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**HOUSE COMMITTEE AMENDMENTS**

2016 First Extraordinary Session

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 54 by Representative Broadwater

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1 AMENDMENT NO. 12 On page 1, after line 9, delete the remainder of the page, and delete pages 2 through 5 in  
3 their entirety and insert the following:4 "B. Advanced sales tax deposit required. (1) Notwithstanding the  
5 provisions of Subsection A or any other provision of this Chapter, every  
6 dealer required to collect state sales tax pursuant to this Chapter and having  
7 an average monthly state sales and use tax liability of at least twenty  
8 thousand dollars for the twelve month period commencing April 1, 2015 and  
9 ending March 30, 2016, shall be required to remit to the Secretary on or  
10 before April 20, 2016, and on or before the twentieth day of each succeeding  
11 month, an advanced sales tax deposit using either of the following methods:12 (a) Actual Sales Method. A dealer using the actual sales method is  
13 required to remit a deposit equal to at least ninety percent of the dealer's sales  
14 and use tax liability for the sale or use of tangible personal property for the  
15 first through the fifteenth of the current month.16 (b) Estimated Sales Method. A dealer using the estimated sales  
17 method is required to remit a deposit equal to at least seventy-five percent of  
18 the dealer's sales and use tax liability for the sale of tangible personal  
19 property for the comparable month of the preceding year. For the purposes  
20 of calculating a dealer's estimated sales tax liability for the comparable  
21 month of the preceding year, the dealer is not required to include taxes due  
22 on sales of tangible personal property refunded or credited to the customer  
23 in accordance with R.S. 47:315.24 (2) Any adjustment necessary to properly report and pay the tax using  
25 either the actual sales method or the estimated sales method shall be reported  
26 on and paid with the monthly return due on or before the twentieth day of the  
27 month following the month in which the advanced sales tax deposit is paid.  
28 Any advance sales tax deposit in excess of the actual tax due for a preceding  
29 month may be credited or refunded.30 (3) Deposits required to be made under this Subsection shall be  
31 received by the secretary of the Department of Revenue no later than the  
32 twentieth day of the month in order to be considered timely. A dealer that  
33 fails to comply with the requirements of this Subsection may be assessed a  
34 penalty in an amount equal to ten percent of the difference between any  
35 amount of the dealer deposits pursuant to this Subsection and the dealer's  
36 actual sales tax liability for the month for which the advanced sales tax  
37 deposit was required.38 (4) Deposits made by a dealer under this Subsection shall not be  
39 considered to be collected for the purposes of any sales tax refunds or credits  
40 required by law until the dealer files a return for the actual sales taxes  
41 collected during the month to which the advanced sales tax deposit applies.42 (5) This Subsection shall not apply to any agency, department or  
43 instrumentality of the United States, any agency, department, institution,  
44 instrumentality or political subdivision of the state of Louisiana.

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