

By: Paddie

H.B. No. 3287

A BILL TO BE ENTITLED

AN ACT

relating to the sales and use taxation of aircraft.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Tax Code Section 151.105 is amended to insert new Subsection (c) as follows:

(c) For purposes of Subsection (a), there shall be no presumption that an aircraft, as that term is defined in Section 151.328, was purchased from a retailer for storage, use, or consumption in this state if the person bringing such aircraft into this state acquired the aircraft other than by a purchase, as that term is defined in Section 151.005.

SECTION 2. Tax Code Section 151.328 is amended to insert new Subsection (i) as follows:

(i) The leasing or renting of tangible personal property for purposes of Section 151.006(a)(2) includes the lease or rental of an aircraft pursuant to a written agreement that transfers operational control, as that term is defined in the Federal Aviation Regulations, from a lessor to a lessee in exchange for consideration. If, pursuant to any such lease or rental agreement, charges for nontaxable services are combined with and not separately stated from the charges for the transfer from the lessor to the lessee of operational control of the aircraft, the combined charge is presumed subject to tax unless the lessor or lessee can identify the portion of the charges that are nontaxable through

1 books and records kept in the regular course of business.

2 SECTION 3. The amendment made by this Act to Tax Code
3 Section 151.328 is a clarification of existing law and does not
4 imply that Tax Code Section 151.006(a)(2) may be construed as
5 having been, before the amendment to Tax Code Section 151.328 was
6 made by this Act, inconsistent with Tax Code Section 151.328, as
7 amended by this Act.

8 SECTION 4. This Act takes effect September 1, 2015.