

2019 Regular Session

SENATE BILL NO. 234

BY SENATORS WARD AND RISER

TAX/SALES. Provides for effectiveness of the sales tax holidays. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 47:305.54(B), 305.58(A)(1), (2)(b), and (F), and 305.62(B)(1),

3 (2), and (3) and to enact R.S. 47:302(BB)(110), 321(P)(111), 321.1(I)(111),

4 331(V)(111), and 337.9(D)(34) through (36), relative to sales and use tax

5 exemptions; to move the annual sales tax holiday, the hurricane preparedness sales

6 tax holiday, and the Second Amendment sales tax holiday to the same dates; to

7 provide the same dollar limitation for all sales tax holidays; to provide an exemption

8 from local sales and use taxes; to provide for effectiveness; to provide for an

9 effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 47:305.54(B), 305.58(A)(1), (2)(b), and (F), and 305.62(B)(1), (2),

12 and (3) are hereby amended and reenacted and R.S. 47:302(BB)(110), 321(P)(111),

13 321.1(I)(111), 331(V)(111), and 337.9(D)(34) through (36) are hereby enacted to read as

14 follows:

15 §302. Imposition of tax

16 * * *

17 BB. Notwithstanding any other provision of law to the contrary, including but

1 not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
2 through June 30, 2025, there shall be no exemptions and no exclusions to the tax
3 levied pursuant to the provisions of this Section, except for the retail sale, use,
4 consumption, distribution, or storage for use or consumption of the following:

5 * * *

6 **(110) Eligible purchases made during the annual sales tax holidays as**
7 **provided in R.S. 47:305.54, 305.58, and 305.62.**

8 * * *

9 §305.54. Exemption; Annual Louisiana Sales Tax Holidays Act

10 * * *

11 B.(1) Notwithstanding any other provisions of law to the contrary, the sales
12 tax levied by the state of Louisiana and its political subdivisions ~~whose boundaries~~
13 ~~are coterminous with those of the state~~ shall not apply to the first two thousand five
14 hundred dollars of the sales price or cost price of any consumer purchases of tangible
15 personal property that occur on the ~~first consecutive Friday and Saturday of August~~
16 **last consecutive Saturday and Sunday of July** each year.

17 (2) **Any political subdivision authorized by the constitution and laws of**
18 **this state to levy and impose a sales and use tax may, by ordinance or resolution,**
19 **apply this exemption to the sales and use tax levied and imposed by the political**
20 **subdivision. To participate in the annual sales tax holiday, the governing**
21 **authority of the political subdivision shall submit a copy of the ordinance or**
22 **resolution to the secretary of revenue no later than sixty days before the**
23 **beginning of the sales tax holiday.**

24 (3) For purposes of this Section, "consumer purchases" shall mean purchases
25 of items of tangible personal property other than ~~vehicles~~

26 (a) **Vehicles** subject to license and title.

27 (b) ~~Consumer purchases shall not include the purchase of meals~~ **Meals**
28 furnished for consumption on the premises where purchased, including to-go orders.

29 (c) **Items not purchased from a physical retail location in the state.**

* * *

§305.58. Exemption; annual sales tax holiday; hurricane-preparedness items or supplies; dates; restrictions

A.(1) Notwithstanding any other provision of law to the contrary, the sales and use tax levied by the state of Louisiana **and its political subdivisions** shall not apply to the first ~~one~~ **two** thousand five hundred dollars of the sales price of purchases of hurricane-preparedness items or supplies as defined in this Subsection that occur during an eligible tax exemption period.

(2) * * *

(b) For purposes of this Section, "eligible tax exemption period" shall mean purchases of hurricane-preparedness items or supplies during the last ~~weekend in May of each year beginning at 12:01 a.m. on Saturday and ending at 11:59 p.m. on Sunday~~ **consecutive Saturday and Sunday of July each year.**

* * *

F. The provisions of this Section shall not apply to hurricane-preparedness items or supplies ~~sold at any airport, public lodging establishment or hotel, convenience store, or entertainment complex~~ **not purchased from a physical retail location in the state.**

* * *

§305.62. Exemption; Annual Louisiana Second Amendment Weekend Holiday

* * *

B.(1) Notwithstanding any other provisions of law to the contrary, the sales and use tax levied by the state of Louisiana and its political subdivisions shall not apply to **the first two thousand five hundred dollars of** the sales price or cost price of any consumer purchases of firearms, ammunition, and hunting supplies that occur each calendar year on the ~~first consecutive Friday through Sunday of September~~ **last consecutive Saturday and Sunday of July.**

