

**ACT No. 375**

2023 Regular Session

HOUSE BILL NO. 558

BY REPRESENTATIVE BEAULLIEU

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AN ACT

To amend and reenact R.S. 47:337.5, 337.23, 337.102(C) and (I)(1) and (2)(a), and 340(E)(2) and to enact R.S. 47:337.102(I)(4), relative to the collection and remittance of sales and use taxes; to provide with respect to the duties of the Louisiana Uniform Local Sales Tax Board; to authorize the Louisiana Uniform Local Sales Tax Board to impose a fee on certain collectors; to provide for notice requirements for certain changes in tax, interest, and penalty rates; to require certain collectors to submit certain information to the Louisiana Uniform Local Sales Tax Board; to authorize the Louisiana Sales and Use Tax Commission for Remote Sellers to deduct the amount of unpaid fees from a collector's monthly distribution under certain circumstances; to provide for the responsibilities of the Department of Revenue with respect to the collection and remittance of sales and use taxes; to provide relative to the Uniform Electronic Local Return and Remittance Advisory Committee; to require the board to manage and maintain a uniform electronic local return and remittance system; to require the board to design and implement a single remittance system for state and local sales and use taxes; to provide for the operation of the single remittance system; to provide for requirements and limitations; to provide for the funding of certain technology and programs; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:337.5, 337.23, 337.102(C) and (I)(1) and (2)(a), and 340(E)(2) are hereby amended and reenacted and R.S. 47:337.102(I)(4) is hereby enacted to read as follows:

1 §337.5. Local sales and use taxes effective date

2 A.(1) No political subdivision shall impose or increase a sale and use tax  
3 unless that tax or increase The tax, interest, or penalty rates in a taxing jurisdiction,  
4 as established pursuant to R.S. 47:337.4, shall not be changed unless the change has  
5 an effective date of the first of January, the first of April, the first of July, or the first  
6 of October, and the secretary Louisiana Uniform Local Sales Tax Board and the  
7 Uniform Electronic Local Return and Remittance Advisory Committee have been  
8 notified in advance as provided for in R.S. 47:337.23. For purposes of this Section,  
9 a tax rate change shall include any of the following:

10 (a) A rate change due to the levy of a new tax.

11 (b) The change in a rate for an existing tax.

12 (c) A rate change due to an annexation or other boundary modification by  
13 the taxing authority.

14 (d) A rate change caused by the execution or expiration of a cooperative  
15 endeavor agreement to which the taxing authority is a party.

16 (e) Implementation, amendment, or repeal of an optional sales tax exemption  
17 or exclusion.

18 (2) Except for the notice to the secretary Louisiana Uniform Local Sales Tax  
19 Board and the advisory committee, the provisions of this Section shall not apply to  
20 the renewal of an existing sales tax.

21 B. A taxing authority shall notify the appropriate single collector for the  
22 parish no less than sixty days prior to the date a change in a tax, interest, or penalty  
23 rate becomes effective. However, the single collector for the parish may authorize  
24 a shorter time for a taxing authority to provide the notice required pursuant to the  
25 provisions of this Subsection. Failure or refusal of a taxing authority to provide  
26 timely notice to the single collector for a parish in accordance with the requirements  
27 of this Subsection shall be an absolute defense against any claim by a taxing  
28 authority against the single tax collector for the parish relating to a change in tax,  
29 interest, or penalty rate.

30 \* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           §337.23. Uniform electronic local return and remittance system; official record of  
 2                           tax rates and exemptions; filing and remittance of local sales and use taxes;  
 3                           penalties for violations

4           A.(1) The legislature recognizes both the need to make Louisiana a better  
 5           environment in which to do business and the complexities of the existing sales and  
 6           use tax system. It is the intention of this Section to provide taxpayers with a simple,  
 7           efficient, and cost-effective means of transmitting accurate sales and use tax returns  
 8           and remittances to political subdivisions of the state from a central site in the  
 9           quickest manner possible.

