

2017 Regular Session

HOUSE BILL NO. 396

BY REPRESENTATIVES DWIGHT AND ABRAHAM

TAX/SALES-USE, ST-EXEMPT: Provides for the effectiveness and applicability of the state sales and use tax exclusion for sales of gold, silver, or numismatic coins, and platinum, gold, or silver bullion

1 AN ACT

2 To amend and reenact R.S. 47:301(16)(b)(ii) and R.S. 47:302(AA)(introductory paragraph)  
3 and 321.1(F)(66)(introductory paragraph) and to enact R.S. 47:302(AA)(29) and  
4 321.1(F)(66)(u), relative to state sales and use tax; to provide with respect to the  
5 exclusion for sales of certain precious metals and coins; to provide for effectiveness  
6 and applicability of the exclusion; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:301(16)(b)(ii) and R.S. 47:302(AA)(introductory paragraph) and  
9 321.1(F)(66)(introductory paragraph) are hereby amended and reenacted and R.S.  
10 47:302(AA)(29) and 321.1(F)(66)(u) are hereby enacted to read as follows:

11 §301. Definitions

12 As used in this Chapter the following words, terms, and phrases have the  
13 meaning ascribed to them in this Section, unless the context clearly indicates a  
14 different meaning:

15 \* \* \*

16 (16)

17 \* \* \*

18 (b) The term "tangible personal property" shall not include:

19 \* \* \*

1 (ii) ~~Solely for purposes of sales and use taxes imposed by the state under R.S.~~  
2 ~~47:302, 321, and 331, gold, silver, or numismatic coins, or platinum,~~

3 (aa) Platinum, gold, or silver bullion, ingots, or coins.

4 (bb) Numismatic coins that have a sales price of no more than one thousand  
5 dollars.

6 (cc) Numismatic coins sold at a national, statewide, or multi-parish  
7 numismatic trade show.

8 \* \* \*

9 §302. Imposition of tax

10 \* \* \*

11 AA. Notwithstanding any other provision of this Section to the contrary,  
12 beginning July 1, 2016, except as provided in Paragraph (29) of this Subsection, the  
13 following specific exclusions and exemptions shall be applicable to the tax levied  
14 pursuant to the provisions of this Section:

15 \* \* \*

16 (29) Beginning October 1, 2017, the following exclusions shall apply:

17 (a) Sales and purchases of platinum, gold, or silver bullion, ingots, or coins  
18 as provided in R.S. 47:301(16)(b)(ii)(aa).

19 (b) Numismatic coins that have a sales price of no more than one thousand  
20 dollars as provided in R.S. 47:301(16)(b)(ii)(bb).

21 (c) Numismatic coins sold at a national, statewide, or multi-parish  
22 numismatic trade show as provided in R.S. 47:301(16)(b)(ii)(cc)."

23 \* \* \*

24 §321.1. Imposition of Tax

25 \* \* \*

26 F. Notwithstanding any other provision of law to the contrary, including but  
27 not limited to any contrary provision of this Chapter, there shall be no exemptions



R.S. 47:321.1 - 1% tax  
R.S. 47:331 - 0.97% tax  
R.S. 51:1286 - .03% tax (LA Tourism and Promotion District)

Present law provides for exemptions and exclusions to state sales and use taxes. Further, present law provides for the applicability and effectiveness of certain exclusions and exemptions from the taxes imposed under R.S. 47:302 and 321.1 for the time between July 1, 2016, and June 30, 2018.

Present law provides for an exclusion from state sales and use taxes imposed under R.S. 47:302, 321, and 331, for the purchase of gold, silver, or numismatic coins, or gold, silver, or platinum bullion. This exclusion in present law is not in effect for the state sales and use taxes imposed under R.S. 47:302 and 321.1.

Proposed law changes present law for the exclusion for the sale or purchase of platinum, gold, or silver bullion to include platinum, gold, or silver bullion, ingots, and coins.

Proposed law changes present law for effectiveness and applicability of the exclusion for the sale or purchase of gold, silver, or platinum bullion by providing that the exclusion is effective and applicable against all state sales and use taxes beginning Oct. 1, 2017.

Proposed law changes present law for the exclusion for the sale or purchase of numismatic coins by limiting the exclusion to coins that either have a sales price of \$1,000 or less, or that are sold at a national, statewide, or multi-parish numismatic trade show.

Proposed law further changes present law for the exclusion for the sale or purchase of numismatic coins by making the exclusion effective and applicable against all state sales and use taxes beginning Oct. 1, 2017.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:301(16)(b)(ii), 302(AA)(intro para), and 321.1(F)(66)(intro. para.); Adds R.S. 47:302(AA)(29) and 321.1(F)(66)(u))

#### Summary of Amendments Adopted by House

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

1. Add a limitation on the exclusion for numismatic coins to those with a sales of \$1,000 or less, or that are sold at a trade show.
2. Change the exclusion for platinum, gold, and silver bullion to include silver ingots and coins.
3. Change the effectiveness of proposed law for applicability for the exclusion for coins from June 1, 2017, to Oct. 1, 2017.
4. Change the effectiveness of proposed law for applicability for the exclusion for bullion from June 1, 2017, to Oct. 1, 2017.