE

I have delivered the above-described tangible personal property to the purchaser named above.

NAME *(please print)*

SIGNATURE	DATE
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NOTARY STATEMENT

(to be completed by California notary public or authorized tribal representative)

State of California

County of _____

On _____, before me, _____,
NOTARY

personally appeared _____,
SIGNER(S)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Place Notary Public Seal and/or Stamp Above)

Fraudulent use of this statement to avoid the payment of California sales and use tax can result in severe penalties.