

Regular Session, 2012

HOUSE BILL NO. 934

BY REPRESENTATIVES LIGI, ADAMS, ARNOLD, BADON, BILLIOT, WESLEY BISHOP, BROSSETT, CONNICK, LEGER, LEOPOLD, LOPINTO, LORUSSO, TALBOT, AND WILLMOTT AND SENATORS ALARIO, APPEL, MARTINY, AND MORRELL

TAX/LEASE: Authorizes Jefferson Parish to create an automobile rental tax district

1 AN ACT

2 To enact R.S. 47:551.1, relative to special districts; to authorize the establishment of an
3 automobile rental tax district in the parishes of Jefferson and Orleans; to provide for
4 the boundaries, governance, and powers of the district; to authorize the levy of a tax
5 on the lease or rental of certain automobiles under certain circumstances; to provide
6 for the use of the avails of the tax; to provide for an effective date; and to provide for
7 related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 47:551.1 is hereby enacted to read as follows:

13 §551.1. Automobile rental tax district; parishes of Jefferson and Orleans

14 A.(1) The governing authorities of the parishes of Jefferson and Orleans may
15 each create, by ordinance, an automobile rental tax district, referred to in this Section
16 as the "district". The district shall be a political subdivision of the state as defined
17 in the Constitution of Louisiana.

18 (2) The boundaries of the district shall be coterminous with the boundaries
19 of the parish creating the district.

20 (3) The parish governing authority creating the district shall be the governing
21 authority of the district.

1 B.(1)(a) The district is authorized to levy an automobile rental tax, not to
2 exceed one half of one percent of the gross proceeds derived from the lease or rental
3 of an automobile pursuant to an automobile rental contract, less any sales and use tax
4 included in such contract. The tax shall be in addition to any tax, fee, or license
5 imposed directly or indirectly.

6 (b) The tax shall be levied only after the question of its levy has been
7 approved by a majority of the registered voters of the district who vote on the
8 proposition authorizing the tax at an election held for that purpose in accordance
9 with the Louisiana Election Code. The election on the question of the levy of the tax
10 shall be held at the same time as a regularly scheduled election in the parish creating
11 the district.

12 (c) The tax shall not apply to any automobile rented by an insurance
13 company as a replacement vehicle for a policyholder or by an automobile dealer as
14 a replacement vehicle while a customer's vehicle is being serviced or repaired, nor
15 shall the tax apply to any individual or business who rents a vehicle as a replacement
16 vehicle while his vehicle is being repaired if the individual presents to the renter
17 upon return of the rented vehicle a copy of the repair or service invoice.

18 (2) For purposes of this Section "automobile rental contract" shall mean all
19 agreements for the rental of an automobile without a driver designated to carry less
20 than nine passengers for a period of not more than twenty-nine calendar days. Rental
21 agreements for a period of more than twenty-nine calendar days shall not be subject
22 to the tax, unless the actual period of the rental agreement is less than twenty-nine
23 days as a result of the exercise of a cancellation clause.

24 C.(1) The avails of the tax in Jefferson Parish shall be distributed as follows:

25 (a) One-third of the tax shall be distributed to the city of Kenner for arts and
26 recreation.

27 (b) Two-thirds of the tax shall be distributed to the Jefferson Performing Arts
28 Society for programs on the east and west bank and one-third of that amount shall
29 be distributed to the Westwego Performing Arts Center.

1 (2) The avails of the tax in Orleans Parish shall be used for road repairs and
2 beautification projects.

3 D. The parish governing authority creating the district shall prescribe in the
4 ordinance creating the district any other purposes of the district. The parish that
5 created the district and the district may enter into a cooperative endeavor agreement
6 providing for cooperative efforts to exercise any authorized governmental function
7 of the parish.

8 Section 2. This Act shall become effective on July 1, 2012; if vetoed by the governor
9 and subsequently approved by the legislature, this Act shall become effective on July 1,
10 2012, or on the day following such approval by the legislature, whichever is later.

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)]

Ligi

HB No. 934

Abstract: Authorizes the governing authorities of the parishes of Jefferson and Orleans to each create, by ordinance, an automobile rental tax district.

Present law (R.S. 47:551) levies, for the period from August 1, 1990, through June 30, 2012, a state tax of 2 ½% and a local tax of ½ of 1% of the gross proceeds derived from the lease or rental of an automobile pursuant to an automobile rental contract, less any sales and use tax included in such contract.

