

SENATE BILL NO. 144

BY SENATOR MORRELL

1 AN ACT

2 To enact R.S. 47:13, relative to tax exemptions; to provide for renewal of certain tax
3 exemption certificates once granted; to require the Department of Revenue to
4 promulgate necessary rules and regulations; to provide for an effective date; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:13 is hereby enacted to read as follows:

8 **§13. Renewal of tax exemption certificates**

9 **A. Direct Payment Numbers. Notwithstanding any other law in this**
10 **Title to the contrary, a sales tax exemption certificate granted to a taxpayer**
11 **under the provisions of R.S. 47:303.1 shall be renewed as provided in this**
12 **Section without his having to reapply for the certificate unless the Department**
13 **of Revenue determines that the taxpayer is no longer qualified for the**
14 **exemption. However, the Department of Revenue may suspend a taxpayer's**
15 **direct payment number certificate if the taxpayer has not met the requirements**
16 **of R.S. 47:303.1(B) or has become delinquent in the taxpayer's sales tax**
17 **payment or filing responsibilities pursuant to R.S. 47:306.**

18 **B. Sale for Resale. Notwithstanding any other law in this Title to the**
19 **contrary, a sales tax exemption certificate granted to a taxpayer defined as a**
20 **dealer under the provisions of R.S. 47:301(4) and who makes purchases of**

1 tangible personal property for resale as provided for in R.S. 47:301(10)(a)(i) or
2 sales of services for resale as provided for in R.S. 47:301(10)(a)(ii) shall be
3 renewed as provided for in this Section without his having to reapply for the
4 exemption certificate unless the Department of Revenue determines the
5 taxpayer is no longer qualified for the exemption. However, the Department of
6 Revenue may suspend a taxpayer's resale certificate if the taxpayer no longer
7 qualifies as a dealer under R.S. 47:301(4) or has become delinquent in the
8 taxpayer's sales tax payment or filing responsibilities pursuant to R.S. 47:306.

9 C. Purchases of Manufacturing, Machinery, and Equipment.
10 Notwithstanding any other law in this Title to the contrary, a sales tax
11 exemption certificate granted to a taxpayer pursuant to R.S. 47:301(3)(i)(i),
12 47:301(13)(k)(i) and 47:301(28)(a) shall be renewed as provided in this Section
13 without his having to reapply for the exemption certificate unless the
14 Department of Revenue determines that the taxpayer is no longer qualified for
15 the exemption. However, the Department of Revenue may suspend a taxpayer's
16 exemption certificate if the taxpayer no longer qualifies as a manufacturer
17 under R.S. 47:301(3)(i)(i), 47:301(13)(k)(i), or 47:301(28)(a), or if the taxpayer
18 has become delinquent in the taxpayer's sales tax payment or filing
19 responsibilities pursuant to R.S. 47:306.

20 D. Automatic renewals of the sales tax exemption certificates in
21 Subsections A, B, and C of this Section may be for a period of up to three years.
22 The Department of Revenue shall notify a qualifying taxpayer of its
23 determination as to whether the certificate will be automatically renewed
24 pursuant to this Section or whether the taxpayer is denied renewal and must
25 reapply. A taxpayer who is denied renewal of a sales tax exemption certificate
26 may reapply for the certificate to the Department of Revenue. The Department
27 of Revenue shall promulgate rules and regulations regarding its criteria for
28 determining a taxpayer's ability to renew a sales tax exemption certificate
29 without the necessity of reapplying as it relates to the exemption certificates in
30 Subsections A, B, and C of this Section.

1 Section 2. This Act shall become effective on January 1, 2014; if vetoed by the
2 governor and subsequently approved by the legislature, this Act shall become effective on
3 January 1, 2014, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____