

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 1810

5 By: Representative Lowery  
6 By: Senator G. Jeffress  
7  
8

## For An Act To Be Entitled

9 AN ACT TO AMEND THE SALES AND USE TAX LAW  
10 PERTAINING TO THE TAXABILITY OF THE LEASE OR  
11 RENTAL OF PORTABLE TOILETS AND ASSOCIATED  
12 SERVICES; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 AN ACT TO AMEND THE SALES AND USE TAX  
16 LAW PERTAINING TO THE TAXABILITY OF THE  
17 LEASE OR RENTAL OF PORTABLE TOILETS AND  
18 ASSOCIATED SERVICES.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 26, Chapter 52, Subchapter 3 is amended  
25 to add an additional section to read as follows:

26 26-52-319. Portable toilets and associated services.

27 (a) The excise tax levied by the Arkansas Gross Receipts Act of 1941,  
28 § 26-52-101 et seq., and the Arkansas Compensating Tax Act of 1949, § 26-53-  
29 101 et seq., is levied on the gross receipts or gross proceeds derived from  
30 the following:

31 (1) The lease or rental of a portable toilet on a long-term or  
32 short-term basis; and

33 (2) Any service associated with the lease or rental of a  
34 portable toilet provided by the lessor or otherwise, including without  
35 limitation:

36 (A) Pumping;



- 1                   (B) Recharging with chemicals;
- 2                   (C) Disinfecting;
- 3                   (D) Cleaning;
- 4                   (E) Deodorizing;
- 5                   (F) Refilling toilet paper;
- 6                   (G) General maintenance or repair;
- 7                   (H) Pick-up or delivery; or
- 8                   (I) Any other related service.

9                   (b) The gross receipts or gross proceeds derived from the sale of a  
 10 portable toilet purchased for subsequent rental or lease may be purchased  
 11 exempt from the gross receipts tax levied by the Arkansas Gross Receipts Act  
 12 of 1941, § 26-52-101 et seq., and the compensating use tax levied by the  
 13 Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., pursuant to § 26-  
 14 52-401(12).

15                   (c) The Director of the Department of Finance and Administration may  
 16 promulgate rules to implement this section.

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18                   SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 19 General Assembly of the State of Arkansas that the portable toilet industry  
 20 is currently applying tax on tangible personal property and services  
 21 differently and that in order to achieve equity in the portable toilet  
 22 industry, additional legislation is needed. Therefore, an emergency is  
 23 declared to exist and this act being necessary for the preservation of the  
 24 public peace, health, and safety shall become effective on July 1, 2007.