

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 65  
Ways and Means

(Delegate Adams, *et al.*)

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Sales and Use Tax - Aircraft Parts and Equipment - Exemption

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This bill exempts from the State sales and use tax the sale of materials, parts, or equipment used to repair, maintain, or upgrade aircraft or the avionics systems of aircraft if installed on the aircraft. The bill requires the Comptroller to report to the General Assembly by December 31 of each year on (1) the amount of sales and use tax revenue lost from the exemption and (2) any change to the number of aviation technicians employed in the State as a result of the exemption. **The bill takes effect July 1, 2019, and terminates June 30, 2024.**

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Fiscal Summary

**State Effect:** General fund revenues decrease by a potentially significant amount in FY 2020 through 2024. The amount of the decrease depends on the cost of exempt materials and parts used to repair or maintain aircraft and the amount sold each year. General fund expenditures increase by \$81,300 in FY 2020.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful. Small businesses involved in the repair and maintenance of aircraft may benefit due to more competitive pricing.

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## Analysis

**Current Law:** Sales of machinery, equipment, and other tangible personal property used directly and predominantly in a production activity are exempt from the sales and use tax.

COMAR regulation 03.06.01.26 specifies that the sale or a sale for use of an aircraft, motor vehicle, railroad rolling stock, or vessel that is used principally in interstate or foreign commerce and a sale or a sale for use of a replacement part or other tangible personal property to be used physically in, on, or by it are exempt from the sales and use tax. Under the exemption, a vendor may overcome the presumption of taxability by requiring the buyer to sign a specified form.

**Background:** The sales and use tax is the State's second largest source of general fund revenue, accounting for approximately \$4.9 billion in fiscal 2019 and \$5.0 billion in fiscal 2020, according to the December 2018 revenue forecast. **Exhibit 1** shows the sales and use tax rates in surrounding states and the District of Columbia.

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### Exhibit 1 Sales and Use Tax Rates in Maryland and Surrounding States

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|----------------------|--|
| Delaware             | 0.0%   |
| District of Columbia | 6.0%; 10.0% for liquor sold for off-the-premises consumption and restaurant meals, liquor for consumption on the premises, tickets to specified sporting events, and rental vehicles |
| Maryland             | 6.0%<br>9.0% for alcoholic beverages   |
| Pennsylvania         | 6.0% plus 1.0% or 2.0% in certain local jurisdictions  |
| Virginia*            | 5.3%; 2.5% for eligible food items; both rates include 1.0% for local jurisdictions  |
| West Virginia        | 6.0% plus 0.5% (in two municipalities) or 1.0% (in 41 municipalities)  |

\*An additional state tax of 0.7% is imposed in localities in Northern Virginia and the Hampton Roads region and an additional 1.7% is imposed in localities in the Historic Triangle.

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Ohio enacted a sales and use tax exemption for certain aircraft maintenance and repair transactions in 2008. The definition of aircraft includes those aircraft that are either of more

than 6,000 pounds maximum certified takeoff weight or used exclusively in general aviation. General aviation includes all civilian flying, except scheduled passenger airlines.

The Maryland Aviation Administration's 2017 report to the General Assembly indicates that the Maryland airport system consists of Baltimore/Washington International Thurgood Marshall Airport, Martin State Airport, and 35 general aviation airports. The report states that these airports are responsible for over 107,000 direct and indirect jobs, \$4.3 billion in personal wages and salaries, \$7.8 billion in business revenue, and approximately \$600 million in State and local tax revenues.

A 2013 study by the National Business Aviation Association indicates that in 2013, there were 1,500 direct and 8,300 indirect general aviation jobs in Maryland and that direct income, including wages and benefits totaled approximately \$127 million and indirect income totaled \$492 million. In addition, the general aviation industry contributed approximately \$347 million to Maryland's economy in that year.

**State Fiscal Effect:** General fund revenues may decrease by a potentially significant amount in fiscal 2020 through 2024. The amount of the decrease depends on the cost of exempt materials and parts used to repair or maintain aircraft and the amount sold each year, neither of which can be reliably estimated. The 2012 Economic Census lists 12 businesses in Maryland involved in aerospace product and parts manufacturing. The amount of annual sales of these businesses is withheld by the U.S. Census Bureau due to confidentiality requirements.

As a point of reference, for each \$1.0 million of aircraft materials, parts, and equipment that are exempt under the bill, general fund revenues will decrease by \$60,000.

The Comptroller's Office will incur a one-time expenditure increase of \$81,300 in fiscal 2020 to notify the approximately 130,000 sales and use tax account holders of the sales tax change. The Comptroller's Office also notes that it may need additional personnel to verify compliance with the new exemption, but can handle the reporting requirements with existing resources.

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### **Additional Information**

**Prior Introductions:** SB 212 of 2018 received a favorable report from the Senate Budget and Taxation Committee and passed the Senate. The bill received a hearing in the House Ways and Means Committee, but no further action was taken. The cross file, HB 318, also received a hearing in the House Ways and Means Committee; but no further action was taken. SB 159 of 2017 received a favorable with amendments report from the Senate Budget and Taxation Committee and passed the Senate. The bill received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, HB 65/ Page 3

HB 67, received an unfavorable report from the House Ways and Means Committee. HB 313 of 2016 received a hearing in the House Ways and Means Committee, and its cross file, SB 14, received a hearing in the Senate Budget and Taxation Committee. No further action was taken on either bill.

**Cross File:** SB 2 (Senator Eckardt) - Budget and Taxation.

**Information Source(s):** Comptroller's Office; Department of Legislative Services

**Fiscal Note History:** First Reader - January 23, 2019  
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