

**139.777 Direct mail.**

- (1) Notwithstanding any other provision of this chapter, a purchaser of direct mail that is not a holder of a direct pay permit shall provide to the retailer in conjunction with the purchase either a Direct Mail Form or information to show the jurisdictions in which the direct mail is delivered to recipients.
  - (a) Upon receipt of the Direct Mail Form, the retailer shall be relieved of all obligations to collect, pay, or remit the applicable tax and the purchaser shall pay or remit the applicable tax on a direct-pay basis. A Direct Mail Form shall remain in effect for all future sales of direct mail by the retailer to the purchaser until it is revoked in writing.
  - (b) Upon receipt of information from the purchaser showing the jurisdictions to which the direct mail is delivered to recipients, the retailer shall collect the tax according to the delivery information provided by the purchaser. In the absence of bad faith, the retailer is relieved of any further obligation to collect the tax on any transaction where the retailer has collected the tax pursuant to the delivery information provided by the purchaser.
- (2) If the purchaser of direct mail does not have a direct-pay permit and does not provide the retailer with either a Direct Mail Form or delivery information, as required by subsection (1) of this section, the retailer shall collect the tax according to the address from where the direct mail was shipped. Nothing in this subsection shall limit a purchaser's obligation for sales or use tax to any state in which the direct mail is delivered.
- (3) If a purchaser of direct mail provides the retailer with documentation of direct-pay authority, the purchaser shall not be required to provide a Direct Mail Form or delivery information to the retailer.
- (4) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail retailer for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

**Effective:** July 1, 2004

**History:** Created 2003 Ky. Acts ch. 124, sec. 25, effective July 1, 2004.