

2017 -- H 5355

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO TAXATION -- SALES AND USE TAXES--LIABILITY AND
COMPUTATION

Introduced By: Representatives Marshall, Hearn, O'Brien, Costantino, and Tobon

Date Introduced: February 02, 2017

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 44-18-18 and 44-18-20 of the General Laws in Chapter 44-18
2 entitled "Sales and Use Taxes - Liability and Computation" are hereby amended to read as
3 follows:

4 **44-18-18. Sales tax imposed.**

5 (a) A tax is imposed upon sales at retail in this state including charges for rentals of living
6 quarters in hotels as defined in § 42-63.1-2, rooming houses, or tourist camps, at the rate of six
7 percent (6%) of the gross receipts of the retailer from the sales or rental charges; provided, that
8 the tax imposed on charges for the rentals applies only to the first period of not exceeding thirty
9 (30) consecutive calendar days of each rental; provided, further, that for the period commencing
10 July 1, 1990, the tax rate is seven percent (7%). The tax is paid to the tax administrator by the
11 retailer at the time and in the manner provided. Excluded from this tax are those living quarters in
12 hotels, rooming houses, or tourist camps for which the occupant has a written lease for the living
13 quarters which lease covers a rental period of twelve (12) months or more. ~~In recognition of the
14 work being performed by the streamlined sales and use tax governing board, upon passage of any
15 federal law that authorizes states to require remote sellers to collect and remit sales and use taxes,
16 the rate imposed under this section shall be reduced from seven percent (7%) to six and one half
17 percent (6.5%). The six and one half percent (6.5%) rate shall take effect on the date that the state
18 requires remote sellers to collect and remit sale and use taxes.~~

1 **(b) For the period commencing July 1, 2017, the sales tax rate shall decrease to six and**
2 **three quarters percent (6.75%) and shall continue to decrease by one quarter percent (.25%) in**
3 **each fiscal year thereafter until it reaches the level of six and one quarter percent (6.25%).**

4 **44-18-20. Use tax imposed.**

5 (a) An excise tax is imposed on the storage, use, or other consumption in this state of
6 tangible personal property; prewritten computer software delivered electronically or by load and
7 leave; or services as defined in § 44-18-7.3, including a motor vehicle, a boat, an airplane, or a
8 trailer, purchased from any retailer at the rate of six percent (6%) of the sale price of the property.

9 (b) An excise tax is imposed on the storage, use, or other consumption in this state of a
10 motor vehicle, a boat, an airplane, or a trailer purchased from other than a licensed motor vehicle
11 dealer or other than a retailer of boats, airplanes, or trailers respectively, at the rate of six percent
12 (6%) of the sale price of the motor vehicle, boat, airplane, or trailer.

13 (c) The word "trailer," as used in this section and in § 44-18-21, means and includes those
14 defined in § 31-1-5(a) -- (e) and also includes boat trailers, camping trailers, house trailers, and
15 mobile homes.

16 (d) Notwithstanding the provisions contained in this section and in § 44-18-21 relating to
17 the imposition of a use tax and liability for this tax on certain casual sales, no tax is payable in
18 any casual sale:

19 (1) When the transferee or purchaser is the spouse, mother, father, brother, sister, or child
20 of the transferor or seller;

21 (2) When the transfer or sale is made in connection with the organization, reorganization,
22 dissolution, or partial liquidation of a business entity, provided:

23 (i) The last taxable sale, transfer, or use of the article being transferred or sold was
24 subjected to a tax imposed by this chapter;

25 (ii) The transferee is the business entity referred to or is a stockholder, owner, member, or
26 partner; and

27 (iii) Any gain or loss to the transferor is not recognized for income tax purposes under the
28 provisions of the federal income tax law and treasury regulations and rulings issued thereunder;

29 (3) When the sale or transfer is of a trailer, other than a camping trailer, of the type
30 ordinarily used for residential purposes and commonly known as a house trailer or as a mobile
31 home; or

32 (4) When the transferee or purchaser is exempt under the provisions of § 44-18-30 or
33 other general law of this state or special act of the general assembly of this state.