10           (2) ~~Notwithstanding any other law to the contrary, beginning on the date~~  
 11           ~~provided for in Subsection H of this Section, but no later than January 1, 2005, a~~ A  
 12           taxpayer may file a sales and use tax return of a taxing authority and remit any tax,  
 13           interest, penalty, or other charge due by means of the uniform electronic local return  
 14           and remittance system provided for in this Section unless insufficient funds are  
 15           appropriated to fund the system ~~as provided for in Subsection J of this Section.~~

16           B.(1) The system by which such taxpayers file electronically and pay their  
 17           taxes and by which the information provided for in Subsection ~~F~~ H of this Section is  
 18           to be posted on the internet shall be ~~established~~, managed, maintained, and  
 19           supervised by the ~~secretary of the Department of Revenue~~ Louisiana Uniform Local  
 20           Sales Tax Board, hereinafter referred to in this Section as the "board". The Uniform

21           Electronic Local Return and Remittance Advisory Committee shall provide advice  
 22           and may make enforceable recommendations to the secretary board for his  
 23           consideration with regard to the design, implementation, ~~and~~ operation, and  
 24           maintenance of the system in the manner provided for by this Section. The advisory  
 25           committee is hereby created ~~within the Department of Revenue~~ under the jurisdiction  
 26           of the board and shall be composed of the following members:

- 27           (a) The secretary of the Department of Revenue or his designee.
- 28           (b) The chairman of the ~~Louisiana Uniform Local Sales Tax Board~~ board,
- 29           or in the absence of the chairman, the vice chairman of the board, ~~who shall serve as~~
- 30           chair of the advisory committee.

1 (c) A member appointed by the governor from a list of three names provided  
2 to ~~him~~ by the ~~Louisiana Society of Certified Public Accountants~~ Society of Louisiana  
3 Certified Public Accountants, to serve at the pleasure of the governor.

4 (d) ~~The~~ Two members who shall each be the head of a collector's office,  
5 appointed by the ~~Louisiana Uniform Local Sales Tax Board~~ board from a list of ~~three~~  
6 six names provided by the board of directors of the Louisiana Association of Tax  
7 Administrators, to serve for a three-year term.

8 (e) A representative of a business that is required to file sales and use tax  
9 returns for multiple collectors in the state, who shall be appointed by the governor  
10 from a list of three names provided ~~to him jointly~~ by the Louisiana Retailers  
11 Association and ~~the Louisiana Association of Business and Industry~~. The member  
12 shall serve at the pleasure of the governor.

13 (f) A representative of a business that is required to file sales and use tax  
14 returns for multiple collectors in the state, who shall be appointed by the governor  
15 from a list of three names provided by the Louisiana Association of Business and  
16 Industry. The member shall serve at the pleasure of the governor.

17 (2) Each appointment by the governor shall be submitted to the Senate for  
18 confirmation. All vacancies shall be filled in the same manner that is provided for  
19 the original member.

20 (3) The members of the advisory committee shall serve without additional  
21 compensation except for their reasonable and necessary expenses related to the  
22 performance of their duties as members of the committee, and then only in ~~such~~  
23 amounts as is provided by law for state employees.

24 (4) Meetings shall be called by the chair at a time and place to be selected  
25 by the chair, or at a time and place provided for upon the written request of three  
26 members. Four members of the advisory committee shall be considered a quorum  
27 and the committee may make official recommendations and take other official action  
28 upon the affirmative vote of four members.

29 (5)(a) If at any time the advisory committee believes the ~~secretary~~ board has  
30 taken action contrary to the advice or recommendation of the committee, it may

1 make a written request to the secretary board specifying the advice or  
 2 recommendation, the action which the committee believes the secretary board has  
 3 taken, and asking ~~him~~ the board to provide written reasons for ~~such~~ the action. The  
 4 secretary the chairman of the board shall provide a written answer to the chairman  
 5 of the committee within fifteen days or ~~such a~~ longer time as the committee ~~shall~~  
 6 allow allows.

7 (b) If, after receiving and considering the written answer of the secretary  
 8 board, the committee believes it unsatisfactory, the committee may make a written  
 9 request to the Senate Committee on Revenue and Fiscal Affairs and the House  
 10 Committee on Ways and Means specifying the recommendation and asking the  
 11 committees to make it an enforceable recommendation.

12 (c)(i) The request of the advisory committee shall be considered as a  
 13 proposed rule or regulation of the ~~Department of Revenue~~ board and shall be  
 14 subjected to the same oversight procedure ~~as is set forth~~ provided for in the  
 15 Administrative Procedure Act ~~for such rules and regulations~~, except for the need for  
 16 publication.

17 (ii) Notwithstanding any other law to the contrary, if the oversight procedure  
 18 under the Administrative Procedure Act results in approval of the advisory  
 19 committee's request to make its recommendation an enforceable recommendation,  
 20 then the advisory committee's recommendation shall be followed by the secretary  
 21 board.

