

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2633

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5 By: Representative Mahony
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For An Act To Be Entitled

9 AN ACT TO EXTEND THE GROSS RECEIPTS TAX TO ALL
10 AUCTION SALES AND CONSIGNMENT SALES UNLESS AN
11 EXEMPTION APPLIES TO A SPECIFIC SALE; TO PROVIDE
12 THAT SALES BY AUCTIONEERS AND CONSIGNEES ARE NOT
13 EXEMPT AS ISOLATED SALES; AND FOR OTHER PURPOSES.
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Subtitle

15 IMPOSES SALES TAX ON ALL AUCTION SALES
16 AND CONSIGNMENT SALES UNLESS AN
17 EXEMPTION APPLIES TO A SPECIFIC SALE;
18 AND EXCLUDES AUCTION SALES AND
19 CONSIGNMENT SALES FROM THE ISOLATED
20 SALES EXEMPTION.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 26, Chapter 52, Subchapter 3, is
27 amended to add an additional section to read as follows:

28 26-52-315. (a) The gross receipts derived from all auction sales and
29 consignment sales of new or used tangible personal property shall be subject
30 to the Arkansas gross receipts tax levied by the Arkansas Gross Receipts Act
31 of 1941, as amended, § 26-52-101 et seq., and by any act supplemental
32 thereto, unless a sale is exempt from tax pursuant to an exemption provided
33 to the purchaser of the tangible personal property.

34 (b) Auctioneers and consignees shall be considered the sellers of all
35 items sold and the exemption for isolated sales provided in § 26-52-401(17)
36 shall not apply to any sales by auctioneers or consignees.



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SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that revenue available for the support of necessary state services has declined during the last twelve months as a result of the nationwide economic slow down; that without additional revenue, some state services will be reduced or eliminated; that some Arkansans will suffer as a result of service reductions or cuts; and that this bill will provide necessary revenue to avoid state service reductions or cuts. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on July 1, 2003.