34 (e) The term "casual" means a sale made by a person other than a retailer, provided, that

1 in the case of a sale of a motor vehicle, the term means a sale made by a person other than a
2 licensed motor vehicle dealer or an auctioneer at an auction sale. In no case is the tax imposed
3 under the provisions of subsections (a) and (b) of this section on the storage, use, or other
4 consumption in this state of a used motor vehicle less than the product obtained by multiplying
5 the amount of the retail dollar value at the time of purchase of the motor vehicle by the applicable
6 tax rate; provided, that where the amount of the sale price exceeds the amount of the retail dollar
7 value, the tax is based on the sale price. The tax administrator shall use as his or her guide the
8 retail dollar value as shown in the current issue of any nationally recognized, used-vehicle guide
9 for appraisal purposes in this state. On request within thirty (30) days by the taxpayer after
10 payment of the tax, if the tax administrator determines that the retail dollar value as stated in this
11 subsection is inequitable or unreasonable, he or she shall, after affording the taxpayer reasonable
12 opportunity to be heard, re-determine the tax.

13 (f) Every person making more than five (5) retail sales of tangible personal property or
14 prewritten computer software delivered electronically or by load and leave, or services as defined
15 in § 44-18-7.3 during any twelve-month (12) period, including sales made in the capacity of
16 assignee for the benefit of creditors or receiver or trustee in bankruptcy, is considered a retailer
17 within the provisions of this chapter.

18 (g) (1) "Casual sale" includes a sale of tangible personal property not held or used by a
19 seller in the course of activities for which the seller is required to hold a seller's permit or permits
20 or would be required to hold a seller's permit or permits if the activities were conducted in this
21 state, provided that the sale is not one of a series of sales sufficient in number, scope, and
22 character (more than five (5) in any twelve-month (12) period) to constitute an activity for which
23 the seller is required to hold a seller's permit or would be required to hold a seller's permit if the
24 activity were conducted in this state.

25 (2) Casual sales also include sales made at bazaars, fairs, picnics, or similar events by
26 nonprofit organizations, that are organized for charitable, educational, civic, religious, social,
27 recreational, fraternal, or literary purposes during two (2) events not to exceed a total of six (6)
28 days duration each calendar year. Each event requires the issuance of a permit by the division of
29 taxation. Where sales are made at events by a vendor that holds a sales tax permit and is not a
30 nonprofit organization, the sales are in the regular course of business and are not exempt as casual
31 sales.

32 (h) The use tax imposed under this section for the period commencing July 1, 1990, is at
33 the rate of seven percent (7%). ~~In recognition of the work being performed by the streamlined~~
34 ~~sales and use tax governing board, upon passage of any federal law that authorizes states to~~

1 ~~require remote sellers to collect and remit sales and use taxes, effective the first (1st) day of the~~
2 ~~first (1st) state fiscal quarter following the change, the rate imposed under § 44-18-18 shall be~~
3 ~~reduced from seven percent (7.0%) to six and one half percent (6.5%). The six and one half~~
4 ~~percent (6.5%) rate shall take effect on the date that the state requires remote sellers to collect and~~
5 ~~remit sales and use taxes.~~

6 For the period commencing July 1, 2017, the use tax rate shall decrease to six and three
7 quarters percent (6.75%) and shall continue to decrease by one quarter percent (.25%) in each
8 fiscal year thereafter until it reaches the level of six and one quarter percent (6.25%).

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO TAXATION -- SALES AND USE TAXES--LIABILITY AND
COMPUTATION

1 This act would reduce the sales and use tax, commencing July 1, 2017, from the current
2 level of seven percent (7%) in yearly increments of one quarter percent (.25%), until the level of
3 six and one quarter percent (6.25%) is reached.

4 This act would take effect upon passage.

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