

Existing law (R.S. 47:551) levies, for the period from Aug. 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.

Existing 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.

Existing 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.

Existing 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 existing 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 existing law (R.S. 47:551).

Existing 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 ½ of 1% of the proceeds of the tax, as reimbursement for the actual cost of collection.

Existing 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. Provides specifically for the distribution of proceeds in the parishes of Jefferson and Orleans.

Proposed law would have additionally authorized the governing authority of the parishes of East Baton Rouge, Ouachita, and Rapides to each create, by ordinance, an automobile rental tax district as a political subdivision of the state. Would have required that the boundaries of the district be coterminous with the boundaries of the parish creating the district. Would have required the parish governing authority to be the governing authority of the district.

Proposed law would have authorized the district, subject to voter approval, to levy an automobile rental tax, not to exceed 3% 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. Would have required 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 in which the district was created.

Proposed law would have excluded the same transactions as existing law (R.S. 47:551) from any tax that could be imposed. Would have defined "automobile rental contract" to mean the same as defined in existing law (R.S. 47:551). Would have provided that rental agreements in excess of 29 days were not subject to the tax, unless the actual period of the rental agreement was less than 29 days as a result of the exercise of a cancellation clause.

Proposed law would have required that the avails of the tax be distributed as follows:

East Baton Rouge Parish:

- (1) 40% to the Arts Council of Greater Baton Rouge for its operations and programs.
- (2) 15% to the Shaw Center for the Arts.
- (3) 15% to the general fund of the parish of East Baton Rouge/city of Baton Rouge.
- (4) 15% to the general fund of the East Baton Rouge Parish Sheriff's Office.
- (5) 15% to the general fund of the East Baton Rouge District Attorney's Office

Ouachita Parish:

- (1) 50% to the general fund of the parish.
- (2) 20% to Score.
- (3) 20% to the parish council on aging.
- (4) 10% to the food bank of Ouachita.

Rapides Parish:

- (1) 50% to the parish council on aging.
- (2) 50% to the Food Bank of Central Louisiana.

Would have been effective upon signature of governor or lapse of time for gubernatorial action.

(Proposed to add R.S. 47:551.1)

VETO MESSAGE

"House Bill No. 971 continues an automobile rental tax which is set to expire. I have made a commitment to the taxpayers of Louisiana to oppose all attempts to raise taxes.

For this reason, I have vetoed House Bill No. 971 and hereby return it to the House of Representatives."