

2017 Regular Session

HOUSE BILL NO. 333

BY REPRESENTATIVE JEFFERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

REVENUE DEPARTMENT: Authorizes the secretary of the Dept. of Revenue to require the filing of electronic tax returns and the payment of taxes by electronic funds transfer

1 AN ACT

2 To amend and reenact R.S. 47:1519(B) and 1520(A)(1)(c), (e), and (g) and (2), (B), and (C)
3 and to enact R.S. 47:1519(D) and 1520(A)(3), relative to tax returns and payments;
4 to provide for the payment of taxes by electronic funds transfer; to authorize the
5 secretary to require the electronic filing of tax returns; to provide for exceptions; to
6 provide with respect to certain penalties; to require rulemaking; to provide for
7 effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:1519(B) and 1520(A)(1)(c), (e), and (g) and (2), (B), and (C) are
10 hereby amended and reenacted and R.S. 47:1519(D) and 1520(A)(3) are hereby enacted to
11 read as follows:

12 §1519. Payment of taxes by electronic funds transfer; credit or debit cards; other

13 * * *

14 B. ~~(1) For taxable periods beginning on or after January 1, 2004, and ending~~
15 ~~on or before December 31, 2005, the secretary of the Department of Revenue may~~
16 ~~require payments by electronic funds transfer under any of the following~~
17 ~~circumstances:~~

18 (a) ~~The tax due in connection with the filing of any return, report, or other~~
19 ~~document exceeds fifteen thousand dollars.~~

1 ~~(b) A taxpayer files tax returns more frequently than monthly and during the~~
2 ~~preceding twelve-month period, the average total payments exceed fifteen thousand~~
3 ~~dollars per month.~~

4 ~~(c) A company files withholding tax returns and payments on behalf of other~~
5 ~~taxpayers and during the preceding twelve-month period, the average total payments~~
6 ~~for all tax returns filed exceed fifteen thousand dollars per month.~~

7 ~~(2) For taxable periods beginning on or after January 1, 2006, and ending on~~
8 ~~or before December 31, 2007, the secretary of the Department of Revenue may~~
9 ~~require payments by electronic funds transfer under any of the following~~
10 ~~circumstances:~~

11 ~~(a) The tax due in connection with the filing of any return, report, or other~~
12 ~~document exceeds ten thousand dollars.~~

13 ~~(b) A taxpayer files tax returns more frequently than monthly and during the~~
14 ~~preceding twelve-month period, the average total payments exceed ten thousand~~
15 ~~dollars per month.~~

16 ~~(c) A company files withholding tax returns and payments on behalf of other~~
17 ~~taxpayers and during the preceding twelve-month period the average total payments~~
18 ~~for all tax returns filed exceed ten thousand dollars per month.~~

19 ~~(3) (1) For taxable periods beginning on or after January 1, 2008, the~~
20 ~~secretary of the Department of Revenue may require payments by electronic funds~~
21 ~~transfer under any of the following circumstances:.~~

22 ~~(a) The tax due in connection with the filing of any return, report, or other~~
23 ~~document exceeds five thousand dollars.~~

24 ~~(b) A taxpayer files tax returns more frequently than monthly and during the~~
25 ~~preceding twelve-month period, the average total payments exceed five thousand~~
26 ~~dollars per month.~~

27 ~~(c) A company files withholding tax returns and payments on behalf of other~~
28 ~~taxpayers, and during the preceding twelve-month period, the average total payments~~
29 ~~for all tax returns filed exceed five thousand dollars per month.~~

1 shall have the same validity and consequence as the actual signature and/or written
2 declaration for such a return, report, statement, or other document.

3 * * *

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 333 Reengrossed

2017 Regular Session

Jefferson

Abstract: Requires the electronic filing of certain tax returns and reports.

Present law provides generally regarding the payment of taxes by electronic funds transfer. The secretary of the Department of Revenue (secretary) is authorized to require tax payments be made by electronic funds transfers only for tax returns valued at certain amounts.

Proposed law repeals present law which limits the value of the return required to be paid by electronic funds transfer.

Proposed law authorizes an exemption from the requirement to make payments through electronic transfer if the taxpayer can prove the payment by electronic funds transfer would create an undue hardship.

Present law authorizes the secretary to require a certain percentage of individual income tax returns prepared by a tax preparer that prepares more than one hundred state individual income tax returns during any calendar year, from 30% of returns in 2008, to 90% of returns in 2012.

Proposed law authorizes the secretary the discretion to require electronic filing of tax returns, without specific limits or requirements, except as provided in present law concerning individual income tax returns.

Present law provides that failure to comply with the electronic filing requirements will result in the assessment of a penalty of \$100 or 5% of the tax, whichever is greater. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to another cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty. If the penalty exceeds \$25,000, the penalty may be waived by the secretary only after approval by the Board of Tax Appeals.

Proposed law changes present law by removing the requirement for Board of Tax Appeals approval of a penalty waiver in excess of \$25,000 and instead provides that such penalty

waivers shall be subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs. However, the provisions of proposed law concerning the remittance or waiver of penalty shall not apply to any penalty the secretary remits or waives in accordance with departmental rules and regulations promulgated regarding the remittance or waiver of penalties under the department's voluntary disclosure program.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:1519(B) and 1520(A)(1), (c), (e), and (g) and (2), (B), and (C); Adds R.S. 47:1519(D) and 1520(A)(3))