

Regular Session, 2009

HOUSE BILL NO. 128

BY REPRESENTATIVES HENRY, TIM BURNS, ELLINGTON, GREENE, GUINN, HARRISON, HAZEL, HENDERSON, HOWARD, KLECKLEY, LEBAS, LIGI, MONICA, PEARSON, POPE, RICHARDSON, SCHRODER, SMILEY, GARY SMITH, TALBOT, THIBAUT, AND WOOTON

TAX/SALES & USE: Authorizes an annual "sales tax holiday" for the purchase of firearms during Second Amendment Weekend (Second Amendment Recognition Act)

1 AN ACT

2 To amend and reenact R.S. 47:305.54(B)(2) and to enact R.S. 47:305.62, relative to state
3 sales and use tax; to authorize a state "sales tax holiday" at certain times for
4 purchases of certain firearms; to provide for definitions; to provide restrictions on
5 the types of purchases eligible for the exemption; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:305.54(B)(2) is hereby amended and reenacted and R.S.
8 47:305.62 is hereby enacted to read as follows:

9 §305.54. Exemption; Annual Louisiana Sales Tax Holidays Act

10 * * *

11 B.

12 * * *

13 (2) For purposes of this Section, "consumer purchases" shall mean purchases
14 of items of tangible personal property other than vehicles subject to license and title
15 or firearms. Consumer purchases shall not include the purchase of meals furnished
16 for consumption on the premises where purchased, including to-go orders.

17 * * *

1 §305.62. Exemption; state sales tax holiday; Second Amendment Weekend; Second
2 Amendment Recognition Act; restrictions

3 A. The provisions of this Section shall be referred to as the "Second
4 Amendment Recognition Act".

5 B.(1) Notwithstanding any other provision of law to the contrary, the sales
6 and use tax levied by the state of Louisiana shall not apply to the first two thousand
7 five hundred dollars of the sales price or cost price of any consumer purchases of a
8 firearm that occur during an eligible tax exemption period.

9 (2)(a) For purposes of this Section, "firearm" shall mean a shotgun, rifle,
10 pistol, revolver, or other handgun.

11 (b) For purposes of this Section, "eligible tax exemption period" shall mean
12 the Second Amendment Weekend, which shall begin each year at 12:01 a.m. on the
13 Friday after Thanksgiving and end at 11:59 p.m. on the Saturday after Thanksgiving.

14 C. This Section shall apply only if during an eligible tax exemption period
15 the title to or possession of an eligible firearm is transferred from a selling dealer to
16 a purchaser.

17 D. Eligible firearms that customers purchase during the eligible tax
18 exemption period with "rain checks" shall qualify for exemption, regardless of when
19 the "rain checks" are issued. However, issuance of "rain checks" during the
20 exemption period shall not qualify a firearm for exemption if the otherwise eligible
21 firearm was actually purchased after conclusion of the eligible tax exemption period.

22 E.(1) When a customer purchases an eligible firearm during the eligible tax
23 exemption period and exchanges the firearm without additional cash consideration
24 after conclusion of the eligible tax exemption period for an essentially identical
25 firearm, no additional tax is due.

26 (2) When a customer, after conclusion of the eligible tax exemption period
27 returns an eligible firearm that was purchased during the eligible tax exemption
28 period and receives credit on the purchase of a different item, the appropriate sales
29 tax is due on the purchase of the new item.

1 F. For a sixty-day period after conclusion of the eligible tax exemption
2 period, when a customer returns a firearm that would qualify for an exemption, no
3 credit or refunds of sales tax shall be given unless the customer provides a receipt or
4 invoice that shows that the state sales tax was paid or the dealer has sufficient
5 documentation that shows that the tax was paid on the specific item. This sixty-day
6 period is not intended to change a dealer's policy concerning the time period during
7 which returns will be accepted.

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)]

Henry

HB No. 128

Abstract: The "Second Amendment Recognition Act" to authorize a state "sales tax holiday" on the purchase of a firearm during the annual Second Amendment Weekend (Thanksgiving weekend).

Proposed law provides for a state "sales tax holiday" on the first \$2,500 of the sales price or cost price of any consumer purchases of firearms purchased during the annual Second Amendment Weekend which begins each year at 12:01 a.m. on the Friday after Thanksgiving and ends at 11:59 p.m. on Saturday.

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

Proposed law provides for the tax treatment of exempt firearms relative to exchanges, rain checks, and refunds.

Present law provides for an annual sales tax holiday on the first \$2,500 of the sales price or cost price of consumer purchases of tangible personal property on the first consecutive Friday and Saturday of Aug. each year. Excludes purchases of vehicles subject to license and title from the annual sales tax holiday.

Proposed law retains present law but excludes purchases of firearms from the annual sales tax holiday in Aug.

(Amends R.S. 47:305.54(B)(2); Adds R.S. 47:305.62)

Summary of Amendments Adopted by House

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

1. Adds restriction that the purchase of firearms shall not be exempt from state sales and use tax during the annual sales tax holiday in Aug.
2. Changes the date for the annual sales and use tax holiday for the purchase of firearms from the Friday, Saturday, and Sunday after Thanksgiving to the Friday and Saturday after Thanksgiving.
3. Limits the amount of purchases which qualify for the state sales tax holiday to the first \$2,500 of the sales price or cost price of consumer purchases of firearms.