

2019 Regular Session

HOUSE BILL NO. 90

BY REPRESENTATIVES MOSS, AMEDEE, BOUIE, BOURRIAQUE, DAVIS, DEVILLIER, DWIGHT, JIMMY HARRIS, HORTON, HUVAL, LACOMBE, JAY MORRIS, SCHEXNAYDER, AND STOKES AND SENATOR JOHNS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TAX/TAX REBATES: Establishes "The Angela Downs Act" which authorizes a state sales tax rebate for purchases of motor vehicles with certain modifications related to orthopedic disabilities"

1 AN ACT

2 To enact R.S. 47:305.72 and to repeal R.S. 47:305.69, relative to sales and use tax; to
3 authorize a rebate of state sales and use taxes for the purchase of certain motor
4 vehicles; to provide for certain definitions; to provide for certain requirements; to
5 require the promulgation of rules; to provide for effectiveness; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:305.72 is hereby enacted to read as follows:

9 §305.72. Rebates; sales and use tax for motor vehicles used by persons with
10 orthopedic disabilities

11 A. The sales and use tax imposed by the state of Louisiana and its political
12 subdivisions whose boundaries are coterminous with the state shall apply to the
13 purchase of a motor vehicle by an individual that has been or will be modified for
14 operation by, or for the transportation of, a person who is permanently orthopedically
15 disabled at the time of purchase, and which is primarily driven by or used for the
16 transportation of such person. However, the purchaser of the motor vehicle shall be
17 eligible for a rebate of state sales and use taxes paid in accordance with the
18 provisions of this Section. The rebate authorized pursuant to the provisions of this

1 Section shall apply to purchases made by an individual or entity on behalf of an
2 individual including purchases made by a curator, estate, trust or tutor. The
3 modifications shall be made in accordance with a prescription or letter issued for the
4 person by a physician, a licensed chiropractor, or a driver rehabilitation specialist
5 licensed by the state.

6 (1) For purposes of this Section, the term "motor vehicle" shall not include
7 vehicles purchased for resale or lease, or vehicles used for non-personal, business,
8 or commercial purposes, including ambulances, travel trailers, or other vehicles not
9 designed to transport people.

10 (2) For purposes of this Section, the term "orthopedically disabled" shall
11 mean a person who has permanent, limited movement of body extremities and loss
12 of physical functions. The physical impairment shall be of such a nature that the
13 person is either unable to operate or be transported in a reasonable manner in a motor
14 vehicle that has not been specially modified.

15 B.(1) Modifications of a vehicle for operation by a person with an orthopedic
16 disability shall include but not be limited to altering the conventional brake,
17 acceleration, or steering systems to facilitate the operation of the vehicle by a person
18 with an orthopedic disability, and the installation of items such as a wheelchair lift,
19 hoist, or attached ramp to allow a person with an orthopedic disability to enter the
20 motor vehicle.

21 (2) Modifications of a vehicle for the purpose of transporting a person with
22 an orthopedic disability shall include installation of items such as a wheelchair lift,
23 hoist, attached ramp, wheelchair hold-down clamps, or special seat restraints other
24 than conventional seat belts to allow for the transportation of a person with an
25 orthopedic disability in a reasonable manner.

26 C.(1) The rebate authorized by this Section shall entitle the purchaser to a
27 rebate of the state sales and use tax paid on the vehicle which may be claimed only
28 after the vehicle modifications have been completed. To claim the rebate, the
29 purchaser shall request a rebate in the form and manner prescribed by rule

1 promulgated by the secretary of the Department of Revenue. A purchaser who
 2 requests a rebate shall submit the prescription requiring the vehicle modifications for
 3 which a rebate is requested or a letter from a physician, chiropractor, or driver
 4 rehabilitation specialist describing the orthopedic disability which requires the
 5 vehicle modifications. The secretary of the Department of Revenue may
 6 additionally require a rebate applicant to provide documentation evidencing the
 7 purchase and modification of the vehicle. The secretary shall pay rebates from the
 8 taxes collected pursuant to Chapter 2 of Subtitle II of this Title.

9 (2) The secretary of the Department of Revenue, in cooperation with the
 10 secretary of the Department of Health, shall promulgate rules and regulations in
 11 accordance with the Administrative Procedure Act as are necessary to implement the
 12 provisions of this Section, including rules to provide for the form and manner for
 13 claiming a rebate and the establishment of a method for the review by appropriate
 14 personnel of the Department of Health of the prescriptions, letters, and other
 15 documentation submitted with the requests for rebate that the secretary of the
 16 Department of Revenue deems necessary.

17 Section 2. This Act shall be known as "The Angela Downs Act".

18 Section 3. R.S. 47:305.69 is hereby repealed in its entirety.

19 Section 4. This Act shall become effective on July 1, 2019.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 90 Reengrossed

2019 Regular Session

Moss

Abstract: Establishes "The Angela Downs Act" which authorizes a rebate of state sales and use tax paid on a vehicle to be modified for use by persons with orthopedic disabilities.

Proposed law authorizes a rebate of state sales and use tax paid for the purchase of a motor vehicle that has been or will be modified in accordance with a medical recommendation for a person who is permanently, orthopedically disabled at the time of the motor vehicle's purchase. Rebates may only be claimed after the vehicle modifications have been completed.

Proposed law excludes from the rebate program ambulances, travel trailers, or other vehicles not designed to transport people.

Proposed law defines "orthopedically disabled" as a person who has permanent, limited movement of body extremities and loss of physical function which prevent the person from either operating or being transported in a motor vehicle that has not been especially modified.

Proposed law provides that vehicle modifications that qualify for the rebate include wheelchair lifts, hoists, attached ramps, wheelchair hold-down clamps, special seat restraints, and the alternation of conventional brake, acceleration, or steering systems.

Proposed law authorizes an individual or entity that purchases the vehicle on behalf of an orthopedically disabled person to claim the rebate on behalf of the disabled person including curators, estates, trusts, or tutors.

Proposed law provides that the claiming of a rebate shall be made pursuant to a procedure established by the Dept. of Revenue in administrative rules. Information which may be required from a purchaser who requests a rebate may include documentation evidencing the person's disability, the prescription or letter recommending modifications for a medical provider, documentation of the purchase of a vehicle, and the modifications installed on the vehicle.

Proposed law authorizes the secretary of the Dept. of Revenue to pay rebates from general sales tax collections.

Proposed law designates proposed law "The Angela Downs Act".

Effective July 1, 2019.

(Adds R.S. 47:305.72; Repeals R.S. 47:305.69)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Designate proposed law "The Angela Downs Act".

The House Floor Amendments to the engrossed bill:

1. Clarify that an individual or entity that purchases a vehicle on behalf of an orthopedically disabled person may claim the rebate including curators, estates, trusts, or tutors.