

The Senate Finance Committee offered the following substitute to HB 559:

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 tax, so as to provide for an exemption from state sales and use  
3 tax only with respect to certain sales of certain energy efficient products for a limited period  
4 of time; to provide for a definition; to provide for conditions and limitations; to change  
5 certain provisions regarding the collecting and remitting of sales and use tax; to provide for  
6 powers, duties, and authority of the state revenue commissioner; to provide an effective date;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to state  
11 sales and use tax, is amended in Code Section 48-8-3, relating to exemptions from state sales  
12 and use tax, by striking "or" at the end of paragraph (79), by striking the period at the end of  
13 paragraph (80) and inserting in its place "; or", and by adding a new paragraph immediately  
14 following paragraph (80) to be designated paragraph (81) to read as follows:

15 "(81)(A) Purchase of energy efficient products with a sales price of \$2,500.00 or less  
16 per product. The exemption provided by this paragraph shall apply only to sales  
17 occurring during a period commencing at 12:01 A.M. on October 6, 2005, and  
18 concluding at 12:00 Midnight on October 9, 2005.

19 (B) For the purposes of this exemption, an energy efficient product is any dishwasher,  
20 clothes washer, air conditioner, ceiling fan, incandescent or fluorescent light bulb,  
21 dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which  
22 has been designated by the United States Environmental Protection Agency and the  
23 United States Department of Energy as meeting or exceeding each such agency's  
24 energy saving efficiency requirements or which have been designated as meeting or  
25 exceeding such requirements under each such agency's Energy Star program.

1 (C)(i) For the purposes of this paragraph, the term 'local sales and use tax' shall mean  
 2 any sales tax, use tax, or local sales and use tax which is levied and imposed in an  
 3 area consisting of less than the entire state, however authorized, including, but not  
 4 limited to, such taxes authorized by or pursuant to constitutional amendment; by or  
 5 pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as  
 6 amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; by or  
 7 pursuant to Article 2 of this chapter; by or pursuant to Article 2A of this chapter; by  
 8 or pursuant to Part 1 of Article 3 of this chapter; by or pursuant to Part 2 of Article 3  
 9 of this chapter; by or pursuant to Article 4 of this chapter.

10 (ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply  
 11 to any local sales and use tax levied or imposed at any time.

12 (D) The commissioner shall promulgate any rules and regulations necessary to  
 13 implement and administer this paragraph."

#### 14 SECTION 2.

15 Said article is further amended by striking subparagraph (C) of paragraph (6) of Code Section  
 16 48-8-2, relating to definitions regarding sales and use taxes, and inserting in its place a new  
 17 subparagraph (C) to read as follows:

18 "(C)(i) The sale or charges for any room, lodging, or accommodation furnished to  
 19 transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which  
 20 rooms, lodgings, or accommodations are regularly furnished to transients for a  
 21 consideration. This tax shall also apply to rooms, lodging, or accommodations  
 22 furnished to transients when sold by any person other than the person furnishing the  
 23 rooms, lodging, or accommodations.

24 (ii) This tax shall not apply to rooms, lodgings, or accommodations supplied for a  
 25 period of 90 continuous days or more;"

#### 26 SECTION 3.

27 Said article is further amended in Code Section 48-8-30, relating to imposition of such tax,  
 28 by adding a new subsection immediately following subsection (f), to be designated  
 29 subsection (f.1), to read as follows:

30 "(f.1) Every person selling a service, the purchase of which is a retail sale, shall be a dealer  
 31 and shall be liable for a tax on the sale at the rate of 4 percent of the gross charge or  
 32 charges made for such service or for the amount of taxes collected by him or her from the  
 33 person to whom the service is sold, whichever is greater. In the event that the person  
 34 furnishing the service is not the same person as the person selling the service, the seller and

