

2025 Regular Session

HOUSE BILL NO. 500

BY REPRESENTATIVE BEAULLIEU

AN ACT

To amend and reenact R.S. 47:337.51(A)(1), 337.102(D), and 1401 and to enact R.S. 47:337.51.1 and 1402(A)(3), relative to the administration and adjudication of tax disputes; to provide for certain notice requirements related to assessments; to authorize the mediation of certain disputes; to provide for requirements and limitations related to mediation agreements; to provide for the duties and responsibilities of the Louisiana Uniform Local Sales Tax Board; to provide for the issuance of policy advice; to provide for requests for private letter rulings from the Louisiana Uniform Local Sales Tax Board; to provide for certain reviews by the Board of Tax Appeals; to provide for the responsibilities of judges on the Board of Tax Appeals; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:337.51(A)(1), 337.102(D), and 1401 are hereby amended and reenacted and R.S. 47:337.51.1 and 1402(A)(3) are hereby enacted to read as follows:

§337.51. Notice of assessment and right to appeal

A.(1) Having assessed the amount determined to be due, the collector shall send a notice by certified mail to the taxpayer against whom the assessment is imposed at the address given in the last report filed by the taxpayer, or to any address obtainable from any private entity which will provide such address free of charge or from any federal, state, or local government entity, including but not limited to the United States Postal Service or from the United States Postal Service certified

1 software. This notice shall inform the taxpayer of the assessment and ~~that he has~~
2 ~~sixty calendar days from the date of the notice~~ the right to do any of the following:

3 (a) Pay the amount of the assessment within sixty calendar days from the
4 date of the notice.

5 (b) Appeal to the Board of Tax Appeals for redetermination of the
6 assessment within sixty calendar days from the date of the notice.

7 (c) Pay under protest in accordance with R.S. 47:337.63 within sixty
8 calendar days from the date of the notice, and then either file suit or file a petition
9 with the Board of Tax Appeals, all as provided for in that Section.

10 (d) Agree in writing with the collector to a mediation within fifteen calendar
11 days from the date of the notice pursuant to the provisions of R.S. 47:337.51.1.

12 * * *

13 §337.51.1. Mediation after assessment

14 A. A taxpayer or dealer and the collector may agree in writing to mediation
15 of any disputes relating to an assessment within fifteen calendar days from the date
16 of the notice issued pursuant to R.S. 47:337.51(A).

17 B. Any mediation agreed to by a taxpayer or dealer and the collector
18 pursuant to this Section shall be completed within forty-five calendar days of the
19 mediation agreement between the parties. The person appointed as the mediator
20 must be mutually agreed to by the taxpayer or dealer and the collector. The costs of
21 mediation shall be shared equally by the taxpayer or dealer and the collector, unless
22 all the parties specifically agree otherwise in writing.

23 C. The taxpayer, dealer, or the collector may terminate the mediation
24 agreement at any time by notifying the other party or parties in writing. Upon
25 completion or termination of the mediation agreement, the collector shall send a
26 notice of completion or termination of the mediation agreement to the taxpayer or
27 dealer in the same manner as the notice sent pursuant to R.S. 47:337.51(A) and shall
28 notify the taxpayer or dealer that he has thirty calendar days from the date the notice
29 is sent to take any action authorized in R.S. 47:337.51(A)(1)(a),(b), or (c) or (B), as
30 applicable.

D. The taxpayer or dealer shall have thirty calendar days from the date the notice of completion or termination of the mediation agreement is sent from the collector to take any action authorized in R.S. 47:337.51(A) or (B), as applicable.

Notwithstanding any provision to the contrary in this Section, a taxpayer or dealer shall not have less than sixty calendar days from the date the notice of assessment is sent to take any action authorized in R.S. 47:337.51(A) or (B), as applicable.

E. All mediation procedures shall be nonbinding unless all the parties specifically agree otherwise in writing. The provisions of R.S. 9:4112 regarding confidentiality and admissibility of oral and written communications and records made during mediation shall be applicable to any mediation conducted pursuant to this Section.