22 C. The uniform electronic local return and remittance system and the posting  
 23 of the information required by Subsection ~~F~~ H of this Section shall be ~~established~~,  
 24 managed, maintained, and supervised by the secretary board with the advice of the  
 25 advisory committee and the secretary and the system shall include the following:

26 (1)(a) The system shall allow the taxpayer to file a sales and use tax return  
 27 that is uniform for each taxing authority except for the following:

28 (i) The rate of the taxing authority's tax.

29 (ii) The vendor's compensation allowed.

1 (iii) Optional exclusions or exemptions allowed by state sales and use tax  
 2 law, adopted by ~~the~~ a local ordinance pursuant to such state law.

3 (iv) Exclusions and exemptions in the local ordinance which were adopted  
 4 prior to July 1, 2003, pursuant to state law authorizing ~~such~~ its adoption, but not  
 5 allowed as an exclusion or exemption from state sales and use tax.

6 (v) Exclusions and exemptions adopted by local ordinance pursuant to  
 7 legislation enacted under Article VI, Section 29(D)(1) of the Constitution of  
 8 Louisiana, but not allowed as an exclusion or exemption from state sales and use tax.

9 (vi) ~~Penalty, Penalties and interest, or attorney fees~~ due on the sales and use  
 10 tax. The amount of ~~such penalty, penalties and interest, and attorney fees,~~  
 11 limited as provided by law, including relevant jurisprudence, until ~~such~~ the statute  
 12 or jurisprudence is changed.

13 (b) The filing and remittance shall be done at no charge to the taxpayer by  
 14 the state, the collector, or any taxing authority levying a tax.

15 (2) A web page through which a secured electronic local sales and use tax  
 16 return may be filed, ~~which return shall be established by the Department of Revenue.~~  
 17 The board shall maintain the secured electronic local sales and use tax return as well  
 18 as the web page in which the return shall be accessed by taxpayers and collectors.

19 (3) A system to allow for the remittance of any tax, penalty, interest, or other  
 20 amounts due.

21 (4) A system for the transmission and retrieval of ~~the appropriate a~~  
 22 collector's data and funds ~~to him~~.

23 D.(1) Each collector shall provide to the ~~secretary~~ board and the advisory  
 24 committee within ninety days of its written request, or ~~such~~ other time as may be  
 25 allowed by the advisory committee, the information necessary to design and  
 26 ~~implement~~ maintain the system provided for in this Section. Each collector shall  
 27 follow the data validation procedures ~~established~~ recommended by the advisory  
 28 committee and adopted by the board. If the collector fails or refuses to timely  
 29 provide ~~such~~ the required information, the ~~secretary~~ board and the advisory  
 30 committee shall design and implement the system from the best information

1 available to them. A collector's failure or refusal to provide the requested  
 2 information as required in this Paragraph shall be an absolute defense against any  
 3 claim by a taxing authority or collector against the board or advisory committee  
 4 relating to the data utilized in the system provided for in this Section.

5 (2) Each collector shall provide written notification to the ~~secretary~~ board  
 6 and the advisory committee by certified mail, return receipt requested, of any change  
 7 in the information provided to it pursuant to Subparagraph (C)(1)(a) thirty days prior  
 8 to ~~such~~ changes becoming effective, or ~~such~~ other shorter time as may be allowed  
 9 by the advisory committee. Each collector shall follow the data validation  
 10 procedures ~~established~~ recommended by the advisory committee and adopted by the  
 11 board.

12 E. A taxpayer may rely on the information on the uniform electronic local  
 13 return and remittance system and ~~such~~ the reliance shall be an absolute defense  
 14 against any claim for a taxing authority's sales and use tax.

15 F.(1) It shall be the duty of the ~~state through the Department of Revenue~~  
 16 board, with the advice of the advisory committee, to design, implement, maintain and  
 17 operate the system required by this Section and to provide the staff and equipment  
 18 necessary to receive and transmit to the collectors the electronic returns and funds.

19 (2)(a) It shall be the duty of the collector of each parish to provide and make  
 20 available the appropriate staff, equipment, and information necessary for the receipt  
 21 and transmission of electronic returns and funds. The ~~Department of Revenue~~ board  
 22 shall not be responsible for any loss of revenue attributable to the failure of a  
 23 collector to comply with the provisions of this Paragraph.

