

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 52 By Senator Marionneaux

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

TAX EXEMPTIONS. Establishes Annual Second Amendment Weekend Holiday to exempt from state and local sales tax each year consumer purchases of firearms, ammunition, and hunting supplies from the first consecutive Friday through Sunday of September each year. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Deletes penalty provisions.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

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 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)

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