

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
4

As Engrossed: H3/3/03
A Bill

Act 374 of 2003
HOUSE BILL 1614

5 By: Representative Oglesby
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7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE APPLICATION OF LOCAL TAX TO
10 ITEMS DELIVERED OUTSIDE OF A CITY OR COUNTY AND
11 TO ITEMS SOLD BY METER AND ROUTE DELIVERY; AND
12 FOR OTHER PURPOSES.
13

Subtitle

15 TO CLARIFY THE APPLICATION OF LOCAL TAX
16 TO ITEMS DELIVERED OUTSIDE OF A CITY OR
17 COUNTY AND TO ITEMS SOLD BY METER AND
18 ROUTE DELIVERY.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 26-74-212(a)(1), pertaining to the
24 application of local sales and use tax, is amended to read as follows:

25 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,
26 A a county sales tax levied ~~pursuant to the authority granted in under~~ this
27 subchapter or in § 26-74-301 et seq. shall ~~be applicable~~ apply to sales of
28 items and services sold by a business located in the levying county to a
29 resident or nonresident of the levying county but shall not ~~be applicable~~
30 apply to the sale of motor vehicles to nonresidents of the county~~;~~.

31 (B) ~~provided, however, the~~ The tax shall not ~~be applicable~~
32 apply to the sale of items and services sold to a nonresident of the levying
33 county if:

34 (i) ~~the~~ The sale is made for delivery to an address
35 *which is in a city or county that does not impose a city or county sales tax,*
36 ~~and~~



1 (ii) ~~the~~ The sale is of an item that is primarily
2 sold through meter and by route delivery, without regard to the manner by
3 which the item was ordered;

4 (iii) ~~if the~~ The sale is documented by a sales
5 invoice indicating that the sale was made for delivery, outside of the
6 levying county; and

7 (iv) ~~that~~ The delivery was actually made to the
8 ~~person at the place~~ address noted ~~thereon~~ on the invoice ~~located outside a~~
9 ~~county or city in which a sales tax is levied.~~

10
11 SECTION 2. Arkansas Code § 26-74-212(b), pertaining to the application
12 of local sales and use tax, is amended to read as follows:

13 (b) The tax shall not ~~be applicable~~ apply to the sale of the following
14 items, if the sale is made to a nonresident of the levying county and the
15 sales invoice indicates that the sale was made for delivery to, and delivery
16 *was actually made to, an address which is located in a city or county that*
17 *does not impose a city or county sales tax:*

- 18 (1) Aviation fuel;
19 (2) Distillate special fuel used for agricultural purposes;
20 (3) Agricultural machinery, parts, repairs, and supplies
21 therefor;
22 (4) Water wells and water well supplies;
23 (5) Agricultural feed, seed, and fertilizer; and
24 (6) Agricultural chemicals.

25
26 SECTION 3. Arkansas Code § 26-74-608(a)(1), pertaining to the
27 application of local sales tax, is amended to read as follows:

28 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,
29 A a tax levied ~~pursuant to the authority granted in~~ under this subchapter
30 shall ~~be applicable~~ apply to sales of items and services sold by a business
31 located in the eligible county to a resident or nonresident of the eligible
32 county but shall not ~~be applicable~~ apply to the sale of motor vehicles to
33 nonresidents of the eligible county.

34 (B) ~~Provided, however, the~~ The tax shall not ~~be applicable~~
35 apply to the sale of items and services sold to a nonresident of the eligible
36 county if:

1 ~~(i) the~~ The sale is made for delivery to an address
2 *that is in a city or county that does not impose a city or county sales tax*
3 tax;

4 ~~(ii) and the~~ The sale is of an item that is
5 primarily sold through meter and by route delivery, without regard to the
6 manner by which the item is ordered;

7 ~~(iii) if the~~ The sale is documented by a sales
8 invoice indicating that the sale was made for delivery to a place outside of
9 the eligible county; and

10 ~~(iv) that~~ The delivery was actually made to the
11 ~~person at the place~~ address noted ~~thereon~~ on the invoice ~~located outside a~~
12 ~~county or city in which a sales tax is levied.~~

13
14 SECTION 4. Arkansas Code § 26-74-608(b), pertaining the application
15 of local sales and use tax, is amended to read as follows:

16 (b) The tax shall not be applicable to the sale of the following items
17 if the sale is made to a nonresident of the eligible county and if the sales
18 invoice indicates that the sale was made for delivery to and delivery was
19 *actually made to an address that is located in a city or county that does not*
20 *impose a city or county sales tax:*

- 21 (1) Aviation fuel;
- 22 (2) Distillate special fuel used for agricultural purposes;
- 23 (3) Agricultural machinery, parts, repairs, and supplies
- 24 therefor;
- 25 (4) Water wells and water well supplies;
- 26 (5) Agricultural feed, seed, and fertilizer; and
- 27 (6) Agricultural chemicals.

28
29 SECTION 5. Arkansas Code § 26-75-216(a)(1), pertaining to the
30 application of local sales and use tax, is amended to read as follows:

31 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,
32 A a city sales tax levied ~~pursuant to the authority granted in~~ under this
33 subchapter or in § 26-75-301 et seq. shall ~~be applicable~~ apply to sales of
34 items and services sold by a business located in a levying city to a resident
35 or nonresident of the levying city but shall not ~~be applicable~~ apply to motor
36 vehicles sold to nonresidents of the levying city+.

1 ~~(B) provided, however, the~~ The tax shall not be applicable
2 apply to the sale of items and services sold to a nonresident of the levying
3 city if:

4 ~~(i) the~~ The sale is made for delivery to an address
5 *which is in a city or county that does not impose a city or county sales*
6 *tax;*

7 ~~(ii) and the~~ The sale is of an item that is
8 primarily sold through meter and by route delivery, without regard to the
9 manner by which the item was ordered;

10 ~~(iii) if such~~ The sale is documented by a sales
11 invoice indicating that the sale was made for delivery outside of the levying
12 city; and

13 ~~(iv) that~~ The delivery was actually made to the
14 ~~person at the place~~ address noted ~~thereon~~ on the invoice ~~located outside a~~
15 ~~city or county in which a sales tax is levied.~~

16
17 SECTION 6. Arkansas Code § 26-75-216(b), pertaining to the application
18 of local sales and use tax, is amended to read as follows:

19 (b) The tax shall not be applicable to the sale of the following
20 items, if the sale is made to a nonresident of the levying city and the sales
21 invoice indicates that the sale was made for delivery to, and delivery was
22 *actually made to, an address which is located in a city or county that does*
23 *not impose a city or county sales tax:*

- 24 (1) Aviation fuel;
- 25 (2) Distillate special fuel used for agricultural purposes;
- 26 (3) Agricultural machinery, parts, repairs and supplies
27 therefor;
- 28 (4) Water wells and water well supplies;
- 29 (5) Agricultural feed, seed, and fertilizer; and
- 30 (6) Agricultural chemicals.

31
32 SECTION 7. EFFECTIVE DATE. This act shall become effective on the
33 first day of the calendar month following the ninetieth day after the sine
34 die adjournment of this session or the first day of the calendar month
35 following the ninetieth day after a recess or adjournment for a period longer
36 than ninety (90) days.

/s/ Oglesby

APPROVED: 3/13/2003

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