

Regular Session, 2013

HOUSE BILL NO. 301

BY REPRESENTATIVE LAMBERT

TAX/SALES & USE: Provides relative to exclusions from state sales tax for the resale of certain services

1 AN ACT

2 To amend and reenact R.S. 47:301(10)(a)(i), relative to state sales and use taxes; to exclude
3 the resale of certain services from the definition of "retail sale"; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:301(10)(a)(i) is hereby amended and reenacted to read as follows:

7 §301. Definitions

8 As used in this Chapter the following words, terms, and phrases have the
9 meaning ascribed to them in this Section, unless the context clearly indicates a
10 different meaning:

11 * * *

12 (10)(a)(i) Solely for the purposes of the imposition of the state sales and use
13 tax, "retail sale" or "sale at retail" means a sale to a consumer or to any other person
14 for any purpose other than for resale as tangible personal property, for resale of those
15 services defined in Paragraph (14) of this Section provided the retail sale of the
16 service is subject to sales tax in this state, or for the lease of automobiles in an arm's
17 length transaction, and shall mean and include all such transactions as the secretary,
18 upon investigation, finds to be in lieu of sales; provided that sales for resale or for
19 lease of automobiles in an arm's length transaction must be made in strict compliance
20 with the rules and regulations. Any dealer making a sale for resale or for the lease

1 of automobiles, which is not in strict compliance with the rules and regulations, shall
2 himself be liable for and pay the tax.

3 * * *

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)]

Lambert

HB No. 301

Abstract: Excludes the resale of services from the definition of "retail sale" for purpose of the state sales and use tax.

Present law, for purposes of state sales and use taxes, defines "retail sale" or "sale at retail" as a sale to a consumer or to any other person for any purpose except for resale as tangible personal property or for the lease of automobiles in an arm's length transaction.

Proposed law retains present law and adds an exception for the resale of services provided the retail sale of such service is subject to state sales tax. "Services" for purposes of proposed law are those services included within the present law definition of "sales of services".

(Amends R.S. 47:301(10)(a)(i))