

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 500 be amended to read as follows:

- 1 Page 4, between lines 26 and 27, begin a new paragraph and insert:
2 "SECTION 4. IC 6-2.5-3-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A person who
4 acquires tangible personal property from a retail merchant for delivery
5 in Indiana is presumed to have acquired the property for storage, use,
6 or consumption in Indiana. **However, unless** the person or the retail
7 merchant can produce evidence to rebut that presumption.
8 (b) A retail merchant is not required to produce evidence of
9 nontaxability under subsection (a) if the retail merchant receives from
10 the person who acquired the property an exemption certificate which
11 certifies, in the form prescribed by the department, that the acquisition
12 is exempt from the use tax.
13 (c) **A retail merchant that sells tangible personal property to a**
14 **person that purchases the tangible personal property for use or**
15 **consumption in providing public transportation under**
16 **IC 6-2.5-5-27 may verify the exemption by obtaining the person's:**
17 (1) name;
18 (2) address; and
19 (3) **motor carrier number, United States Department of**
20 **Transportation number, or any other identifying number**
21 **authorized by the department.**
22 **The person engaged in public transportation shall provide a**
23 **signature to affirm under penalties of perjury that the information**
24 **provided to the retail merchant is correct and that the tangible**
25 **personal property is being purchased for an exempt purpose."**
26 Page 29, between lines 38 and 39, begin a new paragraph and insert:
27 "SECTION 31. [EFFECTIVE JANUARY 1, 2007
28 (RETROACTIVE)] (a) **As used in this SECTION, "department"**
29 **refers to the department of state revenue.**
30 (b) **A retail merchant that sold tangible personal property to a**
31 **person that used or consumed the tangible personal property in**

1 providing public transportation under IC 6-2.5-5-27 may verify
2 that the sale was exempt from taxation under IC 6-2.5 by using the
3 information contained in form ST-135 for the transaction.

4 (c) If a retail merchant provides the department with the
5 information from form ST-135 to verify that a sale described in
6 subsection (b) is exempt from taxation under IC 6-2.5, the retail
7 merchant may request:

8 (1) a refund of gross retail tax plus any penalties and interest
9 paid to the department; or

10 (2) that the department satisfy any outstanding gross retail
11 tax liabilities, including any penalties and interest for tax
12 liabilities;

13 for the tangible personal property used or consumed in providing
14 public transportation.

15 (d) This SECTION expires December 31, 2008."

16 Renumber all SECTIONS consecutively.

(Reference is to SB 500 as printed January 30, 2007.)

Senator KENLEY