

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 1027

5 By: Senator K. Ingram
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For An Act To Be Entitled

8 AN ACT CONCERNING THE DISPOSITION OF SALES AND USE
9 TAXES GENERATED FROM SALES OF MOTOR VEHICLES AND
10 AUTO-RELATED SALES AND SERVICES; TO DEDICATE THE
11 SALES AND USE TAX REVENUE GENERATED FROM SALES OF
12 MOTOR VEHICLES AND AUTO-RELATED SALES AND SERVICES TO
13 THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION
14 DEPARTMENT WHEN CERTAIN CONDITIONS ARE MET; AND FOR
15 OTHER PURPOSES.
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Subtitle

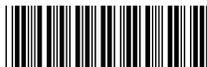
18 TO DEDICATE THE SALES AND USE TAX REVENUE
19 GENERATED FROM SALES OF MOTOR VEHICLES
20 AND AUTO-RELATED SALES AND SERVICES TO
21 THE ARKANSAS STATE HIGHWAY AND
22 TRANSPORTATION DEPARTMENT WHEN CERTAIN
23 CONDITIONS ARE MET.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code § 26-52-107 is amended to read as follows:
30 26-52-107. Disposition of taxes, interest, and penalties.

31 (a)(1) All ~~Except as provided under subsection (b) of this section,~~
32 the taxes, interest, penalties, and costs received by the Director of the
33 Department of Finance and Administration under ~~the provisions of~~ this chapter
34 shall be general revenues and shall be deposited into the State Treasury to
35 the credit of the State Apportionment Fund.

36 (2) The Treasurer of State shall allocate and transfer the ~~same~~



1 general revenues deposited under this subsection to the various State
 2 Treasury funds participating in general revenues in the respective
 3 proportions to each as provided by, and to be used for the respective
 4 purposes ~~set forth~~ stated in, the Revenue Stabilization Law, § 19-5-101 et
 5 seq.

6 (b)(1) The director shall determine the following conditions:

7 (A) That federal law authorizes the state to collect sales
 8 and use tax from sellers that do not have a physical presence in the state;
 9 and

10 (B) That some or all of the sellers that do not have a
 11 physical presence in the state make sales of taxable goods and services to
 12 purchasers in the state.

13 (2) When the director determines that the conditions in
 14 subdivision (b)(1) of this section have been met, then each month thereafter:

15 (A) The Chief Fiscal Officer of the State shall certify to
 16 the Treasurer of State:

17 (i) The amount of available net general revenues
 18 attributable to the collection of sales and use tax from sellers that do not
 19 have a physical presence in the state; and

20 (ii) The total amount of the following:

21 (a) The available net general revenues derived
 22 from the sale of motor vehicles; and

23 (b) Six percent (6%) of the available net
 24 general revenues generated under §§ 26-52-301, 26-52-302(a), 26-52-302(b),
 25 26-52-303, 26-52-317(c)(1)(A), 26-52-319(a)(4)(A), 26-53-106, 26-53-107(a),
 26 26-53-107(b), 26-53-145(c)(1)(A), and 26-53-148(a)(4)(A), which reflects an
 27 amount attributable to auto-related sales and services; and

28 (B)(i) The Treasurer of State shall deposit into the State
 29 Highway and Transportation Department Fund the total amount of available net
 30 general revenues determined under subdivision (b)(2)(A)(ii) of this section.

31 (ii) However, the amount deposited under subdivision
 32 (b)(2)(B)(i) of this section shall not exceed the amount determined in
 33 subdivision (b)(2)(A)(i) of this section.

34 (3) As used in this subsection, "auto-related sales and
 35 services" means:

36 (A) All parts, including without limitation tires and

1 batteries placed on or used by a motor vehicle; and

2 (B) All labor, installation, maintenance, and diagnostic
3 services, including without limitation repair services performed on a motor
4 vehicle.

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