

**ASSEMBLY BILL**

**No. 3052**

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**Introduced by Assembly Member Pescetti**

March 21, 2002

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An act to add and repeal Section 6356.4 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 3052, as introduced, Pescetti. Sales and use taxes: exemption: energy efficient appliances.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law provides various exemptions from that tax.

This bill would additionally exempt from that tax residential and commercial refrigerators and clothes washers that are energy efficient, as defined. This bill also would state the intent of the Legislature to encourage the use of energy efficient appliances, and to enact a program to reimburse the state and local governments for revenue losses incurred as a result of the bill.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature to encourage
- 2 and increase incentives for replacing and recycling inefficient

1 refrigerators, room air-conditioners, clothes washers, and  
 2 dishwashers with appliances that meet or exceed the applicable  
 3 ENERGY STAR efficiency requirements developed by the United  
 4 States Environmental Protection Agency and the United States  
 5 Department of Energy, and to thereby lower the demand for energy  
 6 in California. It is the further intent of the Legislature to enact a  
 7 program that would require, in the case of a public utility offering  
 8 a rebate program for recycling inefficient appliances, that the  
 9 person or entity seeking a rebate should provide proof that the  
 10 appliance has been recycled in an environmentally sound manner  
 11 before that person or entity receives a rebate.

12 SEC. 2. Section 6356.4 is added to the Revenue and Taxation  
 13 Code, to read:

14 6356.4. (a) There are exempted from the taxes imposed by  
 15 this part the gross receipts from the sale in this state of, and the  
 16 storage, use, or other consumption in this state of energy efficient  
 17 residential and commercial refrigerators and clothes washers. For  
 18 purposes of this section, "energy efficient" means that the  
 19 appliances meet or exceed the applicable ENERGY STAR  
 20 efficiency requirements developed by the United States  
 21 Environmental Protection Agency and the United States  
 22 Department of Energy.

23 (b) The State Board of Equalization and the State Energy  
 24 Resources Conservation and Development Commission shall  
 25 prescribe regulations for the implementation of this section.

26 (c) This section shall remain in effect only until January 1,  
 27 2005, and as of that date is repealed.

28 SEC. 3. It is the intent of the Legislature to enact a program  
 29 to reimburse the state and local governments for revenue losses  
 30 incurred as a result of this act.

31 SEC. 4. This act provides for a tax levy within the meaning of  
 32 Article IV of the Constitution and shall go into immediate effect.  
 33 However, the provisions of this act shall become operative on the  
 34 first day of the first calendar quarter commencing more than 60  
 35 days after the effective date of this act.

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