ENROLLED

2020 Second Extraordinary Session

HOUSE BILL NO. 26

BY REPRESENTATIVES SCHEXNAYDER, ADAMS, BACALA, BISHOP, BOURRIAQUE, BROWN, BRYANT, CARRIER, GARY CARTER, COUSSAN, COX, CREWS, DESHOTEL, DUPLESSIS, EDMONDS, EMERSON, FIRMENT, FREEMAN, GAINES, HUGHES, JAMES, JEFFERSON, MIKE JOHNSON, TRAVIS JOHNSON, JORDAN, LACOMBE, LYONS, MCCORMICK, DUSTIN MILLER, NEWELL, ORGERON, PIERRE, ROMERO, SELDERS, STEFANSKI, THOMPSON, WHITE, AND WILLARD AND SENATOR BARROW

AN ACT

To enact R.S. 47:302(BB)(113), 305.74, 321(P)(114), 321.1(I)(114), and 331(V)(114), relative to sales and use tax; to establish a sales and use tax holiday for certain purchases; to provide for requirements and limitations; to provide for the effectiveness of the sales and use tax holiday; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302(BB)(113), 305.74, 321(P)(114), 321.1(I)(114), and 331(V)(114) are hereby enacted to read as follows:

§302. Imposition of tax

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BB. 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:

* * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

(113) Purchases of tangible personal property pursuant to the sales tax holiday as provided in R.S. 47:305.74.

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§305.74. Exemption; sales tax holiday; November 20th and 21st, 2020; Hurricane Laura, Hurricane Delta, and the COVID-19 pandemic

A.(1) Notwithstanding any other provision of law to the contrary, the sales and use tax levied by the state of Louisiana shall not apply to the first two thousand five hundred dollars of the sales price or cost price of any consumer purchases of tangible personal property that occur on Friday, November 20, 2020, and Saturday, November 21, 2020, in order to provide tax relief for citizens recovering from Hurricane Laura, Hurricane Delta, and the COVID-19 pandemic.

(2) For purposes of this Section, "consumer purchases" shall mean purchases of items of tangible personal property other than vehicles subject to license and title. Consumer purchases shall not include the purchase of meals furnished for consumption on the premises where purchased, including to-go orders.

B. This Section shall apply if and only if during the eligible tax exemption period one of the following occurs:

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

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

(3) The customer makes final payment and withdraws an item from layaway that might have been placed in layaway before the eligible tax exemption period.

(4) The customer orders and pays for an eligible item and the selling dealer accepts the order for immediate shipment, even if delivery is made after the eligible tax exemption period, provided that the customer has not requested delayed shipment.

C. Eligible items that customers purchase during the eligible tax exemption period with "rain checks" shall qualify for exemption, regardless of when the "rain

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checks" are issued. However, issuance of "rain checks" during the exemption period shall not qualify items for exemption if the otherwise eligible items are actually purchased after conclusion of the eligible tax exemption period.

D.(1) When a customer purchases an eligible item during the eligible tax exemption period and exchanges the item without additional cash consideration after conclusion of the eligible tax exemption period for an essentially identical item of different size, color, or other feature, no additional tax is due.

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

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

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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:

* * *

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(114) Purchases of tangible personal property pursuant to the sales tax holiday as provided in R.S. 47:305.74.

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§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:

* * *

(114) Purchases of tangible personal property pursuant to the sales tax holiday as provided in R.S. 47:305.74.

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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 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:

* * *

(114) Purchases of tangible personal property pursuant to the sales tax holiday as provided in R.S. 47:305.74.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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