Present law excludes the following transactions from any tax that may be imposed:

- (1) Automobiles rented by an insurance company as a replacement vehicle for a policyholder.
- (2) Automobiles rented by an automobile dealer as a replacement vehicle while a customer's vehicle is being repaired.
- (3) An automobile rental by an individual or business who rents a vehicle as a replacement vehicle while his vehicle is being repaired if the individual presents to the renter upon return of the rented vehicle a copy of the repair or service invoice.

Present law defines "automobile rental contract" to mean an agreement for the rental of an automobile without a driver, designated to carry less than nine passengers, for a rental period of not more than 29 calendar days. Provides that rental agreements in excess of 29 days shall not be subject to the tax, unless the actual period of the rental agreement is less than 29 days as a result of the exercise of a cancellation clause.

Present law provides that tax is payable to the secretary of the Dept. of Revenue. Requires that the tax be collected and enforced pursuant to the provisions of present law (Chapter 2

of Subtitle II of Title 47 of the La. Revised Statutes of 1950) insofar as the provisions are not in conflict with present law (R.S. 47:551).

Present law requires that the local tax be remitted to the secretary of the Dept. of Revenue who collects the tax as an agent of local government. Authorizes the secretary to assess a collection fee, not to exceed $\frac{1}{2}$ of 1% of the proceeds of the tax, as reimbursement for the actual cost of collection.

Present law requires the secretary to distribute monthly the proceeds of the tax to the central local sales and use tax collector or, if none, the parish governing authority. Requires the central local sales and use tax collector or governing authority to distribute at no charge the tax proceeds received from the secretary to each political subdivision in the parish which levies a sales and use tax. Provides that the distribution shall be in accordance with each political subdivision's pro rata share of local sales and use tax receipts collected to the total of all such taxes collected within the parish.

Present law provides that the local tax collected in Jefferson Parish shall be distributed as follows:

- (1) $\frac{1}{3}$ to the city of Kenner for arts and recreation.
- (2) $\frac{2}{3}$ to the Jefferson Performing Arts Society for programs on the east and west bank and one-third of that amount shall be distributed to the Westwego Performing Arts Center.

Present law provides that the local tax collected in Orleans Parish shall be distributed for road repairs and beautification projects.

Proposed law retains present law and additionally authorizes the governing authorities of the parishes of Jefferson and Orleans to each create, by ordinance, an automobile rental tax district as a political subdivision of the state. Provides that the boundaries of the district shall be coterminous with the boundaries of the parish creating the district. Provides that the parish governing authority creating the district shall be the governing authority of the district.

Proposed law authorizes the district, subject to voter approval, to levy an automobile rental tax, not to exceed $\frac{1}{2}$ of 1% of the gross proceeds derived from the lease or rental of an automobile pursuant to an automobile rental contract, less any sales and use tax included in such contract. Requires that the election on the question of the levy of the tax be held at the same time as a regularly scheduled election in the parish creating the district.

Proposed law excludes the same transactions as present law (R.S. 47:551) from any tax that may be imposed. Defines "automobile rental contract" to mean the same as defined in present law (R.S. 47:551). Provides that rental agreements in excess of 29 days shall not be subject to the tax, unless the actual period of the rental agreement is less than 29 days as a result of the exercise of a cancellation clause.

Proposed law requires that the avails of the tax in the parishes of Jefferson and Orleans be used in the same manner as provided in present law (R.S. 47:551)

Proposed law requires the parish governing authority creating the district to prescribe in the ordinance creating the district any other purposes of the district.

Effective July 1, 2012.

(Adds R.S. 47:551.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Relative to the creation of an automobile rental tax district, specifies that the governing authority of Jefferson Parish is authorized to create a district by ordinance. Specifies that a district is a political subdivision of the state.
2. Requires voter approval prior to the levy of a tax by a district and provides relative to the time for holding a tax election.
3. Adds provisions authorizing the governing authority of Orleans Parish to create a district by ordinance, providing for the boundaries of the district in Orleans, and providing for the use of tax proceeds in Orleans Parish.

House Floor Amendments to the engrossed bill.

1. Changes effective date from June 30, 2012, to July 1, 2012.