

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

SENATE BILL 160

4 By: Senators Walters and Brown

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## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 26-52-103 TO  
9 PROVIDE THAT GROSS RECEIPTS OR GROSS PROCEEDS SHALL  
10 NOT INCLUDE MANUFACTURER REBATES; AND FOR OTHER PURPOSES."

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## Subtitle

12 "TO EXEMPT MANUFACTURER REBATES FROM  
13 GROSS RECEIPTS TAX."  
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 SECTION 1. Arkansas Code §26-52-103(a)(4) is hereby amended to read as  
19 follows:

20 "(4) Gross receipts or gross proceeds means the total amount  
21 of consideration for the sale of tangible personal property and such services  
22 as are herein specifically provided for, whether the consideration is in  
23 money or otherwise, without any deduction on account of the cost of the  
24 properties sold, labor service performed, interest paid, losses or any  
25 expenses whatsoever. However, the term gross receipts or gross proceeds  
26 shall not include the manufacturer's federal excise taxes levied upon  
27 articles if the manufacturer's federal excise taxes are separately stated or  
28 separately billed. Furthermore, as it relates to the sale of a new motor  
29 vehicle, gross receipts or gross proceeds shall not include manufacturer  
30 rebates whether received by the dealer or the purchaser. The term gross  
31 proceeds or gross receipts shall include the value of any goods, wares,  
32 merchandise, or property withdrawn or used from the established business or  
33 from the stock in trade of the established reserves for consumption or use in  
34 such business or by any other person;"

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1 SECTION 2. Arkansas Code §26-53-102(1) is amended to read as follows:

2 "(1) Sales price means the consideration paid or given, or  
3 contracted to be paid or given, by the purchaser to the vendor for the  
4 article of the tangible personal property including any services that are a  
5 part of the sale valued in money, whether paid in money or otherwise, and  
6 includes any amount for which credit is given to the purchaser by the vendor  
7 without any deduction therefrom on account of the cost of the property sold,  
8 the cost of materials used, labor or service cost, interest charged, losses,  
9 or any other expenses whatsoever; provided that cash discounts allowed and  
10 taken on sales shall not be included. Furthermore, as it relates to the sale  
11 of a new motor vehicle, sales price shall not include manufacturer rebates  
12 whether received by the dealer or the purchaser. Sales price shall not  
13 include the amount charged for property returned by customers upon rescission  
14 of the contract of sales when the entire amount charged therefor is refunded  
15 either in cash or credit, or the amount charged for labor or services  
16 rendered in installing or applying the property sold, the use, storage, or  
17 consumption of which is taxable under this subchapter. The term shall  
18 include, in addition to the consideration paid or given or contracted to be  
19 paid or given, the amount of any tariff or duty paid with respect to the  
20 importation of the article stored, used, or consumed in this state;"

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22 SECTION 3. All provisions of this act of a general and permanent  
23 nature are amendatory to the Arkansas Code of 1987 Annotated and the  
24 Arkansas Code Revision Commission shall incorporate the same in the Code.

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26 SECTION 4. If any provision of this act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 act are declared to be severable.

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32 SECTION 5. All laws and parts of laws in conflict with this act are  
33 hereby repealed.

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