

1 HB367
2 128125-1
3 By Representatives Collins, Roberts, Baughn, Patterson,
4 Johnson (K), Ford, Johnson (W), Wood, Hubbard (J), Henry, Ball
5 and Hammon
6 RFD: Commerce and Small Business
7 First Read: 29-MAR-11

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8 SYNOPSIS: Under existing law, the state imposes a
9 business license on various businesses, including
10 persons who participate in gun shows.

11 This bill would provide that the business
12 license tax would be levied on the organizer of the
13 show and not on each participant of such show.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Section 40-12-143 of the Code of Alabama
20 1975, relating to the levy of business license taxes on
21 persons participating in gun shows; to provide that the
22 business license tax would be levied on the organizer of the
23 show and not on each participant as long as the organizer has
24 obtained all of the required licenses; to require the
25 organizer to purchase the license for each show and no half
26 year license would be issued; to require that the show could
27 not last for more than one week; and to require that the

1 organizer and participants would remain subject to all
2 federal, state, and local regulations.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 40-12-143 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§40-12-143.

7 "Persons dealing in pistols, revolvers, maxim
8 silencers, bowie knives, dirk knives, brass knucks or knucks
9 of like kind, whether principal stock in trade or not shall
10 pay the following license tax: in cities and towns of 35,000
11 inhabitants and over, \$150; and in all other places, \$100. The
12 required license amounts shall be paid for each place of
13 business from which sales of such items are made. In addition
14 to any other required licenses, a person may organize and
15 conduct a gun and knife show of no more than seven days, by
16 paying the maximum license tax prescribed in this section, as
17 well as the maximum license taxes provided in Sections
18 40-12-158 and 40-12-174(d), for each such show. Participants
19 shall not be required to pay the license taxes provided in
20 this section, nor in Section 40-12-158 or 40-12-174 for
21 participating in such shows, provided the organizer has paid
22 the license taxes prescribed in this section prior to the
23 commencement of the event. It shall be the duty of the
24 organizer of such show to determine if each participant is
25 licensed under the sales tax laws of this state as well as the
26 particular county and municipality in which the show is
27 conducted. The organizer shall be responsible for collecting

1 and remitting all state and local sales taxes for any
2 participant not licensed under state or local sales tax laws.
3 In the event the organizer does not pay the license taxes
4 prescribed in this section, prior to the commencement of the
5 event, each participant shall be responsible for his or her
6 applicable licenses. The organizer and all participants shall
7 abide by applicable federal, state, and local laws and
8 regulations. All persons dealing in pistols, revolvers, and
9 maxim silencers shall be required to keep a permanent record
10 of the sale of every pistol, revolver, or maxim silencer,
11 showing the date of sale, serial number, or other
12 identification marks, manufacturer's name, caliber and type,
13 and also the name and address of the purchaser, ~~which record.~~
14 The organizer of the show shall be responsible for keeping and
15 maintaining such records for any sales made at the show by any
16 participant who, for any reason, is not otherwise required to
17 keep the records. The records shall always be open for
18 inspection by any peace officer of the State of Alabama or any
19 municipality thereof. The failure to keep such record shall
20 subject such person to having his or her license revoked by
21 the probate judge of the county where such license was issued
22 on motion of any district attorney of the State of Alabama."

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.