The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Leonore Heavey.

DIGEST

SB 141 Original | 2019 Regular Session | Hensgens

Present law authorizes collection by distraint and sale when any taxpayer fails to pay assessed tax, penalty, and interest.

Present law defines "distraint" to include the right to levy upon and seize and sell, or the levying upon or seizing and selling, of any property or rights to property of the taxpayer including goods, chattels, effects, stocks, securities, bank accounts, evidences of debt, wages, real estate, and other forms of property.

Proposed law provides a pre-distraint due process procedure.

Proposed law requires that the collector notify the person whose property is to be distrained at least 30 days before the distraint is made by service or by registered mail, return receipt requested, at the last known home or business address.

Proposed law provides that the notice sent be in plain language and include the amount owed, the right to a hearing, the proposed action by the collector, and information about the distraint process, the appeals process, and other collection alternatives available.

Proposed law provides a 30-day period during which the person may request a hearing with the Board of Tax Appeals (BTA).

Proposed law stays the distraint process during the hearing and any related appeals unless the amount of tax is not in dispute and the BTA determines there is no good cause to suspend distraint.

Proposed law provides that any relevant issue regarding the person's direct personal liability for the unpaid tax including any spousal defense, a challenge to the appropriateness of the collection actions, and any offers of collection alternatives.

Effective August 1, 2019.

(Adds R.S. 47:1407(6) and 1571.1)