

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 1121

2016 Regular Session

Leger

TAX/SALES & USE: Establish notification and reporting requirements relative to retail sales made in Louisiana by remote retailers

Synopsis of Senate Amendments

1. Specifies that the annual notice sent to the purchaser shall be sent by first class mail, certified mail, or electronically, according to the choice of the purchaser.

Digest of Bill as Finally Passed by Senate

Present law authorizes the secretary of the Dept. of Revenue (secretary) to require that a dealer furnish a list to the secretary concerning their sales of property and services which exceed \$250.

Proposed law retains present law.

Proposed law establishes requirements for the provision of notices to purchasers and annual statements to the Dept. of Revenue concerning sales by remote retailers of property delivered into La. or services occurring in La.

Proposed law establishes definitions for "Louisiana purchaser" and "remote retailer".

Proposed law excludes from the requirements of proposed law remote retailers who make retail sales in La. whose cumulative annual gross receipts from those sales is less than \$50,000 per calendar year.

Proposed law requires, at the time of sale, that the remote retailer notify the La. purchaser that their purchase is subject to La. use tax unless it is specifically exempt, and that there is no exemption specifically for purchases made from a remote seller.

Proposed law requires a retailer to send, by Jan. 31st of each year, an annual notice to all La. purchasers who made purchases from them in the preceding calendar year, which notice will report the total amount paid for purchases in that preceding calendar year, and other information required by the secretary through administrative rule. The notice shall be sent by first class mail, certified mail, or electronically, at the purchaser's choice.

Proposed law requires a remote retailer who made retail sales of tangible personal property or taxable services to La. purchasers in the immediately preceding calendar year to file with the secretary an annual statement with regard to each purchaser by March first of each year. The statement shall provide the total amount paid by the purchaser to that retailer in the immediately preceding calendar year, but shall not contain any detail as to specific property or services purchased. The secretary may require the electronic filing of annual statements by a remote retailer who had sales in La. in excess of \$100,000 in the preceding year.

Proposed law establishes powers of the secretary for purposes of enforcement of proposed law which include the authority to subpoena or compel witnesses and the production of documents, to seek letters rogatory when appropriate, and to request that a subpoena be enforced through a court order.

Present law provides that any dealer selling property or services to residents of La., where the property is delivered into the state or the beneficial use of the service occurs in the state, is considered to have consented to the jurisdiction of the courts of La. for the exclusive purpose of enforcing present law.

Proposed law retains present law and adds jurisdiction for the Board of Tax Appeals.

Proposed law authorizes rulemaking in accordance with the Administrative Procedure Act regarding procedures and requirements concerning purchaser notifications and the filing of annual statements.

Effective July 1, 2017.

(Amends R.S. 47:302(U) and 309.1)