

2018 First Extraordinary Session

HOUSE BILL NO. 28

BY REPRESENTATIVE SMITH

TAX: Increases the tax on certain telecommunication devices and services and levies a tax on prepaid mobile devices and prepaid mobile device cards (Item #10)

1 AN ACT

2 To amend and reenact R.S. 47:1061(A)(1) and (2), relative to telecommunication taxes; to
3 levy a tax on certain mobile devices and mobile device cards; to provide for
4 collection and remittance of the tax; to provide for an effective date; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:1061(A)(1) and (2) are hereby amended and reenacted to read as
8 follows:

9 §1061. Telecommunication tax for the deaf

10 A.(1)(a) There is hereby levied a tax of four and one-half cents per month
11 to be assessed per line for each wireline access line and per telephone number for
12 each wireless handset device on each residential and business customer of a local or
13 wireless telecommunication service company operating in Louisiana. The tax shall
14 be collected from each residential and business customer and remitted by each such
15 company on or before thirty days after the close of each calendar quarter to the
16 secretary of the Department of Revenue on forms prescribed by the secretary. The
17 tax provided for in this Paragraph shall not apply to wireless devices used only for
18 data purposes ~~or to prepaid wireless devices.~~

19 (b)(i) In addition to any other taxes or fees on purchases of a prepaid mobile
20 device or a prepaid mobile device card, there is hereby levied a tax on prepaid
21 mobile devices and prepaid mobile device cards in the amount of one dollar and fifty
22 cents per retail transaction. For purposes of this Subparagraph, the term "retail

Proposed law repeals the present law tax exemption for prepaid wireless devices.

Proposed law levies a tax on prepaid mobile devices and prepaid mobile device cards of \$1.50 per retail transaction. Further defines a "retail transaction" for purposes of proposed law as each individual purchase of a prepaid mobile device or prepaid mobile device card.

Proposed law requires the seller of prepaid mobile devices or prepaid mobile device cards to collect the tax pursuant to proposed law from each purchaser and to remit the tax to DOR in accordance with present law. Further requires the amount of the tax to be separately stated on an invoice or other similar document provided to the consumer or to otherwise disclose the amount of the tax to the consumer.

Present law authorizes a deduction not to exceed 3% from the amount of tax collected each month by telecommunication service companies collecting and remitting the tax as compensation for collection of the tax.

Proposed law retains present law and extends the 3% deduction to sellers of prepaid mobile devices or prepaid mobile device cards as compensation for collection and remittance of the tax.

Present law requires, after satisfaction of the requirements of the Bond Security and Redemption Fund, monies from the tax to be deposited into the "Telecommunications for the Deaf Fund" to be used to establish, administer, and promote a statewide program to provide accessibility services and assistive technology for persons who are deaf, deaf/blind, hard of hearing, speech impaired, or others with similar disabilities or impairments.

Proposed law retains present law.

Effective July 1, 2018.

(Amends R.S. 47:1061(A)(1) and (2))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Change the amount of the tax levied from a graduated amount of tax based on the amount of the retail transaction to a flat tax of \$1.50 per retail transaction.
2. Define "retail transaction" for purposes of proposed law as each individual purchase of a prepaid mobile device or prepaid mobile device card.