

State Of Rhode Island – Division Of Taxation

Sales and Use Tax

Regulation SU 03-146

Non-Commercial Aircraft

Aircraft, which do not carry passengers and/or freight for hire, herein referred to as non-commercial aircraft, which are purchased in this state or based and/or hangared in the State of Rhode Island are subject to the sales/use tax.

Purchase Outside the State by Residents

Non-commercial aircraft purchased by residents which are delivered outside this state and are based or hangared outside this state which enter this state are not subject to the use tax provided that use of said aircraft in this state is limited as follows:

- (a) the sole use of said aircraft in this state involves landing and taking off with no flights between points within this state, and
- (b) the number of landings/take offs does not exceed three (3) during any month, and
- (c) the aircraft does not remain in this state overnight.

In the event such aircraft exceeds the provisions of (a), (b), or (c) above, or the aircraft is relocated to this state, then said aircraft would become subject to the use tax.

In determining whether an aircraft exceeds the provisions of (a), (b), or (c), the landing of an aircraft due to emergency equipment repair or weather conditions shall not be considered; nor shall the providing of free air transportation to and from treatment facilities for those with medical needs who cannot afford public transportation or are unable to tolerate it or in response to other compelling medical needs be considered.

Purchase Outside the State by Nonresidents

Non-commercial aircraft purchased outside the state by a nonresident of this state, used outside this state while a nonresident, and thereafter brought into this state for his/her/its own use are not subject to the sales/use tax. "Used outside this state" does not include the mere removal of the property from the state of purchase to this state.

Charges for all repair and maintenance parts and services performed on the aircraft while in Rhode Island are subject to the sales and use tax law.

R. GARY CLARK
TAX ADMINISTRATOR