

Regular Session, 2009

HOUSE BILL NO. 128

BY REPRESENTATIVE HENRY

TAX/SALES & USE: Authorizes an annual "sales tax holiday" for the purchase of firearms during Second Amendment Weekend (Second Amendment Recognition Act)

1 AN ACT

2 To enact R.S. 47:305.62, relative to state sales and use tax; to authorize a state "sales tax
3 holiday" at certain times for purchases of certain firearms; to provide for definitions;
4 to provide restrictions on the types of purchases eligible for the exemption; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:305.62 is hereby enacted to read as follows:

8 §305.62. Exemption; state sales tax holiday; Second Amendment Weekend; Second
9 Amendment Recognition Act; restrictions

10 A. The provisions of this Section shall be referred to as the "Second
11 Amendment Recognition Act".

12 B.(1) Notwithstanding any other provision of law to the contrary, the sales
13 and use tax levied by the state of Louisiana shall not apply to purchases of a firearm
14 that occur during an eligible tax exemption period.

15 (2)(a) For purposes of this Section, "firearm" shall mean a shotgun, rifle,
16 pistol, revolver, or other handgun.

17 (b) For purposes of this Section, "eligible tax exemption period" shall mean
18 the Second Amendment Weekend, which shall begin each year at 12:01 a.m. on the
19 Friday after Thanksgiving and end at 11:59 p.m. on Sunday.

1 C. This Section shall apply if and only if during an eligible tax exemption
2 period the title to or possession of an eligible firearm is transferred from a selling
3 dealer to a purchaser.

4 D. Eligible firearms that customers purchase during the eligible tax
5 exemption period with "rain checks" shall qualify for exemption, regardless of when
6 the "rain checks" are issued. However, issuance of "rain checks" during the
7 exemption period shall not qualify a firearm for exemption if the otherwise eligible
8 firearm was actually purchased after conclusion of the eligible tax exemption period.

9 E.(1) When a customer purchases an eligible firearm during the eligible tax
10 exemption period and exchanges the firearm without additional cash consideration
11 after conclusion of the eligible tax exemption period for an essentially identical
12 firearm, no additional tax is due.

13 (2) When a customer, after conclusion of the eligible tax exemption period
14 returns an eligible firearm that was purchased during the eligible tax exemption
15 period and receives credit on the purchase of a different item, the appropriate sales
16 tax is due on the purchase of the new item.

17 F. For a sixty-day period after conclusion of the eligible tax exemption
18 period, when a customer returns a firearm that would qualify for an exemption, no
19 credit or refunds of sales tax shall be given unless the customer provides a receipt or
20 invoice that shows that the state sales tax was paid or the dealer has sufficient
21 documentation that shows that the tax was paid on the specific item. This sixty-day
22 period is not intended to change a dealer's policy concerning the time period during
23 which returns will be accepted.

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)]

Henry

HB No. 128

Abstract: The "Second Amendment Recognition Act" to authorize a state "sales tax holiday" on the purchase of a firearm during the annual Second Amendment Weekend (Thanksgiving weekend).

Proposed law provides for a state "sales tax holiday" on firearms purchased during the annual Second Amendment Weekend which begins each year at 12:01 a.m. on the Friday after Thanksgiving and ends at 11:59 p.m. on Sunday.

Proposed law defines "firearm" as a shotgun, rifle, pistol, revolver, or other handgun.

Proposed law provides for the tax treatment of exempt firearms relative to exchanges, rainchecks, and refunds.

(Adds R.S. 47:305.62)