

HOUSE BILL NO. 314

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE THOMPSON

Introduced: 2/19/14

Referred: Transportation

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the application of the passenger vehicle rental tax; and providing for
2 an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 43.52.010 is amended to read:

5 **Sec. 43.52.010. Levy of passenger vehicle rental tax.** There is imposed an
6 excise tax on the charge for the lease or rental of a passenger vehicle in this state if the
7 term of the lease or rental of the passenger vehicle, including renewals or
8 extensions of the lease or rental, does not exceed a period of 30 [90] consecutive
9 days.

10 * **Sec. 2.** AS 43.52.099(2) is amended to read:

11 (2) "passenger vehicle" means a motor vehicle as defined in
12 AS 28.90.990 that is driven or moved on a highway or other public right-of-way in the
13 state, but does not include

14 (A) a commercial motor vehicle as that term is defined in

AS 28.90.990;

(B) emergency or fire equipment that is necessary to the preservation of life or property;

(C) a farm vehicle that is controlled and operated by a farmer, used to transport agricultural products, farm machinery, or farm supplies to or from that farmer's farm, not used in the operations of a common or contract motor carrier, and used within 150 miles of the farmer's farm;

(D) a recreational vehicle;

(E) a taxicab;

(F) [A RENTAL TRUCK; IN THIS SUBPARAGRAPH, "RENTAL TRUCK" MEANS] a motor vehicle with a gross vehicle weight rating greater than 6,500 [8,500] pounds that is designed, used, or maintained primarily for the personal or commercial transportation of goods, equipment, or other [PERSONAL] property;

(G) a vehicle provided by an automobile dealer to a customer as replacement transportation during warranty, recall, or service contract repairs if the dealer does not receive compensation from the customer; or

(H) a motorcycle or a motor-driven cycle as those terms are defined in AS 28.90.990;

* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION AND IMPLEMENTATION. (a) The Department of Revenue shall adopt regulations that provide a means by which taxes collected by the department under AS 43.52.010 - 43.52.099 on the rental or lease of a

(1) passenger vehicle for a period longer than 30 days, including renewals or extensions of the lease or rental, on or after January 1, 2004, and before the effective date of this Act may be refunded to the taxpayer upon application by the taxpayer; and

(2) rental truck, as "rental truck" is defined in AS 43.52.099(2), as amended by sec. 2 of this Act, on or after January 1, 2004, and before the effective date of this Act may be refunded to the taxpayer upon application by the taxpayer.

(b) The Department of Revenue shall provide public notice of the availability of the

1 refund under (a) of this section.

2 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 RETROACTIVITY. Sections 1 and 2 of this Act are retroactive to January 1, 2004.

5 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).