

Regular Session, 2013

HOUSE BILL NO. 238

BY REPRESENTATIVES PATRICK WILLIAMS, ANDERS, ARMES, ARNOLD, BADON, BARROW, BILLIOT, WESLEY BISHOP, BURRELL, COX, DIXON, GAINES, GISCLAIR, HONORE, HUNTER, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, LAMBERT, TERRY LANDRY, LEBAS, LEGER, MONTOUCET, MORENO, NORTON, ORTEGO, PIERRE, POPE, PRICE, RITCHIE, ROBIDEAUX, SMITH, THIERRY, AND ALFRED WILLIAMS

TAX: Provides relative to the telecommunications tax for the deaf

1 AN ACT

2 To amend and reenact R.S. 47:1061(A)(1), (2), and (3), relative to the telecommunication  
3 tax for the deaf; to provide with respect to the amount of the tax levied; to provide  
4 with respect to those telecommunication services to which the tax is levied; to  
5 provide for certain limitations; to provide for the amount of the deduction certain  
6 companies are authorized to retain for the collection of such tax; to provide for an  
7 effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:1061(A)(1), (2), and (3) are hereby amended and reenacted to  
10 read as follows:

11 §1061. Telecommunication tax for the deaf

12 A.(1) There is hereby levied a tax of ~~five~~ two cents per month to be assessed  
13 per line for each wireline access line and per telephone number for each wireless  
14 handset device on each residence residential and business customer ~~telephone access~~  
15 ~~line of the local exchange companies~~ of a local or wireless telecommunication  
16 service company operating in Louisiana. The tax shall be collected from each  
17 ~~residence residential~~ and business customer and remitted by each such company on  
18 or before thirty days after the close of each calendar quarter to the secretary of the

1 Department of Revenue on forms prescribed by the secretary. The tax provided for  
2 in this Paragraph shall not apply to wireless devices used only for data purposes or  
3 to prepaid wireless devices.

4 (2) The local ~~exchange companies~~ or wireless telecommunication service  
5 company collecting and remitting such tax as hereinabove provided shall be allowed  
6 a deduction, not to exceed ~~two~~ three percent, from the amount so collected and  
7 remitted to the secretary as compensation for such collection. The compensation  
8 shall not be allowed, however, if the remittance is not made timely.

9 (3) The tax so collected and remitted by the local ~~exchange companies~~ or  
10 wireless telecommunication service company shall not be subject to any tax, fee, or  
11 assessment, nor shall it be considered revenue of the local ~~exchange companies~~ or  
12 wireless telecommunication service company.

13 \* \* \*

14 Section 2. This Act shall become effective on January 1, 2014.

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)]

Patrick Williams

HB No. 238

**Abstract:** Decreases the monthly telecommunication tax from \$.05 to \$.02 but expands the services upon which the tax is levied to include wireless handset devices.

Present law provides a monthly \$.05 tax on each residential and business customer telephone access line of the local exchange companies operating in La. Requires the proceeds of the tax to be deposited in the Telecommunications for the Deaf Fund and used to establish, administer, and promote a statewide program to provide accessibility services and assistive technology for persons who are deaf, hard of hearing, or speech impaired.

Proposed law retains present law but decreases the monthly tax from \$.05 to \$.02 and expands the services upon which the tax is levied to include wireless handset devices. Requires the tax to be levied per month and to be assessed per line for each wireline access line and per telephone number for each wireless handset device.

Proposed law exempts wireless devices used only for data purposes and prepaid wireless devices from the levy of the tax.

Present law authorizes companies collecting and remitting the tax to retain a portion, not to exceed 2%, from the amount collected and remitted as compensation for collecting the tax if the remittance of the monies to the Dept. of Revenue is made timely.

Proposed law retains present law but increases the amount allowed to be retained from no more than 2% to no more than 3%.

Effective Jan. 1, 2014.

(Amends R.S. 47:1061(A)(1), (2), and (3))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Ways and Means to the original bill.

1. Reduced the amount of the tax from \$.04 to \$.02 and removes long distance and pager devices from the levy of the tax.
2. Required the monthly tax to be assessed per line for each wireline access line and per telephone number for each wireless handset device.
3. Exempted wireless devices used only for data purposes and prepaid wireless devices from the levy of the tax.
4. Increased the amount of monies authorized to be retained by companies as compensation for collection and remittance of the tax from no more than 2% to no more than 3%.
5. Added an effective date of Jan. 1, 2014.