SB447

145528-2

By Senators Taylor, Dial, Allen, Reed, Bedford, Irons, Dunn, Coleman and Fielding

RFD: Finance and Taxation Education

First Read: 16-APR-13
SYNOPSIS: Under existing law, certain school items and clothing are included in the annual sales tax holiday.

This bill would include band instruments purchased for use in a school band within the exemption from the sales and use tax during the annual sales tax holiday.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-23-210, Code of Alabama 1975, relating to the annual sales tax holiday; to include band instruments purchased for use in a school band within the exemption from the sales and use tax during the annual sales tax holiday.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-23-210, Code of Alabama 1975, is amended to read as follows:
As used in this article, the term "covered items" means the following:

"(1) Articles of clothing with a sales price of one hundred dollars ($100), or less, per article of clothing.

"a. "Clothing" means all human wearing apparel suitable for general use including sandals, shoes, and sneakers. Clothing shall not include:

"1. Belt buckles sold separately.

"2. Costume masks sold separately.

"3. Patches and emblems sold separately.

"4. Sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles.

"5. Sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers.

"b. In addition, clothing shall not include clothing accessories or equipment, protective equipment, or sport or recreational equipment; as defined herein.

"1. "Clothing accessories or equipment" means incidental items worn on the person or in conjunction with "clothing." The following list contains examples and is not intended to be an all-inclusive list. "Clothing accessories or equipment" shall include:

"(i) Briefcases.

"(ii) Cosmetics."
(iii) Hair notions, including, but not limited to, barrettes, hair bows, and hair nets.
(iv) Handbags.
(v) Handkerchiefs.
(vi) Jewelry.
(vii) Sun glasses, non-prescription.
(viii) Umbrellas.
(ix) Wallets.
(x) Watches.
(xi) Wigs and hair pieces.

2. "Protective equipment" means items for human wear and designed as protection of the wearer against injury or disease or as protections against damage or injury of other persons or property but not suitable for general use. The following list contains examples and is not intended to be an all-inclusive list. "Protective equipment" shall include:
(i) Breathing masks.
(ii) Clean room apparel and equipment.
(iii) Ear and hearing protectors.
(iv) Face shields.
(v) Hard hats.
(vi) Helmets.
(vii) Paint or dust respirators.
(viii) Protective gloves.
(ix) Safety glasses and goggles.
(x) Safety belts.
(xi) Tool belts.
"(xii) Welders gloves and masks.

"3. "Sport or recreational equipment" means items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use. The following list contains examples and is not intended to be an all-inclusive list. "Sport or recreational equipment" shall include:

"(i) Ballet and tap shoes.
"(ii) Cleated or spiked athletic shoes.
"(iii) Gloves, including, but not limited to, baseball, bowling, boxing, hockey, and golf.
"(iv) Goggles.
"(v) Hand and elbow guards.
"(vi) Life preservers and vests.
"(vii) Mouth guards.
"(viii) Roller and ice skates.
"(ix) Shin guards.
"(x) Shoulder pads.
"(xi) Ski boots.
"(xii) Waders.
"(xiii) Wetsuits and fins.

"(2) A single purchase, with a sales price of seven hundred fifty dollars ($750), or less, of computers, computer software, and school computer supplies.

"a. A "computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions."
"b. "Computer software" means a set of coded instructions designed to cause a "computer" or automatic data processing equipment to perform a task.

c. A "school computer supply" means an item commonly used by a student in a course of study in which a computer is used. The following is an all-inclusive list of school computer supplies:

"1. Computer storage media; diskettes, compact disks.

"2. Handheld electronic schedulers, except devices that are cellular phones.

"3. Personal digital assistants, except devices that are cellular phones.


"5. Printer supplies for computers; printer paper, printer ink.

"d. "Computer," "computer software," and "school computer supplies" shall not include furniture and any systems, devices, software, peripherals designed or intended primarily for recreational use, or video games of a noneducational nature.

"(3) Noncommercial purchases of school supplies, school art supplies, and school instructional material, up to a sales price of fifty dollars ($50) per item.

"a. "School supply" is an item commonly used by a student in a course of study. The following is an all-inclusive list:
1. Binders.
2. Book bags.
3. Calculators.
5. Blackboard chalk.
6. Compasses.
7. Composition books.
8. Crayons.
10. Folders; expandable, pocket, plastic, and manila.
11. Glue, paste, and paste sticks.
13. Index cards.
15. Legal pads.
16. Lunch boxes.
17. Markers.
18. Notebooks.
20. Pencil boxes and other school supply boxes.
22. Pencils.
23. Pens.
24. Protractors.
"25. Rulers.


"27. Writing tablets.

"b. "School art supply" is an item commonly used by a student in a course of study for artwork. The following is an all-inclusive list:

"1. Clay and glazes.

"2. Paints; acrylic, tempora, and oil.

"3. Paintbrushes for artwork.

"4. Sketch and drawing pads.

"5. Watercolors.

"c. "School instructional material" is written material commonly used by a student in a course of study as a reference and to learn the subject being taught. The following is an all-inclusive list:

"1. Reference maps and globes.

"2. Required textbooks on an official school book list with a sales price of more than thirty dollars ($30) and less than fifty dollars ($50).

"(4) Noncommercial purchases of books with a sales price of not more than thirty dollars ($30) per book. The term book shall mean a set of printed sheets bound together and published in a volume with an ISBN number, but does not include magazines, newspapers, periodicals, or any other document printed or offered for sale in a non-bound form.
"(5) The initial sales price of five hundred dollars ($500) or less per band instrument purchased for use in a school band."

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.