

2020 First Extraordinary Session

HOUSE BILL NO. 11

BY REPRESENTATIVE STEFANSKI

TAX/SALES & USE: Provides for the amount of compensation persons required to collect state sales and use tax may deduct for remitting taxes (Item #30)

1 AN ACT

2 To amend and reenact R.S. 47:306(A)(3)(a), relative to the compensation of persons
3 required to collect state sales and use tax; to provide for the amount of compensation
4 persons required to collect state sales and use tax may deduct for the purpose of
5 remitting sales and use taxes; to provide for certain requirements and limitations;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:306(A)(3)(a) is hereby amended and reenacted to read as follows:

9 §306. Returns and payment of tax; penalty for absorption

10 A. General provisions.

11 * * *

12 (3)(a) For the purpose of compensating the dealer in accounting for and
13 remitting the tax levied by this Chapter, each dealer shall be allowed ~~935~~ one and
14 one tenth percent of the amount of tax due and accounted for and remitted to the
15 secretary in the form of a deduction in submitting his report and paying the amount
16 due by him, provided the amount of any credit claimed for taxes already paid to a
17 wholesaler shall not be deducted in computing the commission allowed the dealer
18 hereunder. The aggregate state compensation for a dealer who operates one or more
19 business locations within Louisiana shall not exceed one thousand five hundred
20 dollars per calendar month. This compensation shall be allowed only if the payment

1 of the dealer is timely paid and the return is timely filed. Notwithstanding any other
 2 provision of law, the calculation of this deduction shall be based only on the taxes
 3 levied pursuant to R.S. 47:302, 321, 331, and R.S. 51:1286. There shall be no
 4 compensation for the taxes accounted for and remitted pursuant to R.S. 47:321.1 or
 5 any other sales tax levied by the state.

6 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 11 Engrossed 2020 First Extraordinary Session Stefanski

Abstract: Changes the amount of compensation persons required to collect and remit state sales and use taxes may deduct for collecting and remitting sales and use taxes.

Present law imposes a 4.45% state tax upon the sale, use, consumption, storage, or rental of certain tangible personal property and services.

Present law provides that the dealer shall be allowed to deduct and retain .935% of the total amount of taxes due for the purpose of compensating the deal for accounting for and remitting the tax.

Proposed law changes the amount dealers may deduct and retain to 1.1% of the total amount of taxes due.

Present law further provides the aggregate state compensation for a dealer shall not exceed \$1,500 per calendar month. Proposed law retains present law.

Present law provides that the calculation of the compensation shall be based only on the taxes levied pursuant to R.S. 47:302, 321, 331, and R.S. 51:1286. Proposed law retains present law.

(Amends R.S. 47:306(A)(3)(a))