

STATE OF NEW YORK

861

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. ABBATE, BENEDETTO, CUSICK, CYMBROWITZ, GUNTHER, LUPARDO, PEOPLES-STOKES, J. RIVERA, L. ROSENTHAL -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to granting a sales and compensating use tax exemption for goods sold at school book fairs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision (a) of section 1115 of the tax law is amended
2 by adding a new paragraph 46 to read as follows:

3 (46) Books, magazines, pamphlets and other school or library book fair
4 related items including, but not limited to, science project kits and
5 posters, sold in a primary or secondary school facility at a school book
6 fair sponsored by a parent-teacher association or organization, booster
7 club, or similar school-based association which supports school activ-
8 ities or sold at a book fair sponsored by library friends or foundation.

9 § 2. This act shall take effect on the first of January next succeed-
10 ing the date on which it shall have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01467-01-1

BILL NUMBER: A861

SPONSOR: Cahill

TITLE OF BILL:

An act to amend the tax law, in relation to granting a sales and compensating use tax exemption for goods sold at school book fairs

PURPOSE:

This bill provides that books, magazines, pamphlets and other items sold at school sponsored book fairs shall be exempt from the collection of sales taxes.

SUMMARY OF PROVISIONS:

Section 1: Adds a new Tax Law section 1115(a) (43) to exempt from the collection of sales taxes items such as books, magazines, and other items sold at a school sponsored book fair such as, science project kits and posters. The book fair would need to be conducted at a primary or secondary school and be sponsored by a parent-teacher association or organization or booster club.

EXISTING LAW:

None.

JUSTIFICATION:

School book fairs are generally conducted by school-based volunteer organizations that are not sophisticated in organization and in ascertaining the proper sales tax on low cost items such as books and other book sale items. Compounding the confusion of such sales transactions is the high number of customers who are excited children under the age of 12 who are concentrated in a school hallway or class room (where the sales are generally conducted). To simplify book transactions at such book fairs, eliminating the sales tax would reduce the time needed to arrive at the final sales price for the books purchased. In addition, many times, children at such fairs, are allocated a set monetary sum to purchase their books. However, in arriving at the cashier, the child has not computed the additional sales tax cost, hence, the child is over budget and needs to select and return one of the items before conducting the final sale. This adds additional confusion to an already confusing situation. This bill would simplify the conduct of school book fairs. Further, it would encourage children to purchase more books, heighten their exposure to books and learning, and minimize administrative burdens placed on those volunteers that conduct book fairs.

LEGISLATIVE HISTORY:

2019-2020: A.256 - Referred to Ways and Means
2017-2018: A.21 - Referred to Ways and Means
2015-2016: A.1169A - Referred to Ways and Means
2013-2014: A.1525 - Referred to Ways and Means
2011-2012: A.325 - Referred to Ways and Means
2009-2010: A.585 - Referred to Ways and Means
2007-2008: A.3463 - Referred to Ways and Means

FISCAL IMPLICATIONS:

Minimal.

EFFECTIVE DATE:

The first of January next succeeding the date on which this bill shall have become law.