SLS 18RS-407

ORIGINAL

2018 Regular Session

SENATE BILL NO. 259

BY SENATOR CARTER

COMMERCIAL REGULATIONS. Provides relative to collection of certain disallowed tax benefits from taxpayers. (8/1/18)

1	AN ACT
2	To enact R.S. 47:1561.3, relative to the recovery of certain tax benefits; to provide relative
3	to the authority of the secretary of the Department of Revenue; to provide for terms
4	and conditions; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 47:1561.3 is hereby enacted to read as follows:
7	§1561.3. Special authority to recover nonrefundable tax credits
8	A. Except as provided in R.S. 47:1561.2, all tax benefits, including
9	nonrefundable tax credits, previously granted to a taxpayer but later
10	disallowed, may be recovered by the secretary through any collection remedy
11	authorized by R.S. 47:1561 and initiated within the latter of any of the
12	following:
13	(1) Two years from December thirty-first of the year in which the benefit
14	was paid.
15	(2) Three years from December thirty-first of the year in which the taxes
16	for the filing period were due.
17	(3) The time period for which prescription has been extended, as

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	provided by R.S. 47:1580.
2	B. The only interest that may be assessed and collected on recovered
3	benefits amounts is interest at a rate three percentage points above the rate
4	provided in Civil Code Article 2924(B)(1), which shall be computed from the
5	date of issuance to the date payment is received by the secretary.
6	C. The provisions of this Section are in addition to and shall not limit the
7	authority of the secretary to assess or to collect under any other provision of
8	law.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

SB 259 Original

DIGEST 2018 Regular Session

Carter

Present law provides for the procedure for the secretary of the Department of Revenue to collect rebates or refundable tax credits previously granted to a taxpayer, but later disallowed.

Proposed law makes all tax benefits, including nonrefundable tax credits, subject to the same procedure for the collection of disallowed rebates or refundable tax credits.

Effective August 1, 2018.

(Adds R.S. 47:1561.3)