

2017 Regular Session

HOUSE BILL NO. 396

BY REPRESENTATIVES DWIGHT AND ABRAHAM

TAX/SALES-USE, ST-EXEMPT: Provides for the effectiveness and applicability of the state sales and use tax exclusion for sales of gold, silver, or numismatic coins, and platinum, gold, or silver bullion

1 AN ACT

2 To enact R.S. 47:302(AA)(29) and 321.1(F)(66)(u), relative to state sales and use tax; to
3 provide with respect to the exclusion for sales of certain precious metals and coins;
4 to provide for effectiveness and applicability of the exclusion; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:302(AA)(29) and 321.1(F)(66)(u) are hereby enacted to read as
8 follows:

9 §302. Imposition of tax

10 * * *

11 AA. Notwithstanding any other provision of this Section to the contrary,
12 beginning July 1, 2016, the following specific exclusions and exemptions shall be
13 applicable to the tax levied pursuant to the provisions of this Section:

14 * * *

15 (29) Beginning June 1, 2017, sales and purchases of gold, silver, or
16 numismatic coins, or platinum, gold, or silver bullion, as provided in R.S.
17 47:301(16)(b)(ii).

18 * * *

19 §321.1. Imposition of Tax

20 * * *

1 F. Notwithstanding any other provision of law to the contrary, including but
2 not limited to any contrary provision of this Chapter, there shall be no exemptions
3 or exclusions as defined in R.S. 47:301 to the tax levied pursuant to the provisions
4 of this Section, except for the sales or purchases of the following items:

5 * * *

6 (66) Beginning July 1, 2016, in addition to those exclusions and exemptions
7 provided for in Paragraphs (1) through (65) of this Subsection, the following
8 exclusions and exemptions shall be allowable for purposes of the tax levied pursuant
9 to the provisions of this Section:

10 * * *

11 (u) Beginning June 1, 2017, sales and purchases of gold, silver, or
12 numismatic coins, or platinum, gold, or silver bullion, as provided in R.S.
13 47:301(16)(b)(ii), and notwithstanding any provision of R.S. 47:301(16)(b)(ii) to the
14 contrary, this exclusion shall be applicable for the tax imposed under this Section.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

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)]

HB 396 Original 2017 Regular Session Dwight

Abstract: Provides for effectiveness and applicability of the state sales and use tax exclusion for gold, silver, or numismatic coins, or platinum, gold, or silver bullion.

Present law imposes state sales and use taxes on the sale, use, lease, or rental of tangible personal property pursuant to the following levies:

- R.S. 47:302 - 2% tax
- R.S. 47:321 - 1% tax
- R.S. 47:321.1 - 1% tax
- R.S. 47:331 - 0.97% tax
- R.S. 51:1286 - .03% tax (LA Tourism and Promotion District)

Present law provides for exemptions and exclusions to state sales and use taxes. Further, present law provides for the applicability and effectiveness of certain exclusions and exemptions from the taxes imposed under R.S. 47:302 and 321.1 for the time between July 1, 2016, and June 30, 2018.

Present law provides for an exclusion from state sales and use taxes imposed under R.S. 47:302, 321, and 331, for the purchase of gold, silver, or numismatic coins, or gold, silver, or platinum bullion. This exclusion in present law is not in effect for the state sales and use taxes imposed under R.S. 47:302 and 321.1.

Proposed law changes present law concerning the effectiveness and applicability of the exclusion for the purchase of gold, silver, or numismatic coins, or gold, silver, or platinum bullion by providing that the exclusion is effective and applicable against all state sales and use taxes beginning June 1, 2017.

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

(Adds R.S. 47:302(AA)(29) and 321.1(F)(66)(u))