
HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 605 by Representative Jones

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 47:306(A)(3) and to"

AMENDMENT NO. 2

On page 1, line 7, after "Section 1." and before "is" change "R.S. 47:306(B)" to "R.S. 47:306(A)(3)" and after "reenacted" and before "to" insert "and R.S. 47:306(B) is hereby enacted"

AMENDMENT NO. 3

On page 1, delete lines 9 through 19 in their entirety and delete page 2 in its entirety and on page 3, delete lines 1 through 9 in their entirety and insert the following:

"A. General provisions.

* * *

(3)(a) For the purpose of compensating the dealer in accounting for and remitting the tax levied by this Chapter, each dealer shall be allowed .935 percent of the amount of tax due and accounted for and remitted to the secretary in the form of a deduction in submitting his report and paying the amount due by him, provided the amount of any credit claimed for taxes already paid to a wholesaler shall ~~not~~ be deducted in computing the commission allowed the dealer hereunder. This compensation shall be allowed only if the payment of the dealer is timely paid and the return is timely filed.

* * *

B. Collection by Wholesalers. (1)(a) Notwithstanding the provisions of Subsection A or any other provision of this Chapter to the contrary, every wholesale dealer who sells for resale to any person any tobacco or alcoholic beverage products, the retail sale of which is taxable under this Chapter, shall collect as advance sales tax, a percent of the sales price of the article equal to the sales tax levied on the article by this Chapter.

(b) For purposes of this Subsection, wholesaler shall mean any wholesale dealer of alcoholic beverage products as defined in R.S. 26:2(22) or 241(19) or any wholesale dealer of tobacco products as defined in R.S. 26:901(34) or R.S. 47:842(23).

(c) The secretary of the Department of Revenue shall promulgate rules and regulations as are necessary to implement the provisions of this Subsection.

(2)(a) The amount paid by dealers to wholesalers shall be advance payment of the Louisiana sales tax that the dealer is required to collect upon the sale at retail and the advance payment is required only as a means of facilitating collection of the sales tax.

1 (b) Wholesalers who collect advance sales tax from a dealer pursuant to this
2 Subsection shall remit the tax to the collector of revenue in the manner provided in
3 Subsection A for dealers and in accordance with the rules and regulations prescribed
4 by the collector.

5 (3) In making returns to the collector, dealers who have paid advance sales
6 tax shall deduct from the total tax collected upon the retail sale of the tobacco or
7 alcoholic beverage product the amount of advance sales tax paid by the dealer during
8 the reporting period, provided the dealer claiming the refund or credit has retained
9 the invoices evidencing the amount of tax paid. If the amount of advance sales tax
10 paid during any reporting period is greater than the tax collected by the dealer for the
11 reporting period, the excess amount paid shall be allowed as a refund or credit
12 against the tax collected by the dealer during the succeeding period or periods.

13 (4) Wholesalers collecting advance sales taxes as herein above provided
14 shall be allowed a 0.935 percent deduction from the amount of advance sales tax
15 collected and remitted to the secretary as compensation for the collection. This
16 compensation shall be allowed only if the payment of the wholesaler is timely paid
17 and the return is timely filed.

18 (5) Parishes, municipalities, school boards, and other local governing
19 authorities that levy a sales tax are prohibited from requiring manufacturers,
20 wholesalers, jobbers, or suppliers to collect advance local sales taxes from dealers.

21 (6) Absorption of the tax as defined in this Section by any wholesaler shall
22 constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not
23 more than two thousand dollars, or by imprisonment in the parish jail for not more
24 than two years, or both.

25 * * *

26 Section 2. The provisions of this Act shall become effective on October 1,
27 2016."