

2016 First Extraordinary Session

HOUSE BILL NO. 120

BY REPRESENTATIVE STOKES

TAX/SALES-USE, STATE: Provides relative to the imposition of state sales tax on certain motor fuels (Items #9 and 36)

1 AN ACT

2 To amend and reenact R.S. 47:301(10)(x) and 305(D)(1)(a) and to enact R.S. 47:301.3,
3 relative to the state sales and use tax; to provide for certain definitions for purposes
4 of imposing the state sales and use tax on certain motor fuels; to provide for certain
5 exemptions relative to sales of gasoline; to impose state sales tax on the sales of
6 certain motor fuels; to provide for applicability; to provide for effectiveness; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:301(10)(x) and 305(D)(1)(a) are hereby amended and reenacted
10 and R.S. 47:301.3 is hereby enacted to read as follows:

11 §301. Definitions

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

15 * * *

16 (10)

17 * * *

18 (x) For purposes of the sales and use tax imposed by the state ~~or any political~~
19 ~~subdivision whose boundaries are coterminous with those of the state~~, the terms
20 "retail sale" or "sale at retail" shall not include the following:

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)]

HB 120 Original

2016 First Extraordinary Session

Stokes

Abstract: Imposes a state sales tax on sales of gasoline, diesel fuels, and special fuels and provides for limited applicability.

Present law provides definitions for purposes of the state sales and use tax and for the sales and use taxes imposed by certain political subdivisions.

Present law excludes sales of fuel, gas, butane, and propane from the definition of "sale at retail" for purposes of imposition of the state sales tax and sales tax imposed by a political subdivision with boundaries coterminous with the state.

Proposed law retains present law with respect to the exclusion for purposes of imposition of a sales tax imposed by the state on butane and propane but deletes the exclusion for sales of fuel and gas for purposes of imposition of the state sales tax.

Present law exempts the sale of gasoline from sales tax imposed by a taxing authority.

Proposed law repeals this exemption.

Proposed law imposes on the sale of gasoline, diesel fuels, and special fuels, the state sales and use taxes levied in R.S. 47:302, 321, and 331. Further prohibits the imposition of the state sales and use tax on amounts of the sales price of these fuels in excess of \$2/per gallon.

Effective when the proposed amendment of Article VII, §27(A) of the La. Const. is adopted at a statewide election and becomes effective.

(Amends R.S. 47:301(10)(x) and 305(D)(1)(a); Adds R.S. 47:301.3)