I. INTRODUCTION
This publication explains how Wisconsin sales and use taxes apply to cemetery monument dealers. (For purposes of this publication, “monument dealer” means any person or business selling cemetery monuments, including churches.)

II. SELLING REAL PROPERTY VS. TANGIBLE PERSONAL PROPERTY
To determine whether a sale is subject to Wisconsin sales tax, a monument dealer must first determine if it is selling:
A. Tangible personal property, or
B. Real property.
The monument dealer’s sales and purchases are taxed differently under each of these two situations.

III. SALE OF REAL PROPERTY
There is no Wisconsin sales tax on the sale, service, or repair of real property. The following examples illustrate a monument dealer’s sale, service, or repair of real property.
A. A monument dealer sells a monument for $1,500 to a customer. This $1,500 includes installing the monument to the cement foundation at the cemetery. Is this $1,500 sale taxable?
Answer: No. The sale of real property is not taxable.
B. Same facts as in “A” above, except that the sale is to a church which has a Certificate of Exempt Status (CES) number from the Department of Revenue. Is this $1,500 sale to the church taxable?
Answer: No. The sale of real property is not taxable.
C. A customer buys a monument for $1,500 from Company A (no installation involved). Company B is then hired by the customer to install the monument at the cemetery for $300. Is the $1,500 sale of the monument by Company A to the customer taxable?
Answer: Yes. This transaction is a sale of tangible personal property.

IV. SALE OF TANGIBLE PERSONAL PROPERTY
The sale, repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, and maintenance of tangible personal property are taxable. If a monument dealer sells, services, repairs, etc., tangible personal property, the dealer must obtain a seller’s permit, file sales tax returns, and remit the tax to the Department of Revenue.

The following examples illustrate sales of tangible personal property.
A. A monument dealer sells a monument to Company A for $750. No installation is furnished by the monument dealer. The monument dealer contracts with a carrier to have the monument delivered to Company A’s warehouse. The monument dealer charges Company A $750 for the monument plus $150 for freight.
What amount is taxable?
Answer: The total of $900 ($750 for monument plus $150 for freight) is taxable. This is a sale of tangible personal property that is taxable. For sales and use tax purposes, delivery charges ($150 in this example) made and collected by the seller are taxable if the property sold is taxable.
B. Same facts as in “A” above, except that Company A contracts with a carrier to transport the monument. Company A pays the carrier $150.
What amount is taxable?
Answer: The $750 sale of the monument to Company A is taxable because it is a sale of tangible personal property.
The $150 charged by the carrier to Company A is not taxable because it was not charged and collected by the seller of the monument.
C. A monument dealer sells a monument (no installation involved) for $750 to a church.
Is this $750 sale taxable?
Answer: No, because sales of tangible personal property to organizations operated exclusively
for religious purposes are exempt from sales tax. However, to qualify for the exemption, the church must give the monument dealer a Wisconsin Sales and Use Tax Exemption Certificate (Form S-211), Streamlined Sales and Use Tax Exemption Certificate – Wisconsin (Form S-211-SST), or its CES number which the monument dealer must then record on its copy of the sales invoice. 

**Note:** See Item B. in Part III regarding the sale of real property to a church.

### V. PURCHASES

#### A. For items purchased and later resold as tangible personal property:

The monument dealer may purchase the items without tax by giving to the seller a properly completed Wisconsin Sales and Use Tax Exemption Certificate (Form S-211) or Streamlined Sales and Use Tax Exemption Certificate – Wisconsin (Form S-211-SST), claiming resale.

**Note:** The monument dealer must charge sales tax when it later resells the items as tangible personal property, unless an exemption applies.

#### B. For items purchased and later consumed in the sale of real property:

The monument dealer must pay sales or use tax to the seller when purchasing the tangible personal property. If the tax is not paid by the monument dealer to the seller, the dealer must pay use tax directly to the Department of Revenue. This is true even for sales of real property to exempt entities such as churches.

