

2022 Regular Session

HOUSE BILL NO. 140

BY REPRESENTATIVE ECHOLS

TAX: Provides for a waiver of certain income tax penalties and interest

1 AN ACT

2 To enact R.S. 47:1602.3, relative to the Department of Revenue; to require the secretary of
3 the Department of Revenue to waive certain penalties and interest; to provide for
4 limitations; to provide for applicability; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:1602.3 is hereby enacted to read as follows:

7 §1602.3. Waiver of penalties and interest; business taxpayers

8 A. Notwithstanding any provision of the law to the contrary, the secretary
9 of the Department of Revenue shall waive all penalties and interest imposed pursuant
10 to the provisions of R.S. 47:114(F), 287.655, 1601, and 1602 for the late filing of any
11 income tax return or the late payment of any income tax if the return or the payment
12 was originally due during the public health emergency originally declared by
13 Proclamation Number 25 JBE 2020, as extended by any subsequent proclamations,
14 and the late return or payment was finally submitted to the Department of Revenue
15 no later than April 30, 2022.

16 B. This Section applies only to a taxpayer that owes Louisiana income tax
17 and is filing as a sole proprietorship, limited liability company, partnership, or
18 corporation.

19 C. Application for the waiver provided pursuant to this Section shall be in
20 the form prescribed by the secretary.

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 140 Original

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Echols

Abstract: Requires the waiver of all penalties and interest for the late filing of an income tax return or the late payment of income tax if the return or payment was originally due during a certain gubernatorially declared disaster and the late return or payment was submitted no later than April 30, 2022.

Present law requires the assessment of interest to be added to the amount of tax due when a taxpayer fails to pay a tax on or before the day it is required to be paid. The amount of interest accrues at an annual rate of 3% above the judicial interest rate provided for in present law.

Present law requires the secretary of the Dept. of Revenue (DOR) to impose a penalty in addition to any other penalty when a taxpayer fails to make and file any return required to be made in accordance with present law before the time that the return becomes delinquent or when a taxpayer fails to timely remit to the secretary of DOR the total amount of tax that is due on a return which he has filed. The amount of the penalty varies depending on the length of time the deficiency continues.

Proposed law requires the secretary of DOR to waive all penalties and interest for the late filing of an income tax return or the late payment of any income tax due if the return or payment was originally due during the public health emergency originally declared by Proclamation Number 25 JBE 2020, as extended by any subsequent proclamations, and the late return or payment was finally submitted to DOR no later than April 30, 2022.

Proposed law provides this waiver shall only apply to taxpayers that owe La. income tax and are filing as sole proprietorships, LLCs, partnerships, or corporations.

Proposed law further provides the application for the waiver shall be in a form prescribed by the secretary of DOR.

(Adds R.S. 47:1602.3)