

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1365 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 6-2.5-1-5, AS AMENDED BY P.L.257-2003,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b),
- 6 "gross retail income" means the total gross receipts, of any kind or
- 7 character, received in a retail transaction, including cash, credit,
- 8 property, and services, for which tangible personal property is sold,
- 9 leased, or rented, valued in money, whether received in money or
- 10 otherwise, without any deduction for:
- 11 (1) the seller's cost of the property sold;
- 12 (2) the cost of materials used, labor or service cost, interest,
- 13 losses, all costs of transportation to the seller, all taxes imposed on
- 14 the seller, and any other expense of the seller;
- 15 (3) charges by the seller for any services necessary to complete
- 16 the sale, other than delivery and installation charges;
- 17 (4) delivery charges, **except as provided in subsection (b);**
- 18 (5) installation charges, **except as provided in subsection (b);** or
- 19 (6) the value of exempt personal property given to the purchaser
- 20 where taxable and exempt personal property have been bundled
- 21 together and sold by the seller as a single product or piece of
- 22 merchandise.
- 23 (b) "Gross retail income" does not include that part of the gross
- 24 receipts attributable to:

- 1 (1) the value of any tangible personal property received in a like
- 2 kind exchange in the retail transaction, if the value of the property
- 3 given in exchange is separately stated on the invoice, bill of sale,
- 4 or similar document given to the purchaser;
- 5 (2) the receipts received in a retail transaction which constitute
- 6 interest, finance charges, or insurance premiums on either a
- 7 promissory note or an installment sales contract;
- 8 (3) discounts, including cash, terms, or coupons that are not
- 9 reimbursed by a third party that are allowed by a seller and taken
- 10 by a purchaser on a sale;
- 11 (4) interest, financing, and carrying charges from credit extended
- 12 on the sale of personal property if the amount is separately stated
- 13 on the invoice, bill of sale, or similar document given to the
- 14 purchaser; ~~or~~
- 15 (5) any taxes legally imposed directly on the consumer that are
- 16 separately stated on the invoice, bill of sale, or similar document
- 17 given to the purchaser;
- 18 **(6) delivery charges that are separately stated on the invoice,**
- 19 **bill of sale, or similar document given to the purchaser; or**
- 20 **(7) installation charges that are separately stated on the**
- 21 **invoice, bill of sale, or similar document given to the**
- 22 **purchaser.**
- 23 (c) A public utility's or a power subsidiary's gross retail income
- 24 includes all gross retail income received by the public utility or power
- 25 subsidiary, including any minimum charge, flat charge, membership fee,
- 26 or any other form of charge or billing."
- 27 Renumber all SECTIONS consecutively.
- (Reference is to HB 1365 as printed January 27, 2004.)

Representative Espich