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§337.102. Louisiana Uniform Local Sales Tax Board; creation; membership;
powers and duties

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D. Issuance of policy advice.

(1)(a) The board may issue policy advice intended to provide guidance to taxpayers or dealers with respect to any local sales and use tax issue. Any policy advice issued after January 1, 2025, shall bind the decision or discretion of a local collector subject to the provisions on this Paragraph.

(b) A local collector may seek a review of the policy advice within twenty calendar days of the date of issuance by filing a petition to the Local Tax Division of the Louisiana Board of Tax Appeals. Any policy advice that is appealed shall be stayed until the appeal is resolved by final judgment.

(2)(a) A taxpayer or dealer may request a private letter ruling from the board by sending a certified letter to the board and to the respective local tax collectors. Prior to the issuance of a private letter ruling, the board may solicit additional information from the respective local tax collectors. A private letter ruling issued by the board shall be transmitted by certified mail simultaneously to both the

1 requesting party and the respective local tax collectors. A private letter ruling shall
2 be posted in redacted form on the board's website within ten days of its issuance.

3 ~~(2) If a request for a private letter ruling involves a single local tax collector,~~
4 ~~the tax collector may elect to decline to participate in the private letter ruling process~~
5 ~~provided for in this Subsection with respect to that request for a private letter ruling~~
6 ~~by notifying the board and the requesting party within ten days of receipt of the~~
7 ~~request. If the board receives this notification, the board shall decline the request for~~
8 ~~the ruling.~~

9 ~~(3)(b) Except as otherwise provided in Paragraph (2) of this Subsection, a~~
10 ~~private~~ A private letter ruling shall bind the decision or discretion of a local tax
11 collector served with notice of the request pursuant to Subparagraph (a) of this
12 ~~Paragraph (1) of this Subsection.~~ However, any party to the dispute may seek a
13 review of the ruling within twenty days of the date of its certified mailing by filing
14 a petition to the Local Tax Division of the Louisiana Board of Tax Appeals. The
15 ~~only grounds for overturning a private letter ruling on appeal shall be that the ruling~~
16 ~~is contrary to law or a controlling ordinance, conflicts with pre-existing~~
17 ~~jurisprudence, or otherwise is clearly arbitrary and capricious. Any private letter~~
18 ~~ruling that is appealed shall be stayed until the appeal is resolved by final judgment~~
19 ~~or by settlement~~ Local Tax Division of the Louisiana Board of Tax Appeals shall
20 conduct a de novo review of the private letter ruling advice and the judgment
21 rendered by the Local Tax Division of the Louisiana Board of Tax Appeals may be
22 appealed by either the taxpayer or the local tax collector.

23 * * *

24 §1401. Creation of Board of Tax Appeals

25 In order to provide effect to the provisions of Article V, Section 35 and
26 Article VII, Section 3(A) of the Constitution of Louisiana, a board that will hear and
27 timely decide, at a minimum of expense to the taxpayer, questions of law and fact
28 arising from disputes or controversies between a taxpayer and any collector of the
29 state of Louisiana or its political subdivisions in the enforcement of any tax, excise,
30 license, permit or any other tax, fee, penalty, receipt or other law administered by a

1 collector, and to exercise other jurisdiction as provided by law, including jurisdiction
 2 as provided for in the Uniform Local Sales Tax Code, the Board of Tax Appeals,
 3 hereinafter referred to as the "board", is created as an independent agency for the
 4 purposes of this Chapter. The Local Tax Division is created as an independent
 5 agency and authority within the board for the purposes of exercising jurisdiction over
 6 disputes involving local collectors.

7 §1402. Membership of board; qualifications; appointment; term; vacancy; salary
 8 A.

9 * * *

10 (3) Members shall adhere to Canons 1 through 3 of the Code of Judicial
 11 Conduct.

12 * * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____