

2019 Regular Session

SENATE BILL NO. 85

BY SENATOR BARROW

TAX EXEMPTIONS. Exempts from sales and use tax textbooks required for a course offered by a public or nonpublic postsecondary educational institution. (7/1/19)

1 AN ACT

2 To enact R.S. 47:302(BB)(110), 305.4, 321(P)(111), 321.1(I)(111), and 331(V)(111),
3 relative to state sales and use tax exemptions; to provide a sales tax exemption for
4 certain purchases of postsecondary textbooks and instructional materials; to provide
5 for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:302(BB)(110), 305.4, 321(P)(111), 321.1(I)(111), and
8 331(V)(111) are hereby enacted to read as follows:

9 §302. Imposition of tax

10 * * *

11 BB. Notwithstanding any other provision of law to the contrary, including but
12 not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
13 through June 30, 2025, there shall be no exemptions and no exclusions to the tax
14 levied pursuant to the provisions of this Section, except for the retail sale, use,
15 consumption, distribution, or storage for use or consumption of the following:

16 * * *

17 **(110) Purchases of postsecondary textbooks or instructional materials as**

1 provided in R.S. 47:305.4.

2 * * *

3 §305.4. Postsecondary textbook and instructional materials exemption

4 A. The sales and use tax levied by the state and its political subdivisions
5 shall not apply to the purchase of textbooks or instructional materials that are
6 required or recommended for use in a postsecondary course in which the
7 purchaser is enrolled and that are offered by the postsecondary educational
8 institution in which the purchaser is enrolled.

9 B. Definitions.

10 (1) For purposes of this Section, the term "instructional materials"
11 means educational materials, in printed or digital format, that are required or
12 recommended for use in a course in any field of study.

13 (2) For purposes of this Section, the term "postsecondary educational
14 institution" includes public and nonpublic postsecondary educational
15 institutions.

16 (3) For purposes of this Section, the term "textbook" means a new or
17 used, required or recommended manual of instruction or any instructional
18 materials for any field of study.

19 C. The student shall provide a physical or an electronic copy of proof of
20 enrollment to the dealer to prove that the student qualifies for the exemption at
21 the time of purchase. Proof of enrollment includes both a valid student
22 identification card and an applicable course syllabus or list of required and
23 recommended textbooks and instructional materials.

24 D. The dealer shall maintain proper documentation, as prescribed by the
25 secretary of the Department of Revenue or the collector, to identify any
26 transaction that involves the sale of tax-exempted textbooks and instructional
27 materials.

28 E. The secretary of the Department of Revenue may promulgate rules
29 in accordance with the Administrative Procedures Act to administer this

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Section.

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§321. Imposition of tax

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P. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(111) Purchases of postsecondary textbooks or instructional materials as provided in R.S. 47:305.4.

* * *

§321.1 Imposition of tax

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I. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(111) Purchases of postsecondary textbooks or instructional materials as provided in R.S. 47:305.4.

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§331. Imposition of tax

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V. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax

1 levied pursuant to the provisions of this Section, except for the retail sale, use,
2 consumption, distribution, or storage for use or consumption of the following:

3 * * *

4 **(111) Purchases of postsecondary textbooks or instructional materials**
5 **as provided in R.S. 47:305.4.**

6 * * *

7 Section 2. This Act shall become effective on July 1, 2019.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Leonore Heavey.

DIGEST

SB 85 Engrossed

2019 Regular Session

Barrow

Proposed law provides an exemption from state sales and use tax for purchases of textbooks or instructional materials that are required or recommended for use in a course offered by a postsecondary educational institution in which the purchaser is enrolled.

Proposed law authorizes the secretary of revenue to promulgate rules to provide for the application of the exemption.

Present law provides the exclusive list of state sales and use tax exemptions applicable until July 1, 2025.

Proposed law adds the exemption for purchases of postsecondary textbooks and instructional materials to the list of applicable state sales and use tax exemptions.

Adds (R.S. 47:302(BB)(110), 305.4, 321(P)(111), 321.1(I)(111), and 331(V)(111)).

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Make technical changes.
2. Removes local tax exemption.