(2) For purposes of this Section, "consumer purchases" shall mean purchases by individuals of firearms, ammunition, and hunting supplies not for business

1 purposes. Consumer purchases shall not include the purchase of animals for the use
2 of hunting **or items not purchased from a physical retail location in the state.**

3 (3) For the purposes of this Section, "hunting supplies" shall mean purchases
4 of any tangible personal property for the use of hunting, including but not limited to
5 archery, ~~off-road vehicles, and vessels such as ATVs, airboats, and pirogues~~
6 accessories, animal feed, apparel, shoes, bags, float tubes, binoculars, tools, firearm
7 and archery cases, firearm and archery accessories, range finders, knives, decoys,
8 treestands, blinds, chairs, optics, hearing protection and enhancements, holsters,
9 belts, slings, ~~and miscellaneous gear,~~ **and nontitled vehicles and vessels.**

10 * * *

11 §321. Imposition of tax

12 * * *

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

18 * * *

19 **(11) Eligible purchases made during the annual sales tax holidays as**
20 **provided in R.S. 47:305.54, 305.58, and 305.62.**

21 * * *

22 §321.1 Imposition of tax

23 * * *

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

29 * * *

1 **(111) Eligible purchases made during the annual sales tax holidays as**
2 **provided in R.S. 47:305.54, 305.58, and 305.62.**

3 * * *

4 §331. Imposition of tax

5 * * *

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

11 * * *

12 **(111) Eligible purchases made during the annual sales tax holidays as**
13 **provided in R.S. 47:305.54, 305.58, and 305.62.**

14 * * *

15 §337.9. Exemptions applicable to local tax in Chapters 2, 2-A, and 2-B; other
16 exemptions applicable

17 * * *

18 D. * * *

19 **(34) R.S. 47:305.54, "keywords": annual Louisiana sales tax holiday.**

20 **(35) R.S. 47:305.58, "keywords": annual hurricane preparedness sales**
21 **tax holiday.**

22 **(36) R.S. 47:305.62, "keywords": annual Louisiana Second Amendment**
23 **sales tax holiday.**

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

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

DIGEST

SB 234 Engrossed 2019 Regular Session Ward

Present law provides for three annual sales tax holidays: hurricane preparedness in May, general consumer purchases in August, and Second Amendment in September.

Present law provides for a state and local sales tax exemption for eligible purchases made during the Second Amendment sales tax holiday, but only for a state sales tax exemption for eligible purchases for the annual and hurricane preparedness holidays.

Proposed law provides a state and local sales tax exemption for eligible purchases for all three sales tax holidays.

Proposed law moves all three holidays to the last consecutive Saturday and Sunday in July.

Present law provides that the general sales tax holiday applies to the first \$2,500 of the purchase price of eligible items, the first \$1,500 of hurricane preparedness supplies, and the entire purchase price of eligible items purchased during the Second Amendment holiday.

Proposed law provides that all three holidays will apply to the first \$2,500 of the purchase price of any eligible items.

Proposed law provides that consumer purchases eligible for the three holidays do not include items not purchased from a physical retail location in the state.

Present law includes off-road vehicles, and vessels such as ATVs, airboats, and pirogues used for hunting purchased during the Second Amendment holiday to the list of eligible items.

Proposed law removes purchases of titled vessels and vehicles from the list of eligible items for the Second Amendment holiday.

Present law suspends all three sales tax holidays until July 1, 2025.

Proposed law adds the sales tax holidays to the list of currently applicable tax exemptions.

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

(Amends R.S. 47:305.54(B), 305.58(A)(1), (2)(b), and (F), and 305.62(B)(1), (2), and (3); adds R.S. 47:302(BB)(110), 321(P)(111), 321.1(I)(111), 331(V)(111), and 337.9(D)(34)-(36))

Summary of Amendments Adopted by Senate

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

1. Extends annual sales tax holiday and hurricane preparedness holiday exemptions to local sales tax.
2. Changes the holidays from three to two days.

3. Removes titled vehicles and vessels from eligible purchases for Second Amendment holiday.
4. Adds items not purchased from a physical retail location in the state from the list of eligible items for all three holidays.