

SALES TO NATIVE AMERICAN TRIBAL MEMBERS

Sales Tax Exemption

Fact Sheet 2103-2

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This fact sheet explains when sales tax exemptions apply to purchases made on tribal reservations by tribal members of that reservation and how tribal members may claim them.

WHEN DOES A SALES TAX EXEMPTION APPLY FOR A SALE TO A TRIBAL MEMBER?

Sales of taxable products to a tribal member are not subject to Wisconsin sales or use tax if:

- the sales take place on the tribal member's tribal reservation, **and**
- the tribal member resides on that reservation.

However, sales of taxable products to a tribal member that take place off the tribal member's reservation or which are sold to a tribal member who does not reside on his or her tribal reservation are generally subject to Wisconsin sales or use taxes.

NOTE: When a tribal member is making an exempt purchase, the tribal member should do one of the following to claim the exemption:

1. Provide a properly completed exemption certificate (e.g., [Form S-211, Wisconsin Sales and Use Tax Exemption Certificate](#)) to the seller. The tribal member should check the appropriate box under "other" and fill in his or her enrollment number and the reservation on which the tribal member is enrolled and resides.
2. Provide the seller with (a) the tribal member's enrollment number, (b) the Tribe of the enrolled member, and (c) the reservation where the taxable product or service is furnished to the tribal member.

Definitions:

The following definitions apply for purposes of the Wisconsin sales tax exemptions:

"Native Americans" means all persons of Native American descent who are enrolled members of any federally recognized tribe.

"Reservation" means all land within the boundaries of the Bad River, Forest County Potawatomi, Lac Courte Oreilles, Lac du Flambeau, Menominee, Mole Lake, Oneida, Red Cliff, St. Croix, and Stockbridge-Munsee reservations as well as any Ho-Chunk Nation lands.

"Tribe" means a federally recognized tribe or band of Native Americans and includes tribal entities and tribal authorities.

"Tribal reservation" means the reservation of the tribe of which a Native American is an enrolled member (e.g., the tribal reservation for an enrolled member of the Oneida Tribe is the Oneida reservation). Unless noted otherwise, whenever reservation is used in this fact sheet, it includes trust land.

"Trust land" means land the title to which is held in trust by the United States for the benefit of a tribe or an enrolled member of that tribe.

Note: The Ho-Chunk Nation does not have a consolidated reservation, but has trust lands in 14 counties.

Examples to Illustrate When the Exemption Does and Does Not Apply:

Example 1: A Native American, who is an enrolled member of a tribe and lives on that tribe's tribal reservation, purchases satellite television service from a retailer. The retailer's sale of the satellite television service is not subject to Wisconsin sales or use tax since the sale is being made to a Native American and the service is furnished to the Native American on the Native American's tribal reservation.

Example 2: A Native American, who is an enrolled member of a tribe, but who lives off that tribe's tribal reservation, purchases satellite television service from a retailer. The retailer's sale of the satellite television service is subject to Wisconsin sales or use tax since the service is being furnished to a Native American off of the Native American's tribal reservation.

Example 3: A Native American, who is an enrolled member of a tribe and lives on that tribe's tribal reservation, purchases tangible personal property from a retailer. The retailer is located off the tribal reservation, but delivers the tangible personal property to the Native American on the Native American's tribal reservation. The sale of the tangible personal property to the Native American is not subject to Wisconsin sales or use tax since the Native American takes possession of the tangible personal property on the tribal reservation.

Example 4: A Native American, who is an enrolled member of a tribe, but who lives off that tribe's tribal reservation, purchases tangible personal property from a retailer located off the tribal reservation. The retailer delivers the tangible personal property to the Native American on the tribal reservation. Although possession of the tangible personal property is transferred to the Native American on the tribal reservation, since the Native American does not reside on the tribal reservation, it is presumed that the property is intended for storage, use, or other consumption off the tribal reservation and is subject to Wisconsin sales or use tax.

Example 5: A Native American, who is an enrolled member of a tribe and lives on that tribe's tribal reservation, purchases tangible personal property from a retailer off the tribal reservation. The sale of the tangible personal property to the Native American is subject to Wisconsin sales or use tax since the Native American takes possession of the tangible personal property off the tribal reservation.

Example 6: A Native American, who is an enrolled member of a tribe and lives on that tribe's tribal reservation, purchases a meal at a restaurant. The restaurant is located on the tribal reservation. The tribal member provides a coupon to the retailer along with the member's enrollment number and tribe. The coupon offered by the restaurant allows the user to purchase a meal at a discounted price. The sale of the meal is not subject to Wisconsin sales or use tax since the sale is being made to the Native American on the Native American's tribal reservation. The fact that the customer received a discount does not affect the sales tax exemption.

(Note: The information in this fact sheet does not apply to purchases of construction materials by Native American tribal members who may use the construction materials in real property construction activities off the tribal member's tribal reservation. For additional information, see Part IV.F. of [Publication 207, Sales and Use Tax Information for Contractors.](#))

Any questions?

If you are unable to find an answer to your question about sales tax, email, write, or call the department.

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