

# HOUSE BILL No. 1129

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-2.5-6.1.

**Synopsis:** Sales tax refunds in disaster areas. Provides that a person who is the owner of a building that is located in a county declared a disaster area under federal law and that is damaged or destroyed as a result of a disaster occurring after December 31, 2011, is entitled to a refund of the state sales and use tax paid on the purchase of building materials that: (1) are used to repair the building or to construct a new building to replace the damaged or destroyed building; and (2) are purchased after the occurrence of the disaster by the owner of the building or by a contractor that is under contract with the owner.

**Effective:** Upon passage.

---

---

## Goodin

---

---

January 9, 2014, read first time and referred to Committee on Ways and Means.

---

---



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1129



A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-2.5-6.1 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]:  
4 **Chapter 6.1. Refunds of Tax Paid for Building Materials Used**  
5 **in Disaster Areas**  
6 **Sec. 1. As used in this chapter, "building" means any structure**  
7 **or facility (including appurtenances) that is designed or intended**  
8 **for the support, enclosure, shelter, or protection of persons,**  
9 **animals, or property, including any house, apartment building,**  
10 **mobile home, manufactured home, condominium, other residential**  
11 **structure, shed, barn, shelter, industrial structure or facility, or**  
12 **commercial structure or facility.**  
13 **Sec. 2. As used in this chapter, "building materials" means all**  
14 **tangible personal property that enters into and becomes a**  
15 **permanent part of a building.**  
16 **Sec. 3. As used in this chapter, "disaster" means damage**



1 resulting after December 31, 2011, from a flood, rain storm, ice  
 2 storm, wind storm, tornado, hurricane, earthquake, or terrorist  
 3 attack.

4 **Sec. 4.** As used in this chapter, "disaster area" means a county  
 5 that has been declared a disaster by the President of the United  
 6 States under 42 U.S.C. 5121 et seq.

7 **Sec. 5.** Subject to the requirements of this chapter, a person who  
 8 is the owner of a building that is located in a disaster area and that  
 9 is damaged or destroyed as a result of a disaster is entitled to a  
 10 refund of the gross retail tax and use tax paid on the purchase of  
 11 building materials that:

12 (1) are used to:

13 (A) repair the building damaged by the disaster; or

14 (B) construct a new building in the disaster area to replace  
 15 the building damaged or destroyed by the disaster; and

16 (2) are purchased after the occurrence of the disaster by:

17 (A) the owner of the building; or

18 (B) a contractor that is under contract with the owner.

19 **Sec. 6.** The amount of a refund made under this chapter for the  
 20 building materials that are used to repair or construct a building  
 21 as described in section 5 of this chapter is equal to the gross retail  
 22 tax and use tax paid on the purchase of the building materials.

23 **Sec. 7. (a)** To receive a refund under this chapter, the refund  
 24 must be claimed on a state tax return or returns in the manner  
 25 prescribed by the department, including all information that the  
 26 department determines is necessary for the calculation of the  
 27 refund.

28 (b) Notwithstanding IC 6-8.1-9 or any other law, a claim for  
 29 refund under this chapter must be filed by the owner of the  
 30 building with the department not later than three (3) years after  
 31 the date of the occurrence of the disaster.

32 **Sec. 8.** The owner of a building who receives a refund under this  
 33 chapter is not required to refund or otherwise return any amount  
 34 of the refund received by the owner to:

35 (1) any person who originally collected the gross retail tax or  
 36 use tax and remitted that tax to the department; or

37 (2) a contractor or subcontractor who paid the gross retail tax  
 38 or use tax on the purchase of the materials to fulfill the terms  
 39 of a contract.

40 **SECTION 2.** An emergency is declared for this act.

