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

DIGEST

SB 164 Original 2020 Regular Session Allain

Present law requires local sales and use tax collectors to determine the tax, penalty, and interest due when a taxpayer fails to file a sales and use tax return and prohibits the taxpayer from appealing this estimated assessment to the Board of Tax Appeals.

Proposed law retains present law estimated assessment authority but allows taxpayers to protest the estimated assessments with the Board of Tax Appeals.

Present law authorizes local tax collectors to collect local sales and use tax by summary court proceeding.

Proposed law retains the ability of local collectors to use summary proceedings to collect local sales and use taxes, but limits the use of summary proceedings to the following circumstances:

(1) The collection of a tax assessment that has become final, a bankruptcy receiver has been appointed for the taxpayer, or the taxpayer self-assessed the amount shown due on the return.

(2) A jeopardy assessment has been or could be issued against the taxpayer.

(3) A rule to cease business has been or is concurrently brought against the taxpayer.

(4) The matter involves the collector's authority to enforce collection of taxes collected from others.

Present law does not allow a taxpayer who pays under protest to file suit with the Board of Tax Appeals once the collector has filed suit in district court.

Proposed law removes this limitation.

Effective July 1, 2020.

(Amends R.S. 47:337.48(A), 337.51(A)(2), and 337.63(B); adds R.S. 47:337.61(5))