2022 Regular Session

**ACT No. 428** 

SENATE BILL NO. 443

BY SENATOR ALLAIN

1	AN ACT
2	To amend and reenact R.S. 47:303.1(C) and (G) and to repeal R.S. 47:303.1(D), relative to
3	direct payment numbers; to provide for uniform direct payment number procedures
4	and appeal rights for local tax collectors; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 47:303.1(C) and (G) are hereby amended and reenacted to read as
7	follows:
8	§303.1. Direct Payment Numbers
9	* * *
10	C.(1) Upon application by a taxpayer to the department for a DP Number
11	pursuant to Paragraph (B)(1) or (2) of this Section, the department shall notify by
12	certified mail the local agency or agencies charged with collection of the sales and
13	use tax imposed by the political subdivisions submit the application to the local
14	collector in the parish or parishes in which the taxpayer has a manufacturing
15	establishment or facility or is a taxpayer that meets the requirements of Paragraph
16	(B)(2) of this Section. <u>The application shall be submitted to the local collector in</u>
17	a manner that provides actual notice of the application including but not limited
18	to submission by certified mail that is signed for and received by the local
19	collector. The department and the local collection agency or agencies collector shall
20	review the application and shall may audit the taxpayer to determine that the
21	taxpayer meets the qualifications provided in Subsection B of this Section
22	Paragraph (B)(1) or (2) of this Section, if the department or local collection agency
23	or agencies collector consider such an audit necessary.
24	D.(2)(a) If the taxpayer applying for a DP Number pursuant to Paragraph

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

#### **SB NO. 443**

### **ENROLLED**

1	(B)(1) or $(2)$ of this Section meets the qualifications of Subsection B of this Section
2	Paragraph (B)(1) or (2) of this Section and obtains written approval from the local
3	agency or agencies charged with the collection of sales and use tax imposed by the
4	political subdivisions collector in the parish or parishes in which the taxpayer has
5	a manufacturing establishment or facility or is a taxpayer that meets the requirements
6	of Paragraph (B)(2) of this Section, within sixty days of receipt of the application
7	by the local collector, the department shall issue the DP Number to the taxpayer.
8	(b) If the taxpayer meets the qualifications of Subsection B of this Section
9	Paragraph (B)(1) or (2) of this Section but written approval is denied or withheld
10	by the local agency or agencies charged with the collection of sales and use tax
11	imposed by the political subdivisions not provided by the local collector within
12	sixty days after receipt of the application by the local collector in the parish or
13	parishes in which the taxpayer has a manufacturing establishment or facility or is a
14	private, nonprofit, tax-exempt organization, the department shall issue a DP Number
15	to the taxpayer that shall be applicable only for the purposes of state sales and use
10	
16	tax.
16	tax.
16 17	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of
16 17 18	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty
16 17 18 19	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty days of receipt of the application by the local collector in the parish or parishes
16 17 18 19 20	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty days of receipt of the application by the local collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty days of receipt of the application by the local collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization that meets the requirements of
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty days of receipt of the application by the local collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization that meets the requirements of Paragraph (B)(2) of this Section, the department shall issue a DP Number to the
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty days of receipt of the application by the local collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization that meets the requirements of Paragraph (B)(2) of this Section, the department shall issue a DP Number to the taxpayer that shall be applicable only for the purposes of state sales and use tax.
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty days of receipt of the application by the local collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization that meets the requirements of Paragraph (B)(2) of this Section, the department shall issue a DP Number to the taxpayer that shall be applicable only for the purposes of state sales and use tax. (3) If a local collector determines that a taxpayer no longer qualifies for
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty days of receipt of the application by the local collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization that meets the requirements of Paragraph (B)(2) of this Section, the department shall issue a DP Number to the taxpayer that shall be applicable only for the purposes of state sales and use tax. (3) If a local collector determines that a taxpayer no longer qualifies for a DP Number, the local collector shall notify the department and request an
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty days of receipt of the application by the local collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization that meets the requirements of Paragraph (B)(2) of this Section, the department shall issue a DP Number to the taxpayer that shall be applicable only for the purposes of state sales and use tax. (3) If a local collector determines that a taxpayer no longer qualifies for a DP Number, the local collector shall notify the department and request an examination of the taxpayer for the limited purpose of determining continued
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ol>	tax. (c) If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty days of receipt of the application by the local collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization that meets the requirements of Paragraph (B)(2) of this Section, the department shall issue a DP Number to the taxpayer that shall be applicable only for the purposes of state sales and use tax. (3) If a local collector determines that a taxpayer no longer qualifies for a DP Number, the local collector shall notify the department and request an examination of the taxpayer for the limited purpose of determining continued eligibility for a DP Number. If, after examination, the department determines

Page 2 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

#### **SB NO. 443**

1	G.(1) The taxpayer may appeal the secretary's denial or revocation of a DP
2	Number to the Board of Tax Appeals.
3	(2) A local collector may appeal the department's failure to revoke a
4	taxpayer's DP Number pursuant to Paragraph (C)(3) of this Section.
5	* * *
6	Section 2. R.S. 47:303.1(D) is hereby repealed.
7	Section 3. This Act shall become effective on January 1, 2023; if vetoed by the
8	governor and subsequently approved by the legislature, this Act shall become effective on
9	the day following such approval by the legislature or January 1, 2023, whichever is later.

## PRESIDENT OF THE SENATE

# SPEAKER OF THE HOUSE OF REPRESENTATIVES

## GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_