

2017 Regular Session

SENATE BILL NO. 31

BY SENATORS MORRELL AND GARY SMITH

TAX/SALES. Includes certain numismatic coins in the definition of tangible personal property subject to sales and use tax. (7/1/17)

1 AN ACT

2 To amend and reenact R.S. 47:301(16)(b)(ii) and the introductory paragraphs of R.S.
3 47:302(AA) and 321.1(F)(66) and to enact R.S. 47:302(AA)(29) and
4 321.1(F)(66)(u), relative to sales tax; to define certain numismatic coins as tangible
5 personal property; to provide with respect to the exclusion for sales of certain
6 precious metals and coins; to provide for effectiveness and applicability of the
7 exclusion; to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:301(16)(b)(ii) and the introductory paragraphs of R.S.
10 47:302(AA) and 321.1(F)(66) are hereby amended and reenacted and R.S. 47:302(AA)(29)
11 and 321.1(F)(66)(u) are hereby enacted to read as follows:

12 §301. Definitions

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

16 * * *
17 (16)(a) * * *

1 (b) The term "tangible personal property" shall not include:

2 * * *

3 (ii) Solely for purposes of sales and use taxes imposed by the state under R.S.
4 47:302, 321, and 331, gold, silver, or numismatic coins **having a sales price of no**
5 **more than one thousand dollars or sold at a national, statewide, or multi-parish**
6 **numismatic trade show**, or platinum, gold, or silver bullion.

7 * * *

8 §302. Imposition of tax

9 * * *

10 AA. Notwithstanding any other provision of this Section to the contrary,
11 beginning July 1, 2016, **except Paragraph (29) of this Subsection**, the following
12 specific exclusions and exemptions shall be applicable to the tax levied pursuant to
13 the provisions of this Section:

14 * * *

15 **(29) Beginning October 1, 2017, sales and purchases of gold, silver, or**
16 **numismatic coins having a sales price of no more than one thousand dollars or**
17 **sold at a national, statewide, or multi-parish numismatic trade show, or**
18 **platinum, gold, or silver bullion, as provided in R.S. 47:301(16)(b)(ii).**

19 * * *

20 §321.1. Imposition of Tax

21 * * *

22 F. Notwithstanding any other provision of law to the contrary, including but
23 not limited to any contrary provision of this Chapter, there shall be no exemptions
24 or exclusions as defined in R.S. 47:301 to the tax levied pursuant to the provisions
25 of this Section, except for the sales or purchases of the following items:

26 * * *

27 (66) Beginning July 1, 2016, **except as provided in Subparagraph (u) of**
28 **this Paragraph**, in addition to those exclusions and exemptions provided for in
29 Paragraphs (1) through (65) of this Subsection, the following exclusions and

1 exemptions shall be allowable for purposes of the tax levied pursuant to the
2 provisions of this Section:

3 * * *

4 **(u) Beginning October 1, 2017, sales and purchases of gold, silver, or**
5 **numismatic coins having a sales price of no more than one thousand dollars or**
6 **sold at a national, statewide, or multi-parish numismatic trade show, or**
7 **platinum, gold, or silver bullion, as provided in R.S. 47:301(16)(b)(ii), and**
8 **notwithstanding any provision of 47:301(16)(b)(ii) to the contrary, this exclusion**
9 **shall be applicable for the tax imposed under this Section.**

10 * * *

11 Section 2. This Act shall become effective on July 1, 2017.

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

DIGEST

SB 31 Engrossed

2017 Regular Session

Morrell

Present law defines tangible personal property for purposes of taxation and provides that tangible personal property does not include gold, silver, or numismatic coins, or platinum, gold, or silver bullion.

Proposed law retains present law but requires that coins have a sales price of \$1,000 or less or be sold at a national, statewide, or multi-parish numismatic trade show in order to be excluded from the definition of tangible personal property.

Present law partially suspends the state sales and use tax exclusion for purchases of gold, silver, or numismatic coins, or platinum, gold, or silver bullion subjecting these purchases to state sales and use tax at the rate of three percent until July 1, 2018.

Proposed law excludes purchases of gold, silver, or numismatic coins with a sales price of no more than \$1,000 or sold at a national, statewide, or multi-parish numismatic trade show, and platinum, gold, or silver bullion from all state sales and use tax beginning October 1, 2017.

Effective July 1, 2017.

(Amends R.S. 47:301(16)(b)(ii), 302(AA)(intro para), and 321.1(F)(66)(intro para); adds R.S. 47:302(AA)(29) and 321.1(F)(66)(u))

Summary of Amendments Adopted by Senate

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

1. Changes exclusion for numismatic coins to those coins with sales price of no more than \$1,000 or those coins sold at a national, statewide, or multi-parish

numismatic trade show.

2. Adds the numismatic coin and bullion exclusion to the list of fully applicable sales tax exclusions and exemptions.