SLS 22RS-263 REENGROSSED

2022 Regular Session

SENATE BILL NO. 54

BY SENATOR ALLAIN

REVENUE DEPARTMENT. Provides for an automatic filing extension for individual income tax returns. (8/1/22)

AN ACT

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To amend and reenact R.S. 47:103(D), relative to income tax return filing extensions; to provide for an automatic filing extension for certain income tax returns; to provide for conditions and applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:103(D) is hereby amended and reenacted to read as follows:

7 §103. Time and place for filing returns; information concerning federal return

8 * * *

D.(1) The secretary may grant a reasonable extension of time for filing returns, not to exceed six months from the date the Louisiana income tax return is due or the extended due date of the federal income tax return, whichever is later. The secretary may accept a physical copy of a taxpayer's Internal Revenue Service form requesting an extension of time to file a federal income tax return for the same taxable period as an extension of time to file a Louisiana income tax return or provide for the automatic extension of the Louisiana income tax return without the necessity of an additional state form concerning the request for an extension of time.

(2) For individual, partnership, and fiduciary income tax returns for

taxable periods beginning on or after January 1, 2022, there shall be an automatic six-month extension of the time to file the return.

(3) All filing extensions provided pursuant to this Subsection are conditioned upon the filing of the required return within the extension time period. If the required return is not filed within the extension time period, there shall be no extension and any delinquent filing penalty shall be computed from the original due date of the return.

The original instrument was prepared by Leonore Heavey. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl Serrett.

DIGEST

SB 54 Reengrossed

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Allain

<u>Present law</u> authorizes the secretary of the Department of Revenue to grant extensions of time to file income taxes for a period not to exceed six months.

<u>Present law</u> authorizes the secretary to accept a federal income tax filing extension for the same tax period.

<u>Present law</u> permits, but does not require, the secretary to provide for automatic filing extensions for income tax returns.

<u>Proposed law</u> retains the secretary's <u>present law</u> discretionary filing extension authority and adds a mandatory six-month automatic filing extension for individual, partnership, and fiduciary income tax returns as well as clarifying that filing extensions provided in <u>present law</u> and <u>proposed law</u> are applicable only if the taxpayer files the required income tax return within the extended filing time period.

<u>Proposed law</u> retains <u>present law</u> with respect to the application of delinquent filing penalties and provides the same penalty application for <u>proposed law</u> automatic extensions. Specifically, if the required return is not filed within the extension time period then there is no extension, and any delinquent filing penalty will be computed from the original due date of the return.

Effective August 1, 2022.

(Amends R.S. 47:103(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

- 1. Makes technical changes.
- 2. Adds corporation income tax returns to the automatic extension.

Senate Floor Amendments to engrossed bill

1. Removes corporation income tax returns from the automatic extension.