



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF REVENUE
Kim Conroy, Tax Commissioner
PO Box 94818 • Lincoln, Nebraska 68509-4818
Phone: 402-471-5729 • revenue.nebraska.gov

September 10, 2014

Dear Seller of ATVs and UTVs:

For many years dealers and sellers (sellers) of all-terrain vehicles (ATVs) and utility-type vehicles (UTVs) were required to collect sales tax at the time the ATV or UTV was sold to the purchaser. However, beginning October 1, 2014, due to the passage of LB 814, significant changes will occur:

1. ATV and UTV sellers will no longer collect the Nebraska and local sales tax at the time the ATV or UTV is sold;
2. ATV and UTV sellers must furnish a Nebraska Sales and Use Tax Statement for All-Terrain Vehicle (ATV) and Utility-Type Vehicle (UTV) Sales, Form 6ATV, to the purchaser at the time of sale; and
3. The purchaser of the ATV or UTV will pay the Nebraska and local sales tax to the county treasurer or other designated county official at the time the purchaser makes application for the certificate of title.

To assist you in understanding these new sales tax requirements, the Nebraska Department of Revenue (Department) provides the following information.

1. What types of ATVs and UTVs will be subject to the new rules?

An **ATV** is any motorized, off-highway device which is 50 inches or less in width, has a dry weight of 1,200 pounds or less, has three or more nonhighway tires, and is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger.

A **UTV** is any motorized off-highway device which is 74 inches in width or less, is 180 inches or less in length including the bumper, has a dry weight of 2,000 pounds or less, and travels on four or more nonhighway tires.

2. What should ATV or UTV sellers do when they sell an ATV or UTV?

Beginning October 1, 2014, sellers of an ATV or UTV will not collect the state and local sales tax on the retail selling price of the ATV or UTV. Instead, the seller will complete and furnish a Form 6ATV to the purchaser provided the purchaser takes possession of the ATV or UTV in Nebraska.

If the seller delivers the ATV or UTV to a point outside the state or to a common carrier for delivery outside the state, it is not necessary for the seller to complete a Form 6ATV.

After completing Form 6ATV, the seller will retain the pink and green copies and give the white and blue copies to the purchaser. The seller is required to retain the pink copies with its business records and mail the green copies to the Department with the Nebraska and Local Sales and Use Tax Return, Form 10, or under separate cover when you e-file your sales and use tax return.

3. What local sales tax rate do sellers use to calculate the tax on line 5 of Form 6ATV?

If the purchaser of the ATV or UTV takes possession of the ATV or UTV at the seller's address listed on Form 6ATV, the seller must use the local sales tax rate at the seller's address.

If the ATV or UTV is delivered to the purchaser's Nebraska address listed on Form 6ATV or some other Nebraska address, the seller must use the local sales tax rate at the delivery location and enter that address on the Form 6ATV.

4. Where is there a listing of the local sales and use tax rates?

Visit the Department's website, revenue.nebraska.gov. Under "Specific Tax Info," click on "Sales and Use Tax," then click on "Current Local Sales and Use Tax Rates."

You can also use the rate finder on the Department's website. Click on "Sales Tax Rate Finder."

5. What is the total selling price of an ATV or UTV?

The total selling price of an ATV or UTV includes charges for the ATV or UTV, accessories, destination charges, import custom fees, surcharges, charges for a service and maintenance agreement, document processing fees, and charges for warranty transfers and dealer-installed options. The total selling price of an ATV or UTV must be shown on line 1 of Form 6ATV.

Rebate. The amount of a rebate granted by an ATV or UTV manufacturer cannot be deducted from the total selling price of the ATV or UTV.

Trade-in. The value of an ATV or UTV taken by the seller as a trade-in for all or a part of the consideration for the ATV or UTV being sold can be deducted from the total selling price of the ATV or UTV to determine the tax base.

6. Who will collect the Nebraska and local sales and use taxes on the sale of an ATV or UTV?

The county treasurer will collect the state and local sales tax at the time the ATV or UTV is titled in Nebraska. The purchaser must pay the sales and use tax on or before the 30th day after its purchase to avoid paying penalty and interest.

7. If an ATV or UTV is sold with a trailer, what must the seller do?

Beginning October 1, 2014, the seller of an ATV or UTV with a trailer must complete and furnish to the purchaser:

- A Form 6ATV for the ATV or UTV; and
- A Nebraska Sales/Use Tax and Tire Fee Statement for Motor Vehicles and Trailer Sales, Form 6, for the trailer.

Sellers of an ATV or UTV must separate the selling price of the ATV or UTV from the selling price of the trailer if the ATV or UTV and trailer are listed on the same invoice.

8. Do sellers have to obtain any documentation from the purchaser to exempt the sale of an ATV or UTV from tax?

No. The purchaser will complete the Nebraska Resale or Exempt Sale Certificate for ATV and UTV Sales that is part of the Form 6ATV at the time the ATV or UTV is titled at the county treasurer's office.

9. Are charges for repair parts and labor associated with the repair of an ATV or UTV taxable?

Yes, unless the owner of the ATV or UTV issues to you a properly completed Nebraska Resale or Exempt Sale Certificate, Form 13. As noted on Form 13, repair and replacement parts for agricultural machinery and equipment used in commercial agriculture can be purchased exempt from tax beginning October 1, 2014, per LB 96.

10. Are there additional sales tax reporting requirements if a seller is leasing or renting ATVs, UTVs, and motorboats?

In addition to reporting the lease or rental receipts as part of net taxable sales on line 2 of the Nebraska and Local Sales and Use Tax Return, Form 10, complete the Nebraska Schedule I – MVL, ATV, UTV, and Motorboat Leases or Rentals. For lines 2 and 3 of this schedule, enter the amount of state sales tax included on line 3 of Form 10 that was reported on leases or rentals of ATVs, UTVs, motorboats, and motorized personal watercraft.

11. How do I obtain a supply of Forms 6ATV?

You may order Form 6ATV from the Department’s website. Click on “Forms,” then click on “Sales and Use Tax,” and then click on “Click here to order these forms.”

For questions regarding the issuance of Form 6ATV, please contact Cliff Thomas at cliff.thomas@nebraska.gov or 402-471-5676.

For the Tax Commissioner



Clifford W. Thomas
Tax Specialist Senior
Policy Section

CWT:ct