24 (b) The advisory committee may determine alternate distribution methods  
 25 and the appropriate fees to be charged for ~~such~~ these methods when a collector fails  
 26 to comply with the provisions of this Paragraph. The amount of the fee shall not  
 27 exceed the cost of the alternate distribution method.

28 G.(1) It is the intention of this Section only to provide to taxpayers a simple,  
 29 efficient, and cost-effective means of transmitting accurate tax returns and taxes to  
 30 taxing authorities of the state from a central site in the quickest manner possible.

1 This Section shall not be construed to grant to the advisory committee or the  
 2 ~~Department of Revenue~~ board any authority to collect or administer ~~such~~ taxes. In  
 3 addition, any funds transmitted through the system as provided for in this Section  
 4 shall be considered the funds of the taxing authorities to be distributed by the  
 5 collector in the manner provided by local ordinances and shall not in any way be  
 6 considered state funds or funds of the board.

7 (2) The advisory committee shall provide a method for all questions related  
 8 to the application and interpretation of the sales and use tax law of a particular taxing  
 9 authority received by the committee, the board, or the Department of Revenue to be  
 10 forwarded to the appropriate collector for response.

11 ~~H.(1) The uniform electronic local return and remittance system provided in~~  
 12 ~~this Section shall become operative on a date that the advisory committee determines~~  
 13 ~~such system is ready, but no later than January 1, 2005.~~

14 ~~(2) However, the system shall not become operative until all of the following~~  
 15 ~~occurs:~~

16 ~~(a) Notice is provided to each collector of the date upon which the system~~  
 17 ~~is to be operative and the date of the public meeting provided for in Subparagraph~~  
 18 ~~(2)(b).~~

19 ~~(b) After the notice is provided as required by Subparagraph (2)(a), but in~~  
 20 ~~no case less than thirty days before the date the system becomes operative, the~~  
 21 ~~advisory committee shall hold a public hearing to receive comments on the system.~~

22 F (1)(a) In addition to the uniform electronic local return and remittance  
 23 system provided for in this Section, a link shall be created on the ~~Department of~~  
 24 ~~Revenue's~~ board's web site to a web page where the following information provided  
 25 by the collectors shall be posted:

26 (i) ~~A list of~~ Applicable tax rates.

27 (ii) ~~A list of the~~ Applicable optional exemptions enacted by a tax authority  
 28 as provided for in R.S. 47:337.10.

29 (b) The ~~secretary~~ board and the advisory committee shall be notified of any  
 30 changes in ~~such~~ the information as provided for in Subsection D of this Section: and



1           R.S. 47:337.5. Each collector shall follow the data validation procedures established  
 2           by the advisory committee and adopted by the board. A collector's failure or refusal  
 3           to provide the information as required in this Paragraph shall be an absolute defense  
 4           against any claim by a taxing authority or collector against the board or advisory  
 5           committee relating to the data utilized in the system provided for in this Section.

6           (2) The tax rates and optional exemptions posted on the web page as  
 7           ~~provided for in this Section~~ shall be considered an official record of ~~such~~ the tax  
 8           rates and optional exemptions and any court, whether requested to do so or not, shall  
 9           take judicial notice thereof. A taxpayer may rely on the optional exemptions and tax  
 10          rates posted on the web page and ~~such~~ this reliance shall be an absolute defense  
 11          against any claim for a taxing authority's sales and use tax.

12          ~~J. If the secretary of the Department of Revenue and the commissioner of~~  
 13          ~~administration certify to the advisory committee that there was not a separate line~~  
 14          ~~item in the general appropriations bill appropriating funds to the Department of~~  
 15          ~~Revenue for the design, implementation, and operation of the system provided for~~  
 16          ~~in this Section for the fiscal year, or that insufficient funds were appropriated in such~~  
 17          ~~line item, then such electronic filing and remittance shall not be available to~~  
 18          ~~taxpayers from the first of the month following such certification and the secretary~~  
 19          ~~may take such steps as he deems necessary to prevent access to the system until the~~  
 20          ~~secretary and the commissioner certify that such funds have been appropriated in a~~  
 21          ~~separate line item.~~

22          ~~K. I.(1) Beginning January 1, 2015, the~~ The collector for each taxing  
 23          authority may require the electronic filing and remittance of local sales and use tax  
 24          by any taxpayer required to electronically file or electronically remit state sales and  
 25          use tax by the Department of Revenue. If the local collector for a taxing authority  
 26          chooses the option of requiring the electronic filing and remittance of local sales and  
 27          use tax returns in accordance with the provisions of this Subsection, then all  
 28          taxpayers required to collect and remit sales or use tax on taxable events occurring  
 29          within the jurisdiction of the taxing authority who are required by the Department  
 30          of Revenue to electronically file and remit ~~such~~ taxes shall file all applicable sales

1 and use tax returns and remittances through the electronic filing options available for  
2 ~~such~~ those purposes; however, in cases where the taxpayer can show cause that the  
3 electronic filing of a return and remittance would create an undue hardship on the  
4 taxpayer, the collector for the taxing authority may exempt the taxpayer from the  
5 requirements of this Subsection.

