

Adopted	Rejected
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MINORITY COMMITTEE REPORT

MR. SPEAKER:

*A minority of your Committee on Ways and Means, which met on January 30, 2007, to consider House Bill 1063, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-22-16-4, AS AMENDED BY P.L.246-2005,
- 3 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2007]: Sec. 4. (a) An offeror that is a foreign corporation must
- 5 be registered with the secretary of state to do business in Indiana in
- 6 order to be considered responsible.
- 7 (b) This subsection applies to a purchase of ~~supplies or services~~
- 8 **tangible personal property** for a state agency under a contract entered
- 9 into or purchase order sent to an offeror (in the absence of a contract)
- 10 after June 30, ~~2003~~, **2007**, including a purchase described in
- 11 IC 5-22-8-2 or IC 5-22-8-3. A state agency may not purchase **tangible**
- 12 **personal property** or ~~services~~ from a person that is delinquent in the
- 13 payment of amounts due from the person under IC 6-2.5 (gross retail

1 and use tax) unless the person provides a statement from the
2 department of state revenue that the person's delinquent tax liability:

3 (1) has been satisfied; or

4 (2) has been released under IC 6-8.1-8-2.

5 (c) The purchasing agent may award a contract to an offeror pending
6 the offeror's registration with the secretary of state. If, in the judgment
7 of the purchasing agent, the offeror has not registered within a
8 reasonable period, the purchasing agent shall cancel the contract. An
9 offeror has no cause of action based on the cancellation of a contract
10 under this subsection.

11 SECTION 2. IC 6-2.5-4-14 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. The department of
13 administration and each purchasing agent for a state educational
14 institution (as defined in IC 20-12-0.5-1) shall provide the department
15 with a list of every person who desires to enter into a contract to sell
16 **tangible personal property or services** to an agency (as defined in
17 IC 4-13-2-1) or a state educational institution. The department shall
18 notify the department of administration or the purchasing agent of the
19 state educational institution if a person on the list does not have a
20 registered retail merchant certificate or is delinquent in remitting or
21 paying amounts due to the department under this article.

22 SECTION 3. IC 6-2.5-5-39, AS AMENDED BY P.L.92-2006,
23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2007]: Sec. 39. (a) As used in this section, "cargo trailer"
25 means a vehicle:

26 (1) without motive power;

27 (2) designed for carrying property;

28 (3) designed for being drawn by a motor vehicle; and

29 (4) having a gross vehicle weight rating of at least two thousand
30 two hundred (2,200) pounds.

31 (b) As used in this section, "recreational vehicle" means a vehicle
32 with or without motive power equipped exclusively for living quarters
33 for persons traveling upon the highways. The term includes a travel
34 trailer, a motor home, a truck camper with a floor and facilities
35 enabling it to be used as a dwelling, and a fifth wheel trailer.

36 (c) A transaction involving a cargo trailer, a recreational vehicle, or
37 an aircraft is exempt from the state gross retail tax if:

38 (1) the purchaser is a nonresident;

- 1 (2) upon receiving delivery of the cargo trailer, recreational
 2 vehicle, or aircraft, the person transports it within thirty (30) days
 3 to a destination outside Indiana;
 4 (3) the cargo trailer, recreational vehicle, or aircraft will be titled
 5 or registered for use in another state or country; **and**
 6 (4) the cargo trailer, recreational vehicle, or aircraft will not be
 7 titled or registered for use in Indiana. ~~and~~
 8 (5) ~~in the case of a transaction involving a cargo trailer or~~
 9 ~~recreational vehicle; the cargo trailer or recreational vehicle will~~
 10 ~~be titled or registered in a state or country that provides an~~
 11 ~~exemption from sales, use, or similar taxes imposed on a cargo~~
 12 ~~trailer or recreational vehicle that is purchased in that state or~~
 13 ~~country by an Indiana resident and will be titled or registered in~~
 14 ~~Indiana.~~

15 ~~A transaction involving a cargo trailer or recreational vehicle that does~~
 16 ~~not meet the requirements of subdivision (5) is not exempt from the~~
 17 ~~state gross retail tax.~~

18 (d) A purchaser must claim an exemption under this section by
 19 submitting to the retail merchant an affidavit stating the purchaser's
 20 intent to:

- 21 (1) transport the cargo trailer, recreational vehicle, or aircraft to
 22 a destination outside Indiana within thirty (30) days after delivery;
 23 and
 24 (2) title or register the cargo trailer, recreational vehicle, or
 25 aircraft for use in another state or country.

26 The department shall prescribe the form of the affidavit, which must
 27 include an affirmation by the purchaser under the penalties for perjury
 28 that the information contained in the affidavit is true. The affidavit
 29 must identify the state or country in which the cargo trailer,
 30 recreational vehicle, or aircraft will be titled or registered.

31 ~~(e) The department shall provide the information necessary to~~
 32 ~~determine a purchaser's eligibility for an exemption claimed under this~~
 33 ~~section to retail merchants in the business of selling cargo trailers or~~
 34 ~~recreational vehicles.~~

35 SECTION 4. IC 6-2.5-8-10 IS REPEALED [EFFECTIVE JULY 1,
 36 2007].

37 SECTION 5. [EFFECTIVE JULY 1, 2007] **IC 6-2.5-5-39, as**
 38 **amended by this act, applies to retail transactions occurring after**

1 **June 30, 2007.**

(Reference is to HB 1063 as introduced.)

and when so amended that said bill do pass.

Representative Davis