

RULE

Department of Revenue Policy Services Division

Collection Fee (LAC 61:III.3101)

Under the authority of R.S. 47:1511 and 1676, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has adopted LAC 61:III.3101.

Louisiana Revised Statutes 47:1676(C)(2)(a) provides that agencies that do not have a collection contract with the Attorney General's Office for the collection of delinquent debts shall refer all final delinquent debt to the Office of Debt Recovery ("Office") for collection. Referring agencies must include data and information in the required format necessary to institute collection procedures. All delinquent debts shall be authenticated by the referring agency or officer prior to being referred to the office. Once the debt becomes final, and prior to referral to the office, the referring agency shall notify the debtor that failure to pay the debt in full within sixty days shall subject the debt to the office's collection fee. The office's collection fee is in addition to the collection fees already included in the delinquent debt by the referring agency. Louisiana Revised Statutes 47:1676(E) mandates that the office charge the debtor a fee not to exceed twenty-five percent of the total liability of the final debt. The fee is to become effective on January 1, 2024. Debtors whose final delinquent debt has been referred to the office on or after January 1, 2024 will be assessed a fee equal to fifteen percent of the final delinquent debt. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

Chapter 31. Office of Debt Recovery

§3101. Collection Fee

A. Pursuant to R.S. 47:1676(E), the Office of Debt Recovery shall charge a fee on debts referred to it for collection. The fee shall not exceed 25 percent of the total liability and is to be established by rule.

B. A collection fee equal to 15 percent of the total liability of debt shall be due on all debts referred to the Office of Debt Recovery on or after January 1, 2024. This collection fee shall be retained by the Office of Debt Recovery and distributed in accordance with R.S. 47:1676(E).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:1676.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 49:0000 (October 2023).

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Secretary