6 (2) Failure of a taxpayer to comply with the electronic filing requirements  
7 set forth in this Subsection shall result in the collector for the taxing authority  
8 assessing a penalty of one hundred dollars or five percent of the tax owed on the  
9 return, whichever is greater; however, the total penalty per return shall not exceed  
10 five thousand dollars. The local collector for the taxing authority may waive  
11 remittance and payment of the penalty in whole or in part if the local collector  
12 determines that the failure to comply by the taxpayer was reasonable and was  
13 attributable, not to any negligence on the part of the taxpayer, but for a cause which  
14 is submitted to the local collector in writing.

15 \* \* \*

16 §337.102. Louisiana Uniform Local Sales Tax Board; creation; membership;  
17 powers and duties

18 \* \* \*

19 C. Powers and duties of the board. (1) The board may:

20 ~~(1)~~ (a) Support and advise local sales and use tax collectors concerning the  
21 imposition, collection, and administration of local sales and use taxes authorized  
22 under the constitution and laws of this state.

23 ~~(2)~~ (b) Promulgate rules and regulations in accordance with Part H of  
24 Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

25 ~~(3)~~ (c) Enter into agreements with local tax collectors.

26 ~~(4)~~ (d) Enter into contracts for the services of legal counsel, analysts,  
27 auditors, appraisers, and witnesses, as well as any agency or department of the state  
28 or any state or local political subdivision.

29 ~~(5)~~ (e) Issue policy advice on matters concerning the imposition, collection,  
30 and administration of local sales and use tax.

1           ~~(6)~~ (f) Prescribe uniform forms and model procedures to be used by local  
 2 sales and use tax collectors.

3           ~~(7)~~ (g) Procure the development of computer software and equipment for the  
 4 collection and administration of local sales and use taxes.

5           ~~(8)~~ (h) Employ an executive director, and any necessary agents, assistants,  
 6 auditors, clerks, inspectors, investigators, or other experts and employees.

7           ~~(9)~~ (i) Issue private letter rulings when requested pursuant to this Section as  
 8 to the imposition, collection, and administration of local sales and use tax.

9           ~~(10)~~ (j) Hold an executive session pursuant to R.S. 42:16 for any of the  
 10 reasons contained in R.S. 42:17 and for the discussion of matters involving  
 11 confidential taxpayer information including policy advice, private letter rulings,  
 12 multi-parish audits, or other matters. The records and files of the board held for the  
 13 purpose of enforcement of the tax laws of this state and its political subdivisions  
 14 shall be considered to be the files and records of a political subdivision of the state  
 15 subject to the provisions of R.S. 47:1508 in the same manner as any other political  
 16 subdivision enforcing tax laws related to sales and use taxes.

17           (k) Impose a fee on any local collector that does not have an executed  
 18 agreement as provided for in Subparagraph (c) of this Paragraph in an amount equal  
 19 to the pro-rata share of the total actual costs incurred by the board for the creation,  
 20 implementation, and on-going maintenance and operation of the uniform local return  
 21 and remittance system. The pro-rata fee owed by each local collector shall be based  
 22 on the parish's share of the state's total population according to the most recent  
 23 federal decennial census. The fee authorized in this Subparagraph shall be billed by  
 24 the board to each collector not having an agreement as provided for in Subparagraph  
 25 (c) of this Paragraph. If a collector does not pay the fee authorized pursuant to the  
 26 provisions of this Subparagraph within thirty calendar days after imposition of the  
 27 fee by the board, the board shall notify the Louisiana Sales and Use Tax Commission  
 28 for Remote Sellers of the delinquency, and the Louisiana Sales and Use Tax  
 29 Commission for Remote Sellers shall deduct the amount of the unpaid fee from the  
 30 collector's next monthly distribution and remit the funds directly to the board.





