

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 126

5 By: Senator Hester
6 By: Representative Womack
7

For An Act To Be Entitled

9 AN ACT TO CREATE A SECOND AMENDMENT APPRECIATION
10 WEEKEND; TO CREATE A SALES TAX HOLIDAY FOR PURCHASES
11 OF CERTAIN HUNTING SUPPLIES; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CREATE A SECOND AMENDMENT APPRECIATION
16 WEEKEND.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 26, Chapter 52, Subchapter 4, is
22 amended to add an additional section to read as follows:

23 26-52-452. Second Amendment Appreciation Weekend.

24 (a) As used in this section:

25 (1) "Firearm" means the following:

26 (A) A shotgun;

27 (B) A rifle; and

28 (C) Any type of handgun, including a pistol and a
29 revolver;

30 (2) "Layaway sale" means a transaction in which property is set
31 aside for future delivery to a customer who makes a deposit, agrees to pay
32 the balance of the purchase price over a period of time, and at the end of
33 the payment period, receives the property; and

34 (3) "Rain check" means an agreement by which a seller allows a
35 customer to purchase an item at a certain price at a later time because the
36 particular item was out of stock.



1 (b) The gross receipts or gross proceeds derived from the sale of a
2 firearm or ammunition purchased by an individual for personal use are exempt
3 from the gross receipts tax levied by this chapter, and the compensating use
4 tax levied by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.,
5 every year from 12:01 a.m. on the second Saturday in September and ending at
6 11:59 p.m. the following Sunday.

7 (c) A sale of a firearm or ammunition under a layaway sale qualifies
8 for an exemption under this section if:

9 (1) The seller removes the firearm or ammunition from normal
10 inventory or clearly identifies the firearm or ammunition as sold to the
11 purchaser; and

12 (2) Either:

13 (A) The purchaser makes final payment on the layaway order
14 and the firearm or ammunition is given to the purchaser during the exemption
15 period stated in subsection (b) of this section; or

16 (B) The purchaser selects a firearm or ammunition and the
17 seller accepts the order for the firearm or ammunition during the exemption
18 period stated in subsection (b) of this section for immediate delivery upon
19 full payment, even if the delivery is made after the exemption period.

20 (d)(1) A firearm or ammunition purchased during the exemption period
21 stated in subsection (b) of this section with the use of a rain check
22 qualifies for the exemption regardless of when the rain check is issued.

23 (2) The issuance of a rain check during the exemption period
24 stated in subsection (b) of this section does not qualify the firearm or
25 ammunition for the exemption if the firearm or ammunition is actually
26 purchased after the exemption period stated in subsection (b) of this
27 section.

28 (e)(1)(A) If a person purchases a firearm or ammunition during the
29 exemption period stated in subsection (b) of this section and later exchanges
30 the firearm or ammunition for a similar item eligible for an exemption under
31 this section, sales tax is not due even if the exchange is made after the
32 exemption period stated in subsection (b) of this section.

33 (B) An item may be similar under subdivision (e)(1)(A) of
34 this section even if it is a different size or color or has different
35 features than the firearm or ammunition being exchanged.

36 (2) If a person purchases a firearm or ammunition during the

1 exemption period stated in subsection (b) of this section and, after the
2 exemption period stated in subsection (b) of this section ends, the person
3 returns the item and receives credit on the purchase of a different item,
4 sales tax is due on the sale of the newly purchased item.

5 (3) If a person purchases a firearm or ammunition before the
6 exemption period stated in subsection (b) of this section, returns the
7 firearm or ammunition during the exemption period stated in subsection (b) of
8 this section, and receives credit on the purchase of a different firearm or
9 ammunition, sales tax is not due on the sale of the new firearm or ammunition
10 if the firearm or ammunition is purchased during the exemption period.

11 (f)(1) For sixty (60) days immediately after the exemption period
12 stated in subsection (b) of this section, when a person returns a firearm or
13 ammunition that would qualify for an exemption under this section, a credit
14 for or refund of sales tax shall not be given unless the person provides a
15 receipt or invoice that shows sales tax was paid on the firearm or
16 ammunition.

17 (2) The sixty-day period stated in this subsection:

18 (A) Shall be used solely for the purpose of designating a
19 time period during which a person shall provide documentation that shows that
20 sales tax was paid on the returned firearm or ammunition; and

21 (B) Does not change a seller's policy on the time period
22 during which the seller accepts returns.

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24 SECTION 2. EFFECTIVE DATE. Section 1 of this act is effective on the
25 first day of the calendar quarter following the effective date of this act.
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