

name of the person pledging the collateral, the full name of the defendant, the date of the bond, the approximate value of any non-cash collateral, and the specific amount of cash or other collateral.

7. If the parties to the collateral agreement subsequently agree to substitute other things of value as collateral, the substitution must be reflected in a new written collateral agreement, and the bail bond producer or surety must issue a new written receipt to the person pledging the substituted collateral.

8. The bail bond producer or surety shall return the collateral to the person who pledged the collateral not more than 30 days after the bail obligation is discharged in accordance with article 331 of the Code of Criminal Procedure.

B. If a forfeiture of the bail bond occurs, the bail bond producer or surety shall provide the person who pledged the collateral 10 days written notice from the date that a judgment of bond forfeiture is signed of the bail bond producer or surety's intent to take possession of the collateral deposit to satisfy the forfeiture. The notice shall be sent by certified mail, return receipt requested, to the last known address of the person who pledged the collateral. If the collateral received by a bail bond producer is in excess of the bail forfeited, the bail bond producer or surety shall return the excess to the person who pledged the collateral within 30 days from the date a judgment of bond forfeiture is satisfied, less any verifiable and appropriate administrative expenses specifically provided for in Section 18715 below.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, C.Cr.P. art 311, et seq. and the Administrative Procedure Act, R.S. 49:950, et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:2986 (December 2022).

#### **§18715. Deductions from Collateral**

A. Only the premium amounts, fees, and expenses authorized pursuant to R.S. 22:1443, or as otherwise permitted in accordance with applicable state law, shall be recoverable by any bail bond producer or surety. No fee or other charge of any nature shall be deducted from the collateral due or charged in association with the storage or keeping of the collateral by the bail bond producer or surety.

B. A documented and itemized list of any such fees or expenses shall be given to the person who pledged the collateral. A copy of such documentation and itemization shall also be available to the Commissioner upon his request.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:2987 (December 2022).

#### **§18717. Violations**

A. Failure to comply with the provisions of this regulation may be determined by the Commissioner to be a violation of R.S. 22:1562, and the violator shall be subject to penalties pursuant to R.S. 22:1554.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:2987 (December 2022).

#### **§18719. Effective Date**

A. This regulation shall become effective upon final publication in the Louisiana Register.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:2987 (December 2022).

James J. Donelon  
Commissioner

2212#027

### **RULE**

#### **Department of Revenue Policy Services Division**

#### **Corporation Income Tax (LAC 61:I.1122, 1124, and 1125)**

Under the authority of R.S. 47:1511 and 287.86 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.1122 and to repeal 1124 and 1125.

The primary purpose of the regulation is to implement Act 103 of the 2015 Regular Session of the Louisiana Legislature, which repeals the carryback provisions as it relates to net operating losses for corporations. This Rule is hereby adopted on the day of promulgation.

#### **Title 61**

#### **REVENUE AND TAXATION**

#### **Part I. Taxes Collected and Administered by the Secretary of the Department of Revenue**

#### **Chapter 11. Corporation Income Tax**

#### **§1122. Taxes Not Deductible**

- A. - B. ...
- C. - D. Repealed.
- E. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:287.83, R.S. 47:1511.

**HISTORICAL NOTE:** Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:96 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:470 (March 2004), amended by the Department of Revenue, Policy Services Division, LR 33:295 (February 2007), amended by the Department of Revenue, Policy Services Division, LR 48:2987 (December 2022).

#### **§1124. Net Operating Loss Deduction**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:287.86, R.S. 47:287.785 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 30:2494 (November 2004), repealed LR 48:2987 (December 2022).

**§1125. Application of Net Operating Losses Carryover to Otherwise Closed Years**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.86 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:2290 (October 2010), repealed LR 48:2988 (December 2022).

