



STATE BOARD OF EQUALIZATION

March 18, 1952

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Attention: X-----

Gentlemen:

This is in reply to your letter of February 5 in which you request information concerning the application of the sales tax to charges for "heat treating" pieces of metal.

You are advised that the fabricating or processing of tangible personal property for a consideration for consumers who furnish the materials used in the fabricating or processing is a sale for sales tax purposes, pursuant to the express provisions of Section 6006 (b) of the Sales and Use Tax Law. In our opinion, heat treating is fabrication or processing within the meaning of the law. Accordingly, charges for heat treating are subject to the sales tax if you are the consumer of the property heat treated but not if you intend to sell the property without making any use of it.

In the case of repairing or reconditioning used property, however, sales tax does not apply to charges for repair or reconditioning labor. Hence, charges for heat treating used tools or equipment in order to repair or recondition them are not subject to the sales tax.

Yours very truly

E. H. Stetson
Tax Counsel

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