

House Bill 1312

By: Representatives Borders of the 177<sup>th</sup>, Buck of the 135<sup>th</sup>, Smith of the 175<sup>th</sup>, Black of the 178<sup>th</sup>, Shaw of the 176<sup>th</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to  
2 exemptions from state sales and use tax, so as to provide for an exemption with respect to the  
3 sale of certain school supplies, clothing, footwear, computers, and computer related  
4 accessories for a limited period of time; to provide for definitions; to provide for limitations;  
5 to provide for powers, duties, and authority of the state revenue commissioner; to provide an  
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from  
10 state sales and use tax, is amended by striking "; or" at the end of paragraph (73) and  
11 inserting in its place a semicolon, by striking the period at the end of paragraph (74) and  
12 inserting in its place "; or", and by adding a new paragraph immediately following paragraph  
13 (74), to be designated paragraph (75), to read as follows:

14 "(75)(A) The sale of any covered item. The exemption provided by this paragraph  
15 shall apply only to sales occurring during a period commencing at 12:01 A.M. on  
16 March 29, 2002, and concluding at 12:00 Midnight on March 30, 2002, and to a period  
17 commencing at 12:01 A.M. on August 2, 2002, and concluding at 12:00 Midnight on  
18 August 3, 2002.

19 (B) As used in this paragraph, the term 'covered item' shall mean:

20 (i) Articles of clothing and footwear with a sales price of \$100.00 or less per article  
21 of clothing or pair of footwear, excluding accessories such as jewelry, handbags,  
22 umbrellas, items intended primarily for use as athletic or sporting gear, eyewear,  
23 watches, and watchbands;

24 (ii) The first \$1,500.00 of the sales price of a single purchase of personal computers  
25 and personal computer related accessories purchased for noncommercial home or  
26 personal use, including personal computer base units and keyboards, monitors, other

1 peripheral devices, modems for Internet and network access, and nonrecreational  
2 software, to be utilized in association with the personal computer base unit; provided,  
3 however, that such exemption shall be available only when such purchase includes  
4 the purchase of a personal computer base unit. For purposes of this paragraph,  
5 personal digital assistant devices shall not be considered personal computer base units  
6 but may be included in a single purchase which also includes a personal computer  
7 base unit. Computer and computer related accessories shall not include furniture and  
8 any systems, devices, software, or peripherals designed or intended primarily for  
9 recreational use; and

10 (iii) Noncommercial purchases of general school supplies to be utilized in the  
11 classroom or in classroom related activities, such as homework, up to a sales price of  
12 \$20.00 including pens, pencils, notebooks, paper, book bags, calculators, dictionaries,  
13 and thesauruses.

14 (C) The exemption provided by this paragraph shall not apply to rentals, sales in a  
15 theme park, entertainment complex, public lodging establishment, restaurant, or airport  
16 or to purchases for trade, business, or resale.

17 (D) The commissioner shall promulgate any rules and regulations necessary to  
18 implement and administer this paragraph including but not be limited to a list of those  
19 articles and items qualifying for the exemption pursuant to this paragraph."

## 20 SECTION 2.

21 This Act shall become effective upon its approval by the Governor or upon its becoming law  
22 without such approval.

## 23 SECTION 3.

24 All laws and parts of laws in conflict with this Act are repealed.