

House Bill 541

By: Representatives Stephens of the 123rd, Royal of the 140th, Lucas of the 105th, Barnard of the 121st, Post 1 and Channell of the 77th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
2 relating to state sales and use taxation, so as to provide for a temporary change in the rate of
3 such taxation; to provide for related matters; to provide an effective date; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to state
8 sales and use taxation, is amended by striking Code Section 48-8-3.1, relating to application
9 of sales and use tax to motor fuels, and inserting in its place a new Code section to read as
10 follows:

11 "48-8-3.1.

12 (a) Except as provided in subsection (b) of this Code section, sales of motor fuels as
13 defined in paragraph (9) of Code Section 48-9-2 shall be exempt from the first 3 percent
14 of the sales and use taxes levied or imposed by this article and shall be subject to the
15 remaining ~~1 percent~~ amount of the sales and use taxes levied or imposed by this article.

16 (b) Sales of motor fuel other than gasoline which motor fuel other than gasoline is
17 purchased for purposes other than propelling motor vehicles on public highways as defined
18 in Article 1 of Chapter 9 of this title shall be fully subject to the ~~4 percent~~ sales and use
19 taxes levied or imposed by this article unless otherwise specifically exempted by this
20 article.

21 (c) It is specifically declared to be the intent of the General Assembly that taxation
22 imposed on sales of motor fuel wholly or partially subject to taxation under this Code
23 section shall not constitute motor fuel taxes for purposes of any provision of the
24 Constitution providing for the automatic or mandatory appropriation of any amount of
25 funds equal to funds derived from motor fuel taxes."

1 Section 48-8-30 from the payments due the subcontractor in satisfaction of any sales or
2 use taxes owed this state.

3 (2) The prime or general contractor shall withhold payments on all contracts that meet
4 the criteria specified in paragraph (1) of this subsection until the subcontractor furnishes
5 such prime or general contractor with a certificate issued by the commissioner showing
6 that all sales taxes accruing by reason of the contract between the subcontractor and the
7 general or prime contractor have been paid and satisfied. If the prime or general
8 contractor for any reason fails to withhold up to ~~4 percent of the~~ the percentage specified
9 in Code Section 48-8-30 from payments due the subcontractor under their contract, such
10 prime or general contractor shall become liable for any sales or use taxes due or owed this
11 state by the subcontractor."

12 **SECTION 6.**

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

15 **SECTION 7.**

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