

DECLARATION OF EMERGENCY

Department of Revenue Policy Services Division

Income and Franchise Tax (LAC 61:I.4910)

Under the authority of La. R.S. 47:1519 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61.I.4910.

This Emergency Rule is necessary to more accurately account for payments remitted by electronic funds transfer. Beginning with taxable periods on or after January 1, 2012 all employers — including those who have remitted withholding taxes by electronic funds transfer — will be required to submit quarterly withholding tax returns reconciling the amounts of taxes payable to the department to their actual remittances during each calendar quarter. Without this Rule, all employers required to withhold and remit withholdings taxes will not know which returns are required to be filed and their due dates.

This Rule, adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., shall become effective upon adoption and shall remain in effect for the maximum period allowed under the act.

Title 61 REVENUE AND TAXATION Part I. Taxes Collected and Administered By the Secretary of Revenue

Chapter 49. Tax Collection

§4910. Electronic Funds Transfer

A. – E (4). ...

5. Tax return must be filed.

a. A tax return or report must be filed separately from the electronic transmission of the remittance.

b. Failure to timely file a tax return or report shall subject the affected taxpayer or obligee to penalty, interest, and loss of applicable discount, as provided by state law.

6. In situations involving extenuating circumstances as set forth in writing by the taxpayer and deemed reasonable by the secretary of the Department of Revenue, the secretary may grant an exception to the requirement to transmit funds electronically

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1519, and R.S. 47:1511.

HISTORICAL NOTE: Adopted by the Department of Revenue, LR:

Cynthia Bridges
Secretary