

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 12** HLS 182ES 39

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 22, 2018	8:32 PM	<b>Author:</b> LEGER
<b>Dept./Agy.:</b> REVENUE		<b>Analyst:</b> Benjamin Vincent
<b>Subject:</b> Definition: Remote Dealer		

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Provides criteria for the definition of "dealer" for purposes of the sales tax imposed on transactions involving a remote seller (Item #26)

Present law requires those individuals and businesses defined as "dealers" to collect and remit the catalog tax provided by RS. 47:302(K) from Louisiana customers.

Proposed law adds to the definition of "dealer" those individuals or businesses not physically present in the state, but that sell over \$100,000 of goods or services into the state, engage in 200 or more separate transactions with Louisiana customers, or voluntarily register to collect and remit the catalog tax. Proposed law is contingent upon a United States Supreme Court decision in favor of South Dakota in *South Dakota v. Wayfair, Inc.*

Effective upon governor's signature.

<b>EXPENDITURES</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

  

<b>REVENUES</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

LA Dept of Revenue (LDR) reports that the tax collected by remote dealers is presently administered as an external tax in the tax software system. A potential expansion of use tax collections due to proposed law may require this tax to be automated into the LDR system. The cost due to this potential requirement is not expected to be significant.

**REVENUE EXPLANATION**

Current law imposes a state tax of 5% and a local tax of 4% on remote dealers, and distributes the local tax to local taxing authorities based on parish population. LDR reports that dealers currently meeting and complying with this criteria typically remit approximately \$1 million per quarter.

Proposed law, contingent on a favorable United States Supreme Court ruling, would expand the population of dealers qualifying as remote dealers. To the extent that dealers meet the expanded definition and comply with the requirements to collect and remit the tax, state and local use tax revenues will increase. Any particular estimate of the magnitude and timing of possible additional collections is speculative.

Senate Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

**Gregory V. Albrecht**  
**Chief Economist**