

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 164

2020 Regular Session

Allain

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

TAX/LOCAL. Provides relative to local sales and use tax adjustment. (7/1/20)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Increases from 30 to 60 calendar days the time a taxpayer has to comply with a notice of assessment when the required report was not filed by the taxpayer

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 164 Reengrossed

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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.

- (a) Pay the amount of the assessment.
- (b) Appeal to the Board of Tax Appeals for redetermination of the assessment.
- (c) Pay under protest in accordance with R.S. 47:337.63, and then either file suit or file a petition with the Board of Tax Appeals, all as provided for in that Section.

Proposed law retains these provisions.

Present law requires that if no report has been timely filed, then the notice is to be sent by certified mail to the taxpayer at any address obtainable from any private entity which will provide such address free of charge or from any federal, state, or local government entity, including but not limited to the United States Postal Service or from the United States Postal Service certified software. Requires that this notice shall inform the taxpayer of the assessment and that he has 30 calendar days from the date of the notice to do either of the following:

- (a) Pay the amount of the assessment.
- (b) Pay under protest in accordance with R.S. 47:337.63 and then either file suit or file a petition with the Board of Tax Appeals, all as provided for in that Section.

Proposed law retains these provisions but increases from 30 to 60 calendar days the time that the taxpayer to do any of the items listed and adds provisions allowing the taxpayer to consider any right pursuant to proposed law or other applicable law.

Proposed law states that if the estimated tax amount exceeds \$100,000 or if the person has never filed a return or has never been the subject of any actions pursuant to collection and has no physical presence in the state may then he take any action authorized by present law within the applicable deadline for action.

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.
- (5) A taxpayer or dealer has failed to make and file any required return or report where the collector estimates the tax due to be less than \$100,000.

Proposed law provides specific instructions on how collectors shall compute all refunds or credits and allow interest as part of the refund or credit.

Effective July 1, 2020.

(Amends R.S. 47:337.51(A)(2); adds R.S. 47:337.51(A)(4), 337.61(5) and 337.80(A)(4) and (D))

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