
SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Shepherd to Reengrossed House Bill No. 42 by Representative Montgomery

1 AMENDMENT NO. 1

2 Delete Senate Committee Amendments No. 1 and 2 proposed by Senate Committee on
3 Revenue and Fiscal Affairs and adopted by the Senate November 18, 2005.

4 AMENDMENT NO. 2

5 On page 1, delete lines 11 through 13 and delete pages 2 and on page 3, delete lines 1
6 through 21, and insert the following:

7 "A. This Act shall be known as the 2005 Louisiana Sales Tax Holiday
8 Act.

9 B.(1) Notwithstanding any other provisions of law to the contrary, the
10 sales tax levied by the state of Louisiana and its political subdivisions whose
11 boundaries are coterminous of those of the state shall not apply to consumer
12 purchases of tangible personal property for non-business use which occur
13 between 3:00 p.m. Tuesday, December 8, 2005, and midnight Sunday, December
14 11, 2005.

15 (2) For purposes of this Act, "consumer purchases" shall mean
16 purchases of items of tangible personal property costing twenty-five thousand
17 dollars or less per unit that are not for use in a trade, business or profession.
18 Manufacturers' coupons and rebates and charges for delivery to the customer
19 shall not be considered in determining whether an item costs twenty-five
20 thousand dollars or less. "Consumer purchases" as used in this Paragraph shall
21 not mean the purchase of a vehicle subject to license and title.

22 C. This provision will apply if and only if during the period provided in
23 Subsection A of this Section, one of the following occur:

24 (1) Title to or possession of an item of tangible personal property is
25 transferred from a selling dealer to a purchaser.

26 (2) A customer selects an eligible item from the selling dealer's inventory
27 for layaway that is physically set aside in the selling dealer's inventory for
28 future delivery to that customer.

29 (3) The customer makes final payment and withdraws an item from
30 layaway that might have been placed before the period provided in Subsection
31 A of this Section.

32 (4) The customer orders and pays for an eligible item and the selling
33 dealer accepts the order for immediate shipment, even if delivery is made after
34 the period provided in Subsection A of this Section, provided that the customer
35 has not requested delayed shipment.

36 D. Eligible items that customers purchase during the period provided
37 in Subsection A of this Section with "rain checks" will qualify for exemption,
38 regardless of when the "rain checks" were issued. However, issuance of "rain
39 checks" during the exemption period will not qualify items for exemption if the
40 otherwise eligible items are actually purchased after such period.

41 E.(1) When a customer purchases an eligible item during the period
42 provided in Subsection A of this Section, and exchanges the item without
43 additional cash consideration after such period, for an essentially identical item
44 of different size, color, or other failure, no additional tax is due.

45 (2) When a customer after the period provided in Subsection A of this
46 Section, returns an eligible item that was purchased during such period, and
47 receives credit on the purchase of a different item, the appropriate sales tax is
48 due on the purchase of the new item.

49 F. Articles that are normally sold as a unit must continue to be sold in
50 that manner, and cannot be priced separately in order to bring the individual

1 items below the twenty-five thousand dollar eligibility threshold. Items that are
2 advertised as "buy one, get one free" or "buy one, get one at a reduced price"
3 cannot be averaged in order for both items to fall under the twenty-five
4 thousand dollar eligibility threshold.

5 G. For a sixty-day period after the period provided in Subsection A of
6 this Section, when a customer returns an item that would qualify for an
7 exemption, no credit or refunds of sales tax shall be given unless the customer
8 provides a receipt or invoice that shows that the state sales tax was paid, or the
9 retailer has sufficient documentation that shows that the tax was paid on the
10 specific item. This sixty-day period is not intended to change a dealer's policy
11 concerning the time period during which returns will be accepted.

12 H. Notwithstanding any other provisions of law to the contrary, the
13 terms of this Section shall be voluntary for retail dealers; however all retailers
14 who intend to not grant the sales tax holiday authorized in this Section shall
15 notify the Department of Revenue not less than three days prior to the holiday
16 period and shall place public notice signs prominently displayed in their
17 establishment to that effect.

18 I. All retail dealers who must make adjustments to their cash registers
19 resulting from offering the sales tax holiday authorized in this Section shall be
20 reimbursed at a rate of fifty dollars per cash register.

21 Section 2. The secretary of the Department of Revenue is authorized to adopt and
22 promulgate rules for the administration of the provisions of this Act in accordance with the
23 Administrative Procedure Act."