

By: Allen

H.B. No. 4366

A BILL TO BE ENTITLED

AN ACT

relating to a sales and use tax exemption for school supplies purchased by certain teachers for a limited period.

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

SECTION 1. Subchapter H, Chapter 151, Tax Code, is amended by adding Section 151.3271 to read as follows:

Sec. 151.3271. SCHOOL SUPPLIES PURCHASED BY TEACHERS BEFORE START OF SCHOOL. (a) In this section, "school supply" has the meaning assigned by the Streamlined Sales and Use Tax Agreement adopted November 12, 2002, including all amendments made to the agreement on or before May 3, 2018.

(b) The sale or storage, use, or other consumption of a school supply is exempted from the taxes imposed by this chapter if the school supply is purchased:

(1) by a teacher employed by a public school district or open-enrollment charter school for use in that teacher's classroom, regardless of whether the teacher has been designated as an authorized agent of the district or school for purposes of Section 151.309; and

(2) during the period beginning at 12:01 a.m. on the third Friday of July and ending at 11:59 p.m. on the following Sunday.

(c) The comptroller by rule shall provide a method for a retailer to determine a purchaser's eligibility for the exemption

1 under this section. A retailer is not required to obtain an
2 exemption certificate from a purchaser determined eligible for the
3 exemption as provided by comptroller rule unless the person
4 purchases school supplies in a quantity that indicates that the
5 school supplies are not purchased for use in a single teacher's
6 classroom.

7 SECTION 2. Not later than December 31, 2019, the
8 comptroller shall adopt rules necessary to implement Section
9 151.3271, Tax Code, as added by this Act.

10 SECTION 3. The changes in law made by this Act do not affect
11 tax liability accruing before the effective date of this Act. That
12 liability continues in effect as if this Act had not been enacted,
13 and the former law is continued in effect for the collection of
14 taxes due and for civil and criminal enforcement of the liability
15 for those taxes.

16 SECTION 4. This Act takes effect September 1, 2019.