

8130.0900 ENTERTAINMENT.

Subpart 1. **Admissions and use of amusement devices in general.** Under Minnesota Statutes, section 297A.61, subdivision 3, paragraph (g), clause (1), the privilege of admission to places of amusement, recreational areas, or athletic events, and the making available of amusement devices, tanning facilities, reducing salons, steam baths, turkish baths, health clubs, and spas or athletic facilities constitute sales, if the places, events, or devices are located within Minnesota.

Subp. 2. **Examples; admissions.** Example 1. "A" purchases four tickets for a professional football game to be played in Wisconsin. The sale of the tickets to A does not constitute a sale because the event is not occurring in Minnesota.

Example 2. "A" purchases four tickets from the University of Iowa athletic ticket office for a football game to be played at Minneapolis, Minnesota, between the University of Minnesota and the University of Iowa. As the granting of the privilege of admission is at a place in Minnesota, the sale of the tickets to A constitutes a sale.

Admission charges to any places of amusement or athletic events within Minnesota, therefore, constitute a sale unless the charges are exempt under Minnesota Statutes, section 297A.70, subdivision 10, 11, 13, or 14. The following partial list is illustrative:

- A. admissions to musical concerts;
- B. admissions to dances;
- C. admissions to motion picture theaters or theaters presenting stage shows and plays;
- D. admissions to golf courses and tennis courts;
- E. admissions to skating rinks and swimming pools;
- F. admissions to state, county, or other fairs;
- G. admissions to carnival rides and hay and sleigh rides; and
- H. admissions to a museum.

Subp. 3. **Use of athletic or amusement devices.** Consideration paid for the use of athletic or amusement devices or games constitutes a sale. "Amusement devices" means property used in whole or in part to obtain amusement, entertainment, or diversion. The following partial list is illustrative:

- A. use of billiard or pool tables;
- B. use of pinball machines, shuffleboards, etc.;
- C. use of bowling alleys;
- D. use of lift device on a ski slope;

E. use of trapshooting facilities;

F. use of golf driving range facilities, etc.;

G. privilege of selecting and listening to a recording on a mechanical device commonly referred to as a juke box.

Subp. 4. **Entry fees.** Entry fees are payments required as a condition to participation in a competitive event. That portion of an entry fee assignable to admissions or the use of athletic or amusement devices is a sale and taxable. If the entry fee to a competitive event requiring admissions or the use of athletic or amusement devices does not separately state that portion of the fee assignable to them, the entire fee is taxable.

Subp. 5. **Club dues.** The granting of memberships in a club, association, or other organization that makes available sports and athletic facilities for use of its members is taxable if it meets the requirements of Minnesota Statutes, section 297A.61, subdivision 3, paragraph (g), clause (4). Membership dues to other kinds of clubs are not taxable. This includes various forms of membership dues whether social and/or activity membership dues. However, payments to associations or organizations which only entitle the payee to attend concerts or events sponsored or held by the association each year are taxable as the granting of admissions to a place of amusement.

Subp. 6. **Tours.** The charges made for aircraft, bus, boat, sightseeing rides, or tours are considered nontaxable as being transportation services. They are not classified as the granting of the privilege of admission to places of amusement or the privilege of use of amusement devices.

Subp. 7. **Carnival rides.** The gross receipts are fully taxable. If a carnival or amusement company charges a lump sum fee to a sponsor, and the sponsor allows its patrons, members, etc. to avail themselves of the carnival or amusement rides free of charge, such lump sum charges are subject to sales tax. In such a case, the sponsor is considered to have been granted the privilege of admission.

Subp. 8. [Repealed, 31 SR 449]

Statutory Authority: *MS s 14.388; 270C.06; 297A.29*

History: *L 2005 c 151 art 1 s 114; 31 SR 449*

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