

## NOTICE OF INTENT

### Department of Revenue Tax Policy and Planning Division

#### Mobile Workforce Exemption (LAC 61:I.1923)

Under the authority of R.S. 47:112.2, R.S. 47:242(1)(ii), R.S. 47:248, 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, Tax Policy and Planning Division, proposes to amend LAC 61:I.1923 to update the qualifications for the mobile workforce exemption.

The purpose of the proposed regulation is to implement the changes to R.S. 47:112.2 and 248(B)(1)(a) enacted by Act 382 of the 2025 Regular Session of the Louisiana Legislature as it pertains to the mobile workforce exemption. Specifically, Act 382 gives mobile workers and employers more time before state income tax applies, extending the threshold from 25 days to 30 days, and repeals the old requirements relative to federal rules or the worker's home state.

#### Title 61

#### REVENUE AND TAXATION

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

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

#### §1923. Mobile Workforce Exemption

A-A.2. ...

a. The compensation is paid for employment duties performed by the nonresident individual in this state for ~~25~~ 30 or fewer days in the calendar year.

A.2.b-A.2.c. ...

d. ~~The nonresident individual's income is exempt from taxation by this state under the United States Constitution or federal statute or the nonresident individual's state of residence either provides a substantially similar exemption or does not impose an individual income tax.~~

A.2.e.-C.1. ...

a. Nonresident employees seeking to claim the exemption for income earned while performing employment duties within the state for less than ~~25~~ 30 days are not required to file a Louisiana individual income tax return. If the nonresident employee has other income from Louisiana sources, the nonresident employee does not qualify for this exemption and ~~thus~~ all Louisiana income must be reported on the Nonresident and Part-Year Resident (NPR) Worksheet of the Louisiana Form IT-540B, *Louisiana Nonresident and Part-Year Resident Income Tax Return*.

C.1.b. ...

i. within 10 days from the ~~twenty-sixth~~ thirty-first day of performing employment duties within the state;

C.1.b.ii.-C.1.B.iii. ...

2. Employers. If a nonresident employee performs employment duties in excess of ~~25~~ 30 days within the state, the employer must begin withholding income tax and report such tax on Form L-1, *Employer's Quarterly Return of Louisiana Withholding Tax* beginning in the period in which the ~~twenty-sixth~~ thirty-first day fell ~~within~~.

D.-D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:112.2, R.S. 47:242(1)(ii), R.S. 47:248, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 49:334 (February 2023), amended by the Department of Revenue, Tax Policy and Planning Division, LR 52:

### **Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of the proposed amendment will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

### **Poverty Statement**

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

### **Small Business Analysis**

The proposed Rule is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed Rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

### **Provider Impact Statement**

The proposed Rule will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

### **Public Comments**

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Morgan Newton, Attorney, Tax Policy and Planning Division via email to [morgan.newton@la.gov](mailto:morgan.newton@la.gov). All comments must be received no later than 4:00 p.m., Monday, January 26, 2026.

### **Public Hearing**

Interested persons may submit a written request for a public hearing no later than January 10, 2026, at 4:30 p.m. Requests may be submitted via email to [morgan.newton@la.gov](mailto:morgan.newton@la.gov) and reference Mobile Workforce Exemption. Pursuant to R.S. 49:961(B)(1), a public hearing will be held only if the statutory requirements are satisfied. If those requirements are met, the hearing will take place on Tuesday January 27, 2026, at 10:30 a.m. in the River Room, located on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802, to receive oral and written comments from interested persons. If the requirements have been met and a public hearing will be

held, notice of the hearing will be posted under the respective rule topic on the Department's website at <https://revenue.louisiana.gov/tax-policy/rules-regulations>, under "Types," then "Nonemergency Rulemaking." A posted notice confirms that the statutory hearing requirements have been met and that the hearing will be held. If no notice appears, a public hearing will not be conducted. In accordance with the Americans with Disabilities Act, should individuals with a disability need an accommodation in order to participate, contact Morgan Newton by email at [LDRadarequests@la.gov](mailto:LDRadarequests@la.gov).

Richard Nelson  
Secretary