

RÉSUMÉ DIGEST

ACT 150 (HB 333)

2017 Regular Session

Jefferson

Prior law authorized the secretary of the Department of Revenue (secretary) to require tax payments be made by electronic funds transfers only for tax returns valued at certain amounts.

New law removes the limitation on the value of the return in order for the secretary to be required to be paid by electronic funds transfer in favor of granting the secretary discretion to require payments by electronic funds transfer.

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

Prior law authorized the secretary to require a certain percentage of individual income tax returns prepared by a tax preparer that prepares more than 100 state individual income tax returns during any calendar year to be filed electronically.

New law repeals the prior law limitation on the percentages of tax returns that could be required to be filed electronically in favor of granting the secretary discretion to require electronic filing of tax returns.

Existing law provides that failure to comply with requirements for electronic filing 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.

Prior law required that if the penalty exceeded \$25,000, the penalty could be waived by the secretary only after approval by the Board of Tax Appeals.

New law changes the oversight authority for penalty waivers exceeding \$25,000 from the Board of Tax Appeals to the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, but only for cases other than a waiver granted under the department's voluntary disclosure program.

Effective upon signature of governor (June 12, 2017).

(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))