

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2236

"TO AUTHORIZE THE DIRECT ASSESSMENT OF EXCISE TAX FOR CONSUMERS WHO
PURCHASE UNTAXED TOBACCO PRODUCTS AND UNSTAMPED CIGARETTES."

Amendment No. 1 to House Bill No. 2236.

Amend House Bill No. 2236 as originally introduced:

Page 2, delete lines 30 through 36, and substitute the following:

"SECTION 2. Arkansas Code § 26-57-244 is amended to read as follows:
26-57-244. Possession of untaxed, unstamped products – Notice and
prima facie evidence.

(a) It is unlawful for any person to receive or have in his possession for sale, consumption, or any other purpose, any untaxed tobacco products or unstamped cigarettes ~~tobacco products upon which~~ unless the tax prescribed by this subchapter has ~~not~~ been paid directly to the director by the person in possession of the untaxed tobacco products or unstamped cigarettes.

(b) The absence of the stamps from any container of cigarettes is notice to all persons that the tax has not been paid and is prima facie evidence of the nonpayment of the tax.

(c) If tax has been paid to the Director on any untaxed tobacco products or unstamped cigarettes, a consumer may establish proof of such payment by providing a receipt or any other documentation that clearly indicates that the tax was paid.

(d) The provisions of this section do not relieve any retail cigarette and tobacco permit holder from the obligations placed on them by §26-57-228.

(e) No retail cigarette or tobacco permit holder shall have in their possession any unstamped cigarettes nor shall they have in their possession any tobacco products on which the tax prescribed by this subchapter has not been paid.

(f) An Arkansas consumer who purchases any untaxed tobacco products or unstamped cigarettes shall be liable for reporting and remitting all excise tax due on such tobacco products or cigarettes as levied under the Arkansas Tobacco Products Tax Act, § 26-57-201 et seq.

(1) The tax due shall be reported on forms provided by the director on or before the fifteenth (15th) day of the month following the month in which the untaxed purchase was made.

(2) The report shall provide the information prescribed by the director.

(3) When a report is filed, the consumer shall remit the full



amount of tax due on the untaxed purchase to the director.

(g) The director of the Arkansas Department of Finance and Administration is authorized to directly assess the excise tax due on any untaxed tobacco products or unstamped cigarettes against a consumer who purchases such items and fails to report and remit the excise tax due in a timely manner.

(h) Subsections (f) and (g) of this section shall be subject to the provisions of the Arkansas Tax Procedure Act, §26-18-101 et seq.

~~(e)~~(i) The provisions of this section shall not apply to wholesalers and common carriers.”

AND

Page 2, delete lines 1 through 28

The Amendment was read _____

By: Representative D. Evans
LMG/KSW - 03-09-2007 09:35
LMG208

Chief Clerk