

1 HB125  
2 115286-1  
3 By Representative Wren  
4 RFD: Education Appropriations  
5 First Read: 12-JAN-10  
6 PFD: 01/07/2010

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, certain school items  
9 and clothing are included in the annual sales tax  
10 holiday.

11 This bill would include certain energy  
12 efficient products within the exemption from the  
13 sales and use tax during the annual sales tax  
14 holiday.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 To amend Section 40-23-210, Code of Alabama 1975,  
21 relating to the annual sales tax holiday, to include certain  
22 energy efficient products within the exemption from the sales  
23 and use tax during the annual sales tax holiday.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 40-23-210, Code of Alabama 1975,  
26 is amended to read as follows:

27 "§40-23-210.

1 "As used in this article, the term "covered items"  
2 means the following:

3 "(1) Articles of clothing with a sales price of one  
4 hundred dollars (\$100), or less, per article of clothing.

5 "a. "Clothing" means all human wearing apparel  
6 suitable for general use including sandals, shoes, and  
7 sneakers. Clothing shall not include:

8 "1. Belt buckles sold separately.

9 "2. Costume masks sold separately.

10 "3. Patches and emblems sold separately.

11 "4. Sewing equipment and supplies including, but not  
12 limited to, knitting needles, patterns, pins, scissors, sewing  
13 machines, sewing needles, tape measures, and thimbles.

14 "5. Sewing materials that become part of "clothing"  
15 including, but not limited to, buttons, fabric, lace, thread,  
16 yarn, and zippers.

17 "b. In addition, clothing shall not include clothing  
18 accessories or equipment, protective equipment, or sport or  
19 recreational equipment; as defined herein.

20 "1. "Clothing accessories or equipment" means  
21 incidental items worn on the person or in conjunction with  
22 "clothing." The following list contains examples and is not  
23 intended to be an all-inclusive list. "Clothing accessories or  
24 equipment" shall include:

25 "(i) Briefcases.

26 "(ii) Cosmetics.

1           "(iii) Hair notions, including, but not limited to,  
2 barrettes, hair bows, and hair nets.

3           "(iv) Handbags.

4           "(v) Handkerchiefs.

5           "(vi) Jewelry.

6           "(vii) Sun glasses, non-prescription.

7           "(viii) Umbrellas.

8           "(ix) Wallets.

9           "(x) Watches.

10          "(xi) Wigs and hair pieces.

11          "2. "Protective equipment" means items for human  
12 wear and designed as protection of the wearer against injury  
13 or disease or as protections against damage or injury of other  
14 persons or property but not suitable for general use. The  
15 following list contains examples and is not intended to be an  
16 all-inclusive list. "Protective equipment" shall include:

17          "(i) Breathing masks.

18          "(ii) Clean room apparel and equipment.

19          "(iii) Ear and hearing protectors.

20          "(iv) Face shields.

21          "(v) Hard hats.

22          "(vi) Helmets.

23          "(vii) Paint or dust respirators.

24          "(viii) Protective gloves.

25          "(ix) Safety glasses and goggles.

26          "(x) Safety belts.

27          "(xi) Tool belts.

1           "(xii) Welders gloves and masks.

2           "3. "Sport or recreational equipment" means items  
3 designed for human use and worn in conjunction with an  
4 athletic or recreational activity that are not suitable for  
5 general use. The following list contains examples and is not  
6 intended to be an all-inclusive list. "Sport or recreational  
7 equipment" shall include:

8           "(i) Ballet and tap shoes.

9           "(ii) Cleated or spiked athletic shoes.

10          "(iii) Gloves, including, but not limited to,  
11 baseball, bowling, boxing, hockey, and golf.

12          "(iv) Goggles.

13          "(v) Hand and elbow guards.

14          "(vi) Life preservers and vests.

15          "(vii) Mouth guards.

16          "(viii) Roller and ice skates.

17          "(ix) Shin guards.

18          "(x) Shoulder pads.

19          "(xi) Ski boots.

20          "(xii) Waders.

21          "(xiii) Wetsuits and fins.

22          "(2) A single purchase, with a sales price of seven  
23 hundred fifty dollars (\$750), or less, of computers, computer  
24 software, and school computer supplies.

25          "a. A "computer" means an electronic device that  
26 accepts information in digital or similar form and manipulates  
27 it for a result based on a sequence of instructions.