**Example:** A monument dealer purchases a monument for $1,000. The monument dealer later sells the monument, including installation, to a customer for $1,500. The monument dealer owes sales or use tax on its $1,000 purchase price of the monument.

#### C. For items purchased which may be resold as tangible personal property or real property:

If the monument dealer doesn’t know at the time of purchase whether items (such as monuments) will be sold as tangible personal property or real property, the dealer has two options.

1. **Purchase the items without tax by giving the seller a properly completed Wisconsin Sales and Use Tax Exemption Certificate (Form S-211) or Streamlined Sales and Use Tax Exemption Certificate – Wisconsin (Form S-211-SST), claiming resale, and then remit use tax to the Department of Revenue on those items sold as tangible personal property in a taxable sale.**

   **Example:** A monument dealer paid $700 (plus $35 sales tax) for a monument, and later sells the monument as tangible personal property for $1,000. On the return for the period in which the taxable sale is made, the monument dealer would enter on its sales and use tax return (Form ST-12) (a) $1,000 (its selling price of the monument) on line 1 and (b) $700 (its cost of the monument on which it paid tax) as a deduction on line 5.

### VI. COUNTY TAX

#### A. Sale of Real Property

The 0.5% county use tax is imposed upon the purchase price of tangible personal property used in constructing, altering, repairing, or improving real property in a taxable county.

A monument dealer is also subject to county sales or use tax on:

1. **Tangible personal property purchased in a taxable county and that will be used to construct, alter, or repair, or improve real property in or outside that county.**

2. **Tangible personal property purchased outside of Wisconsin and stored in any manner in a taxable county, prior to being used to construct, alter, or repair, or improve real property in or outside that county.**

If a monument dealer has already property paid state and local sales or use taxes in another state on the purchase price of such tangible personal property, the monument dealer is allowed a credit for the other state’s sales and use tax against Wisconsin’s state, county, and stadium sales and use taxes.

If a monument dealer has already paid a Wisconsin county or stadium sales or use tax on tangible personal property purchased in a taxable county or in a stadium district, and subsequently uses that tangible personal property in constructing, altering, repairing, or improving real property in another taxable county and/or in another stadium district, a credit is allowed against the county and/or stadium taxes due, for the county and/or stadium taxes previously paid.

**Example:** A monument dealer sells a monument (including installation) for $1,500 to a customer. The monument is installed by the dealer at a cemetery located in Dane County (a taxable county). The monument dealer purchased this monument for $1,100 from Company XYZ, picking it up at Company XYZ’s location outside Wisconsin. Company XYZ property collected 4.5% state sales tax for the other state. The dealer also purchased $75 of cement for the cement foundation, paying the 5.5% Wisconsin state and local sales tax on the purchase of the cement.

There is no 5% Wisconsin sales tax or 0.5% county tax on the $1,500 sale by the dealer to the customer because this is a sale of real property.

The monument dealer is liable for the 5% Wisconsin state use tax and 0.5% Dane County use tax on its $1,100 purchase price of the monument; however, the dealer is allowed a credit of $49.50 ($1,100 x 4.5%) against the 5.5% Wisconsin state and county use tax due. The dealer does not owe use tax on the cement, since it already paid the 5.5% Wisconsin state and county sales tax on its purchase of the cement.

### VII. STADIUM TAX

A 0.1% baseball stadium tax is imposed in the following five counties: Milwaukee, Ozaukee, Racine, Washington, and Waukesha.

### VIII. QUESTIONS

If you have a question about sales and use taxes, please call the department at: (608) 266-2776, fax to: (608) 267-1030, email to: DORSalesandUse@revenue.wi.gov, visit the department’s website at: revenue.wi.gov, or write to: Wisconsin Department of Revenue, Mail Stop 5-77, P.O. Box 8946, Madison, WI 53708-8946.

**CAUTION**

The information in this publication reflects the positions of the Wisconsin Department of Revenue of laws enacted by the Wisconsin Legislature and in effect as of March 1, 2016. Laws enacted and in effect after this date, administrative rules, and court decisions may change the positions in this publication. The examples and lists are not all-inclusive. They merely set forth common examples.