

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1737

By: Representatives Crawford, Lundstrum

For An Act To Be Entitled

AN ACT TO EXEMPT DELIVERY CHARGES FROM THE LEVY OF SALES AND USE TAX AND THE ARKANSAS SPECIAL EXCISE TAXES; AND FOR OTHER PURPOSES.

Subtitle

TO EXEMPT DELIVERY CHARGES FROM THE LEVY OF SALES AND USE TAX AND THE ARKANSAS SPECIAL EXCISE TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 26-52-103(7), concerning the definition of "delivery charge" under the Arkansas Gross Receipts Act of 1941, is amended to read as follows:

(7)(A) "Delivery charge" means a charge by a seller of tangible personal property or services for preparation and delivery to a location designated by the purchaser of the tangible personal property or services, including without limitation transportation, shipping, postage, handling, crating, and packing.

~~(B) If a shipment includes tax-exempt property and taxable property, the seller shall pay the tax imposed by this chapter only on the percentage of the delivery charge allocated to the taxable property by using:~~

~~(i) A percentage based on the total sales price of the taxable property compared to the total sales price of all property in the shipment; or~~

~~(ii) A percentage based on the total weight of the taxable property compared to the total weight of all property in the~~



shipment;

SECTION 2. Arkansas Code § 26-52-103(19)(A)(iv), concerning the inclusion of a delivery charge in the definition of "gross receipts", "gross proceeds", and "sales price" under the Arkansas Gross Receipts Act of 1941, is repealed.

~~(iv) Delivery charge;~~

SECTION 3. Arkansas Code § 26-52-103(19)(B), concerning items excluded from the definition of "gross receipts", "gross proceeds", or "sales price" under the Arkansas Gross Receipts Act of 1941, is amended to add an additional subdivision to read as follows:

(iv) A delivery charge;

SECTION 4. Arkansas Code § 26-53-102(19)(A)(iv), concerning the inclusion of a delivery charge in the definition of "sales price" or "purchase price" under the Arkansas Compensating Tax Act of 1949, is repealed.

~~(iv) Delivery charge;~~

SECTION 5. Arkansas Code § 26-53-102(19)(B), concerning items excluded from the definition of "sales price" or "purchase price" under the Arkansas Compensating Tax Act of 1949, is amended to add an additional subdivision to read as follows:

(iv) A delivery charge;

SECTION 6. Arkansas Code § 26-63-102(3)(A)(iv), concerning the inclusion of delivery charges in the definition of "gross receipts" or "gross proceeds" under Arkansas Special Excise Taxes, is repealed.

~~(iv) Delivery charge;~~

SECTION 7. Arkansas Code § 26-63-102(3)(B), concerning items excluded from the definition of "gross receipts" and "gross proceeds" under Arkansas Special Excise Taxes, is amended to add an additional subdivision to read as follows:

(iv) A delivery charge;

SECTION 8. EFFECTIVE DATE. Sections 1-7 of this act are effective on the first day of the calendar quarter following the effective date of this act.