Kevin J. Richard, CPA  
Secretary

2212#040

**RULE**

**Department of Revenue  
Policy Services Division**

**Donation to Qualified Foster Care Charitable  
Organization Credit and Certain Adoptions Deductions  
(LAC 61:I.1925, 1927, and 1929)**

Under the authority of R.S. 47:293(9)(a)(xxiii) and (xxiv), 297.20, 297.21, 1511 and 6042 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division has adopted LAC 61:I.1925 relative to the Donation to Qualifying Foster Care Charitable Organization Income Tax Credit and LAC 61:I.1927 and 1929 relative to the individual income tax deductions for individuals who adopt a child under certain circumstances.

Revised Statute 47:6042 authorizes a nonrefundable tax credit for donations made to Qualifying Foster Care Charitable Organizations that provide services to qualified individuals. In addition, Revised Statutes 47:297.20 and 297.21 authorize an individual income tax deduction of \$5,000 for taxpayers who adopt a youth from foster care, or an infant through private adoption, or an attorney. The primary purpose of this regulation is to implement Act 378 of the 2021 Regular Session of the Louisiana Legislature. This Rule is hereby adopted on the day of promulgation.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the  
Secretary of Revenue**

**Chapter 19. Miscellaneous Tax Exemptions, Credits  
and Deductions**

**§1925. Donations to Qualifying Foster Care Charitable  
Organization Credit**

**A. General Description.**

1. The Donation to Qualified Foster Care Charitable Organization credit provides a nonrefundable income tax credit for donations made on or after January 1, 2022 to the QFCCO. To qualify for the credit, the donation must be used by the QFCCO to provide services to qualified individuals.

2. QFCCOs are certified by the Department to receive contributions eligible for the tax credit. This certification only pertains to the Donation to Qualifying Foster Care Charitable Organization Credit. This program does not apply

to general licensing, operations, or the deductibility of donations to charitable organizations.

3. The credit shall be earned in the year in which the donation was made and shall be equal to the lesser of \$50,000 or the actual amount of donations used by the QFCCO to fund qualified services for qualified individuals.

4. The credit shall be allowed against the income tax for the taxable period in which the credit was earned. If the tax credit allowed pursuant to R.S. 47:6042 exceeds the amount of such taxes due, any unused credit may be carried forward as a credit against subsequent tax liability for a period not to exceed five years.

**B. Definitions**

*Affiliated*—any entity possessing either a:

- a. significant common purpose and substantial common membership; or
- b. direct or indirect substantial common direction or control.

*Department*—the Department of Revenue.

*QFCCO*—qualifying foster care charitable organization.

*Qualified Individual*—a child in a foster care placement program established by the Department of Children and Family Services.

*Qualified Services*—cash assistance, medical care, child care, food, clothing, shelter, job placement, and job-training services or any other assistance reasonably necessary to meet immediate basic needs that are provided to a qualified individual and used in Louisiana.

*Qualifying Foster Care Charitable Organization*—an organization that meets all of the following criteria:

- a. is exempt from federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code;
- b. provides services to at least 25 qualified individuals each operating year.
- c. spends at least 75 percent of its total budget on providing services to qualified individuals or spends at least 75 percent of its funds budgeted for Louisiana on providing services to qualified individuals and the organization certifies to the department that 100 percent of the donations it receives from Louisiana residents will be spent on providing services to qualified individuals.
- d. is approved by the department after applying as provided in Subsection G of this Section.

*Related*—the donor's spouse, the children of the donor, the spouses of the donor's children, the donor's brothers or sisters and their spouses, the donor's parents, and the parents of the donor's spouse.

*Secretary*—secretary of the Department of Revenue, or their designee.

*Taxpayer*—a person who is required to file a Louisiana income tax return.

**C. Qualified Services**

1. The qualified service must be provided by the QFCCO directly to the qualified individual. Qualified services include the following:

**a. Cash Assistance**

i. Cash assistance, including cash in the form of gift cards, must be provided directly for the qualified individual for the purpose of assisting the qualified individual in meeting ongoing basic needs.