

2018 Second Extraordinary Session

HOUSE BILL NO. 12

BY REPRESENTATIVE LEGER

TAX/SALES & USE: Provides criteria for the definition of "dealer" for purposes of the sales tax imposed on transactions involving a remote seller (Item #26)

1 AN ACT

2 To amend and reenact R.S. 47:339(A)(2) and (B)(3) and to enact R.S. 47:301(4)(m), relative
3 to sales and use tax; to provide with respect to collection and reporting of sales and
4 use taxes; to provide for the definition of dealer; to provide for effectiveness; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:339(A)(2) and (B)(3) are hereby amended and reenacted and R.S.
8 47:301(4)(m) is hereby enacted to read as follows:

9 §301. Definitions

10 As used in this Chapter the following words, terms, and phrases have the
11 meanings ascribed to them in this Section, unless the context clearly indicates a
12 different meaning:

13 * * *

14 (4) "Dealer" includes every person who manufactures or produces tangible
15 personal property for sale at retail, for use, or consumption, or distribution, or for
16 storage to be used or consumed in a taxing jurisdiction. "Dealer" is further defined
17 to mean:

18 * * *

19 (m)(i) Any person who sells for delivery into Louisiana tangible personal
20 property, products transferred electronically, or service and who does not have a

Proposed law retains present law and further defines "dealer" as a person who does not have a physical presence in the state and who sells for delivery into La. tangible personal property, products transferred electronically, or services, if either:

- (1) The person's gross revenue from sales in La. exceeds \$100,000; or
- (2) The person engaged in 200 or more separate transactions in La.

Proposed law also provides that a person may voluntarily register as a dealer for purposes of collecting the additional sales tax regardless of their revenue or number of sales.

Present law requires that the La. Sales and Use Tax Commission for Remote Sellers (commission), serve as the single entity in La. to require remote sellers to collect and remit sales and use taxes on remote sales sourced to La. pursuant to federal law authorizing states to require remote sellers.

Proposed law retains present law and includes final rulings by the U. S. Supreme Court as a source of authority by which states may be authorized to require remote sellers to collect and remit sales and use taxes.

(Amends R.S. 47:339(A)(2) and (B)(3); Adds R.S. 47:301(4)(m))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Add final rulings by the U. S. Supreme Court as a source of authority by which states may be authorized to require remote sellers to collect and remit sales and use taxes, and by which the La. Sales and Use Tax Commission may exercise its authority as the single entity in La. to require the collection and remittance of the taxes.
2. Technical.