SENATE DOCKET, NO. 514 FILED ON: 1/19/2011

SENATE . . . . . No. 1552

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the sales tax.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 514 FILED ON: 1/19/2011

SENATE . . . . . No. 1552

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1552) of James E. Timilty for legislation relative to the sales tax. Revenue.

The Commonwealth of Massachusetts

An Act relative to the sales tax.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 64H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 6 the following section:-

Section 6A. The commissioner shall, on July 15 of each year, designate a two-day weekend within the second week of August during which no excise shall be imposed upon non-business sales at retail in the commonwealth of tangible personal property, as defined in section 1 of this chapter. For the purposes of this section, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of $2,500. On such weekend, no vendor in the commonwealth shall add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property. The commissioner shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on the designated weekend, but any excise erroneously or improperly collected during these two days shall be remitted to the department of revenue. Any reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C, shall remain in effect for sales for the two designated days. On or before December 31 of each year, the commissioner shall certify to the comptroller the amount of sales tax revenue forgone due to the operation of this section. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H which would have been deposited in each fund, notwithstanding this section. The commissioner shall issue any instructions or forms, or promulgate any rules or regulations, deemed necessary to carry out this section."

SECTION 2. Section 30A of said chapter 64H, as so appearing, is hereby amended by striking out, in lines 5, 7, 14 and 18, the figure "6.25" and inserting in place thereof, in each instance, the following figure:- 5.

26 SECTION 3. Section 2 of chapter 64I of the General Laws, as so appearing,
27 is hereby amended by striking out, in line 6, the words “6.25 per cent” and inserting in place
28 thereof the following words:- 5 per cent.

29 SECTION 4. Said chapter 64I is hereby further amended by striking out
30 section 5, as so appearing, and inserting in place thereof the following section:-

31 Section 5. For the purpose of adding and collecting the tax imposed by this
32 chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof,
33 to be paid to the commonwealth or to be reimbursed to the vendor by the purchaser, the
34 following formula shall be in force and effect as follows:—

35 $0.01 to $0.09 inclusive	No Tax
36 $0.10 to $0.29 inclusive	1 cent
37 $0.30 to $0.49 inclusive	2 cents
38 $0.50 to $0.69 inclusive	3 cents
39 $0.70 to $0.89 inclusive	4 cents
40 $0.90 to $1.09 inclusive	5 cents

41 In addition to a tax of five cents on each full dollar, a tax shall be collected on
42 each part of a dollar in excess of a full dollar in accordance with the above formula.

43 SECTION 5. Section 31A of said chapter 64I, as so appearing, is hereby
44 amended by striking out, in lines 5, 7, 14 and 18, the figure “6.25” and inserting in place thereof,
45 in each instance, the following figure:- 5.

46 SECTION 6 – The effective date of sections 2, 3, 4, and 5 of this act shall be
47 January 1st 2013.