
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Danielle Doiron.

DIGEST

Proposed law provides for a "Second Amendment Weekend Holiday" from the first consecutive Friday through Sunday of September each year to exempt state and local sales and use tax for consumer purchases of firearms, ammunition and hunting supplies.

Proposed law applies only to consumers and not businesses. The exemption is not applicable for hunting dogs or animals.

Proposed law provides a fifty dollar penalty against the dealer if the dealer fails to apply the sales tax exemption during the designated sales tax holiday. It further provides that the department must receive a report of a violation within sixty days after the end of the sales tax holiday to be able to assess the penalty. The department shall waive the penalty for good cause, such as a computer programming error or computer malfunction, and shall have the waiver request in writing with supporting documentation.

Proposed law defines "hunting supplies" as any tangible personal property for the use of hunting, including but not limited to archery, vehicles and vessels such as ATVs, airboats, and pirogues, accessories, animal feed, apparel, shoes, bags, float tubes, binoculars, tools, firearm and archery cases, firearm and archery accessories, range finders, knives, decoys, treestands, blinds, chairs, optics, hearing protection and enhancements, holsters, belts, slings and miscellaneous gear.

Proposed law defines "firearms" as a shotgun, rifle, pistol, revolver, or other handgun.

Proposed law provides that, in order to be exempt, one of the following needs to occur during the tax holiday period:

1. Title to or possession of the item must be transferred from a selling dealer to a purchaser.
2. A customer must select an eligible item from the selling dealer's inventory for layaway, which is physically set aside in the selling dealer's inventory for future delivery to that customer.
3. The customer must make final payment and withdraw the item from a layaway that might have been placed before the tax holiday period.
4. The customer must order and pay for the item and the dealer must accept the order for immediate shipment, even if delivery is made after the tax holiday period, provided the customer has not requested delayed shipment.

Items which customers purchase during the tax holiday period with "rain checks" are exempt,

regardless of when the "rain checks" are issued. However, purchases with "rain checks" issued during the tax holiday period are not exempt if the items are actually purchased after the tax holiday period. The exchange of an item purchased during the tax holiday period without additional cash consideration for an essentially identical item is exempt, but if the exchange results in credit on the purchase of a new item, the sale is taxable.

Proposed law prohibits a refund or credit of sales tax on returns of items eligible for the exemption for a 60-day period after the tax holidays unless the customer provides a receipt or invoice that shows that the sales tax was paid or the retailer has sufficient documentation showing that the tax is paid.

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

(Adds R.S. 47:305.62)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill.

1. Provides a fifty dollar penalty against the dealer if the dealer fails to apply the sales tax exemption during the designated sales tax holiday. It further requires that the department shall receive a report of a violation within sixty days after the end of the sales tax holiday to assess the penalty. The department must waive the penalty for good cause, such as a computer programming error or computer malfunction, and must have the waiver request in writing with supporting documentation.
2. Defines "firearms" as a shotgun, rifle, pistol, revolver, or other handgun.