

SENATE No. 196

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to Establish a Sales Tax Holiday..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the contrary, for the days of
2 August 8, 2009 and August 9, 2009, an excise shall not be imposed upon non-business sales at
3 retail in the commonwealth of tangible personal property, as defined in section 1 of chapter 64H
4 of the General Laws, but for the purposes of this act, tangible personal property shall not include
5 telecommunications, tobacco products subject to the excise imposed by chapter 64C of the
6 General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or a single item whose
7 price is in excess of \$2,500.

8 SECTION 2. Notwithstanding any general or special law to the contrary, for the days of
9 August 8, 2009 and August 9, 2009, a vendor in the commonwealth shall not add to the sales
10 price or collect from any non-business purchaser an excise upon sales at retail of tangible
11 personal property, as defined in section 1 of chapter 64H of the General Laws. The
12 commissioner of revenue shall not require any vendor to collect and pay excise upon sales at
13 retail of tangible personal property purchased on August 8, 2009 and August 9, 2009. Any
14 excise erroneously or improperly collected during the days of August 8, 2009 and August 9,

2009 shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500.

SECTION 3. Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days of August 8, 2009 and August 9, 2009.

SECTION 4. On or before December 31, 2009, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from personal and corporate income taxes and other sources, because of this act. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H of the General Laws which would have been deposited in each fund, without this act.

SECTION 5. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION 6. Eligible sales at retail of tangible personal property under sections 1 and 2 are restricted to those transactions occurring on August 8, 2009 and August 9, 2009. Transfer of possession of or payment in full for the property shall occur on 1 of those days, and prior sales or layaway sales are ineligible.