

2016 Regular Session

HOUSE BILL NO. 1048

BY REPRESENTATIVE STOKES

TAX/SALES & USE: Requires the state sales tax return to include information on all exclusions and exemptions applied for the period from July 1, 2016, through December 31, 2016

1 AN ACT

2 To amend and reenact R.S. 47:306(A)(1)(a), relative to the state sales tax return; to provide
3 with respect to the sales tax return prepared by dealers which are submitted to the
4 Department of Revenue; to require the inclusion of certain information concerning
5 exclusions and exemptions on the return for a certain period of time; to provide for
6 effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

10 A. General provisions. (1)(a) Except as hereafter provided, the taxes levied
11 hereunder shall be due and shall be payable monthly. For the purpose of ascertaining
12 the amount of tax payable, all dealers shall transmit, on or before the twentieth day
13 of the month following the month in which this tax becomes effective, to the
14 secretary of revenue, upon forms prescribed, prepared, and furnished by ~~him~~ the
15 secretary, returns showing the gross sales, purchases, gross proceeds from lease or
16 rental, gross payments for lease or rental, gross proceeds derived from sales of
17 services, or gross payments for services, as the case may be, arising from all taxable
18 transactions during the preceding calendar month. Thereafter, like returns shall be
19 prepared and transmitted to the secretary by all dealers on or before the twentieth day
20 of each month for the preceding calendar month. These returns shall show any

1 ~~further~~ additional information the secretary may require to ~~enable him to correctly~~
2 ~~compute and collect~~ permit the correct computation and collection of the tax levied.

3 Every dealer, at the time of making the return required hereunder, shall compute and
4 remit to the secretary the required tax due for the preceding calendar month, and
5 failure to so remit such tax shall cause said tax to become delinquent. For the period
6 from July 1, 2016, through December 31, 2016, the returns shall reflect all
7 transactions subject to an exclusion or exemption, noting each specific exclusion or
8 exemption applied.

9 * * *

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

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 1048 Original

2016 Regular Session

Stokes

Abstract: Requires that from July 1, 2016, through Dec. 31, 2016, the state sales tax return to reflect all transactions subject to an exclusion or exemption, with notation of each specific exclusion or exemption applied.

Present law requires dealers to collect state sales taxes on all retail sales. The taxes are transmitted monthly to the Dept. of Revenue, along with a tax return form prescribed by the secretary of the department. The return must show all gross sales, purchases, gross proceeds from lease or rental, gross payments for lease or rental, gross proceeds derived from sales of services, or gross payments for services, arising from all taxable transactions during the preceding calendar month.

Present law provides that the returns shall show any additional information the secretary may require.

Proposed law retains present law and adds a requirement that from July 1, 2016, through Dec. 31, 2016, the return reflect all transactions subject to an exclusion or exemption, noting each specific exclusion or exemption applied.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:306(A)(1)(a))