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SENATE BILL NO. 1319

Offered January 14, 2015

A BILL to amend and reenact §§ 58.1-609.1, 58.1-611.2, and 58.1-611.3 of the Code of Virginia, relating to temporary exemption periods from retail sales and use taxes for qualifying items.

Patron—Saslaw

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-609.1, 58.1-611.2, and 58.1-611.3 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-609.1. Governmental and commodities exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such taxes would be specifically exempted pursuant to any provision of this section.

2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

4. Tangible personal property for use or consumption by the Commonwealth, any political subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and leases to privately owned financial and other privately owned corporations chartered by the United States. Further, this exemption shall not apply to tangible personal property which is acquired by the Commonwealth or any of its political subdivisions and then transferred to private businesses for their use in a facility or real property improvement to be used by a private entity or for nongovernmental purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

6. Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201, upon which a fuel tax is refunded pursuant to § 58.1-2259.

7. Sales by a government agency of the official flags of the United States, the Commonwealth of Virginia, or of any county, city or town.

8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407.

9. Watercraft as defined in § 58.1-1401.

10. Tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit corporation that operates a marine terminal or terminals on behalf of the Authority.

11. Sales by prisoners confined in state correctional facilities of artistic products personally made by the prisoners as authorized by § 53.1-46.

12. Tangible personal property for use or consumption by the Virginia Department for the Blind and Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

13. [Expired.]

14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at a canteen operated by the Department of Veterans Services.

15. Tangible personal property for use or consumption by any nonprofit organization whose members include the Commonwealth and other states and which is organized for the purpose of fostering interstate cooperation and excellence in government.

16. Tangible personal property purchased for use or consumption by any soil and conservation district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set

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59 forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination
60 thereof, that provides public transportation services.

61 18. (Effective until July 1, 2017) Qualified products designated as Energy Star or WaterSense with a
62 sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The
63 exemption provided by this subdivision shall apply only to sales occurring during the ~~four-day~~ *three-day*
64 period that begins each year on the *first Friday before the second Monday in October in August* and
65 ends at ~~midnight~~ *11:59 p.m. on the second Monday in October following Sunday*.

66 For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes
67 washer, air conditioner, ceiling fan, compact fluorescent light bulb, dehumidifier, programmable
68 thermostat, or refrigerator, the energy efficiency of which has been designated by the United States
69 Environmental Protection Agency and the United States Department of Energy as meeting or exceeding
70 each such agency's requirements under the Energy Star program. For the purposes of this exemption,
71 WaterSense qualified products are those that have been recognized as being water efficient by the
72 WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a
73 WaterSense label.

74 **§ 58.1-611.2. Limited exemption for certain school supplies, clothing, and footwear.**

75 Beginning in ~~2006~~ *2015*, for a three-day period that begins each year on the first Friday in August
76 and ends at ~~midnight~~ *11:59 p.m. on the first Sunday in August following Sunday*, the tax imposed by
77 this chapter or pursuant to the authority granted in § 58.1-605 or 58.1-606 shall not apply to certain (i)
78 school supplies, including, but not limited to, dictionaries, notebooks, pens, pencils, notebook paper, and
79 calculators, and (ii) clothing and footwear designed to be worn on or about the human body. The tax
80 exemption shall apply to each article of school supplies with a selling price of \$20 or less, and each
81 article of clothing or footwear with a selling price of \$100 or less. Any discount, coupon, or other credit
82 offered either by the retailer or by a vendor of the retailer to reduce the final price to the customer shall
83 be taken into account in determining the selling price for purposes of this exemption.

84 The Department shall develop guidelines that describe the items of merchandise that qualify for the
85 exemption and make such guidelines available, both electronically and in hard copy, no later than July
86 15 of each year.

87 **§ 58.1-611.3. (Expires July 1, 2017) Limited exemption for certain hurricane preparedness**
88 **equipment.**

89 Beginning in ~~2008~~ *2015*, for a ~~seven-day~~ *three-day* period that begins each year on ~~May 25 the first~~
90 ~~Friday in August~~ and ends at 11:59 p.m. on ~~May 31 the following Sunday~~, the tax imposed by this
91 chapter or pursuant to the authority granted in § 58.1-605 or 58.1-606 shall not apply to (i) portable
92 generators used to provide light or communications or preserve food in the event of a power outage and;
93 (ii) certain other hurricane preparedness equipment, including, but not limited to, blue ice, carbon
94 monoxide detectors, cell phone batteries, cell phone chargers, gas or diesel fuel tanks, nonelectric food
95 storage coolers, portable self-powered light sources, portable self-powered radios, two-way radios,
96 weather band radios, storm shutter devices, tarpaulins or other flexible waterproof sheeting, ground
97 anchor systems or tie down kits, gas-powered chain saws and chain saw accessories, and packages of
98 AAA cell, AA cell, C cell, D cell, 6 volt, or 9 volt batteries, excluding automobile and boat batteries.
99 As used in this section, "storm shutter" means materials and products manufactured, rated, and marketed
100 specifically for the purpose of preventing window damage from storms. The tax exemption shall apply
101 to each portable generator with a selling price of \$1,000 or less, each gas-powered chainsaw with a
102 selling price of \$350 or less, and each article of other hurricane preparedness equipment with a selling
103 price of \$60 or less. Any discount, coupon, or other credit offered either by the retailer or by a vendor
104 of the retailer to reduce the final price to the customer shall be taken into account in determining the
105 selling price for purposes of this exemption.

106 The Department shall develop guidelines that describe the items of merchandise that qualify for the
107 exemption and make such guidelines available, both electronically and in hard copy, no later than ~~May~~
108 *July* 15 of each year.