

**ALABAMA DEPARTMENT OF REVENUE - SALES AND USE TAX RULES**  
**Code of Alabama 1975, Sections 40-23-31 and 40-23-83**

**810-6-1-.114. Painters.**

(1) Persons doing any kind of painting where the only tangible personal property supplied by them is the paint which they apply and the equipment, brushes, and supplies used in such application are primarily rendering a service and not making retail sales. The receipts from such painting are not subject to the sales tax. All of the paint, tools, brushes, equipment and supplies purchased by the painters are subject to sales tax or use tax, whichever applies, at the time of sale to the painter.

(2) Note however, that where painters sell painted signs, furniture, or articles which they have manufactured or purchased for painting for resale purposes, such sales are subject to sales tax. The paint and other materials used as a component part of articles to be sold are purchased tax free at wholesale.

(3) Where painters are both consuming paints, etc., in rendering services and consuming from the same stock the same kind of property and manufacturing property for sale, where the use and manufacturing is continuous and a substantial part of the total business, and where suitable records are kept revealing costs of all materials used in contract painting and cost of materials used in manufacturing, the painter using the materials for both purposes will be allowed to purchase all of the dual purpose materials at wholesale tax free and pay sales tax on the basis of gross receipts from property sold at retail plus the total cost of all materials used, consumed, or furnished by him in his contract painting business.

(4) Where the painter is in such dual business and his records are not kept to reveal his sales and the cost of property used in contract painting, he shall be required to pay sales or use tax on all of his purchases and, in addition, will be required to report and pay sales tax on all of his sales of property at retail.

(5) Such consumable supplies as brushes, thinners, paint removers, hand tools, sand paper, etc., are, in any event, taxable when purchased by the painter. (Section 40-23-1(a)(6)) (Readopted through APA effective October 1, 1982)