

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 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 12

4
5 By: Senator Altes
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For An Act To Be Entitled

8
9 AN ACT TO CREATE A BACK-TO-SCHOOL TAX-FREE
10 HOLIDAY BY EXEMPTING ITEMS OF CLOTHING FROM SALES
11 AND USE TAX DURING A LIMITED TIME PERIOD; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14
15 TO CREATE A BACK-TO-SCHOOL TAX-FREE
16 HOLIDAY BY EXEMPTING ITEMS OF CLOTHING
17 FROM SALES AND USE TAX DURING A LIMITED
18 TIME PERIOD.
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20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 26, Chapter 52, Subchapter 4 is amended
24 to add an additional section to read as follows:

25 26-52-442. Sales tax holiday for clothing.

26 (a) As used in this section, "clothing" means all human wearing
27 apparel suitable for general use.

28 (b) The gross receipts or gross proceeds derived from the sale of
29 clothing is exempt from the gross receipts tax levied by the Arkansas Gross
30 Receipts Act of 1941, § 26-52-101 et seq. and the compensating use tax levied
31 by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., every year
32 from 12:01 a.m. until 11:59 p.m. on the first Saturday in August.

33 (c) The exemption in subsection (b) of this section does not apply to:

34 (1) An item of clothing in which the gross receipts or gross
35 proceeds paid for the item of clothing exceeds seventy-five dollars (\$75.00);

36 (2) Sport or recreational equipment that is worn in conjunction



1 with an athletic or recreational activity and is not suitable for general
2 use;

3 (3) Clothing accessories or equipment and similar items worn on
4 the person or in conjunction with clothing; and

5 (4) Protective equipment that is worn and designed as protection
6 of the wearer against injury or disease or as protection against damage or
7 injury of other persons or property and is not suitable for general use.

8 (d) The Department of Finance and Administration shall promulgate
9 rules to implement this section.

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11 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that clothing school children is
13 very costly; that the cost of clothing school children is always increasing;
14 that to help defray the cost of clothing school children a sales tax holiday
15 on the sale of clothing is necessary; and that in order to ensure that
16 families are able to enjoy this exemption when purchasing school clothes for
17 the upcoming school year this act should become effective on June 1, 2009.
18 Therefore, an emergency is declared to exist, and this act being necessary
19 for the preservation of the public peace, health, and safety shall become
20 effective on June 1, 2009.

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