

Celebrating 175: Louise Nevelson, Subject File, Tamarind Lithography Workshop, 1963

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There is no tax imposed on any payment for the transportation of persons furnished to or for the use of any State and local government, the District of Columbia, a nonprofit educational organization, the American Red Cross, and an international organization as defined in section 7701(a)(18) of the Code.

The term "nonprofit educational organization" means an organization exempt from income tax under section 501(a) of the Code, whose primary function is the presentation of formal instruction, and which normally maintains a regularly enrolled body of pupil or students in attendance at the place where its educational activities are regularly carried on. The term also includes a school operated as an activity of a church or other organization described in section 501(c)(3) of the Code which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

The educational organization or the organization (other than a church, parish, or other religious body) operating a school activity which qualifies for exemption must have received a determination letter or ruling from the Service holding the organization exempt from income tax as an organization described in section 501(c)(3) of the Code or under corresponding provisions of prior revenue laws and such determination or ruling must not have been withdrawn or revoked. The transportation must be paid for from the funds of the organization for the transportation furnished to it, and in the case of a school operated as an activity of a church or other organization described in section 501(c)(3) of the Code must be for the exclusive use of the school.

A separate certificate must be furnished by the exempt organization with respect to each amount paid for the transportation, and the certificate must be submitted to the carrier at the time the payment for the transportation or facilities is made. Where periodic payments are made for transportation, one certificate of the total amount paid at any one time may be accepted by the carrier.

Where a nonprofit educational organization purchases transportation for a group of persons, as in the case of a college football team traveling to the site of a game away from home, one certificate covering the amount paid may be accepted by the carrier.

Penalty for fraudulent use of this certificate is a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both, together with costs of prosecution.

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