1            "b. "Computer software" means a set of coded  
2 instructions designed to cause a "computer" or automatic data  
3 processing equipment to perform a task.

4            "c. A "school computer supply" means an item  
5 commonly used by a student in a course of study in which a  
6 computer is used. The following is an all-inclusive list of  
7 school computer supplies:

8            "1. Computer storage media; diskettes, compact  
9 disks.

10           "2. Handheld electronic schedulers, except devices  
11 that are cellular phones.

12           "3. Personal digital assistants, except devices that  
13 are cellular phones.

14           "4. Computer printers.

15           "5. Printer supplies for computers; printer paper,  
16 printer ink.

17           "d. "Computer," "computer software," and "school  
18 computer supplies" shall not include furniture and any  
19 systems, devices, software, peripherals designed or intended  
20 primarily for recreational use, or video games of a  
21 noneducational nature.

22           "(3) Noncommercial purchases of school supplies,  
23 school art supplies, and school instructional material, up to  
24 a sales price of fifty dollars (\$50) per item.

25           "a. "School supply" is an item commonly used by a  
26 student in a course of study. The following is an  
27 all-inclusive list:

- 1 "1. Binders.
- 2 "2. Book bags.
- 3 "3. Calculators.
- 4 "4. Cellophane tape.
- 5 "5. Blackboard chalk.
- 6 "6. Compasses.
- 7 "7. Composition books.
- 8 "8. Crayons.
- 9 "9. Erasers.
- 10 "10. Folders; expandable, pocket, plastic, and  
11 manila.
- 12 "11. Glue, paste, and paste sticks.
- 13 "12. Highlighters.
- 14 "13. Index cards.
- 15 "14. Index card boxes.
- 16 "15. Legal pads.
- 17 "16. Lunch boxes.
- 18 "17. Markers.
- 19 "18. Notebooks.
- 20 "19. Paper; loose leaf ruled notebook paper, copy  
21 paper, graph paper, tracing paper, manila paper, colored  
22 paper, poster board, and construction paper.
- 23 "20. Pencil boxes and other school supply boxes.
- 24 "21. Pencil sharpeners.
- 25 "22. Pencils.
- 26 "23. Pens.
- 27 "24. Protractors.

1 "25. Rulers.

2 "26. Scissors.

3 "27. Writing tablets.

4 "b. "School art supply" is an item commonly used by  
5 a student in a course of study for artwork. The following is  
6 an all-inclusive list:

7 "1. Clay and glazes.

8 "2. Paints; acrylic, tempora, and oil.

9 "3. Paintbrushes for artwork.

10 "4. Sketch and drawing pads.

11 "5. Watercolors.

12 "c. "School instructional material" is written  
13 material commonly used by a student in a course of study as a  
14 reference and to learn the subject being taught. The following  
15 is an all-inclusive list:

16 "1. Reference maps and globes.

17 "2. Required textbooks on an official school book  
18 list with a sales price of more than thirty dollars (\$30) and  
19 less than fifty dollars (\$50).

20 "(4) Noncommercial purchases of books with a sales  
21 price of not more than thirty dollars (\$30) per book. The term  
22 book shall mean a set of printed sheets bound together and  
23 published in a volume with an ISBN number, but does not  
24 include magazines, newspapers, periodicals, or any other  
25 document printed or offered for sale in a non-bound form.

26 "(5) Energy efficient products with a sales price of  
27 one thousand five hundred dollars (\$1,500) or less per product

1 purchased for noncommercial home or personal use. For purposes  
2 of this section, an energy efficient product is any furnace,  
3 water heater, natural gas tankless water heater, dishwasher,  
4 clothes washer, air conditioner, ceiling fan, incandescent or  
5 fluorescent light bulb, dehumidifier, programmable thermostat,  
6 refrigerator, or computer monitor, the energy efficiency of  
7 which has been designated by the United States Environmental  
8 Protection Agency and the United States Department of Energy  
9 as meeting or exceeding each agency's energy saving efficiency  
10 requirements or which have been designated as meeting or  
11 exceeding such requirements under each agency's Energy Star  
12 program."

13           Section 2. This act shall become effective  
14 immediately following its passage and approval by the  
15 Governor, or its otherwise becoming law.