

1 HB143
2 135950-1
3 By Representative Collins
4 RFD: Commerce and Small Business
5 First Read: 07-FEB-12
6 PFD: 02/02/2012

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8 SYNOPSIS: Under existing law, the state imposes a
9 business license on various businesses, including
10 persons who participate in gun shows. This bill
11 would provide that the business license tax would
12 be levied on the organizer of the show and not on
13 each participant of such show.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 To amend Section 40-12-143 of the Code of Alabama
20 1975, relating to the levy of business license taxes on
21 persons participating in gun shows; to provide that the
22 business license tax would be levied on the organizer of the
23 show and not on each participant as long as the organizer has
24 obtained all of the required licenses; to require the
25 organizer to purchase the license for each show and no half
26 year license would be issued; to require that the show could
27 not last for more than one week; and to require that the

1 organizer and participants would remain subject to all
2 federal, state, and local regulations.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 40-12-143 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§40-12-143.

7 "Persons dealing in pistols, revolvers, maxim
8 silencers, bowie knives, dirk knives, brass knucks or knucks
9 of like kind, whether principal stock in trade or not shall
10 pay the following license tax: in cities and towns of 35,000
11 inhabitants and over, \$150; and in all other places, \$100. The
12 required license amounts shall be paid for each place of
13 business from which sales of such items are made. In addition
14 to any other required licenses, a person may organize and
15 conduct a gun and knife show of no more than seven days, by
16 paying the maximum license tax prescribed in this section, as
17 well as the maximum license taxes provided in Sections
18 40-12-158 and 40-12-174(d), for each such show. Participants
19 shall not be required to pay the license taxes provided in
20 this section, nor in Section 40-12-158 or 40-12-174 for
21 participating in such shows, provided the organizer has paid
22 the license taxes prescribed in this section prior to the
23 commencement of the event. It shall be the duty of the
24 organizer of such show to determine if each participant is
25 licensed under the sales tax laws of this state as well as the
26 particular county and municipality in which the show is
27 conducted. The organizer shall be responsible for providing a

1 list of participants to the county and municipality in which
2 the gun show is held and for collecting and remitting all
3 state and local sales taxes for any participant not licensed
4 under state or local sales tax laws. In the event the
5 organizer does not pay the license taxes prescribed in this
6 section, prior to the commencement of the event, each
7 participant shall be responsible for his or her applicable
8 licenses. The organizer and all participants shall abide by
9 applicable federal, state, and local laws and regulations. All
10 persons dealing in pistols, revolvers, and maxim silencers
11 shall be required to keep a permanent record of the sale of
12 every pistol, revolver, or maxim silencer, showing the date of
13 sale, serial number, or other identification marks,
14 manufacturer's name, caliber and type, and also the name and
15 address of the purchaser, which record. The organizer of the
16 show shall be responsible for keeping and maintaining such
17 records for any sales made at the show by any participant who,
18 for any reason, is not otherwise required to keep the records.
19 The records shall always be open for inspection by any peace
20 officer of the State of Alabama or any municipality thereof.
21 The failure to keep such record shall subject such person to
22 having his or her license revoked by the probate judge of the
23 county where such license was issued on motion of any district
24 attorney of the State of Alabama."

25 Section 2. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

