



TAX FACTS

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LEGISLATION AFFECTS LOCAL SALES AND USE TAX

The 2009 Regular Session of the Louisiana Legislature has drawn to a close. Following is the Revenue Division's summary of significant acts.

ACT 464 (HOUSE BILL 756)

Amends 47:305.14—The sales and use taxes imposed by taxing authorities shall not apply to sales of tangible personal property at, or admission charges for, outside gate admissions to, or parking fees associated with, events sponsored by domestic, civic, educational, historical, charitable, fraternal, or religious organizations, which are nonprofit, when the entire proceeds, except for the necessary expenses such as fees paid for guest speakers, chair and table rentals, and food and beverage utility related items connected therewith, are used for educational, charitable, religious, or historical restoration purposes, including the furtherance of the civic, educational, historical, charitable, fraternal, or religious purpose of the organization. In addition, newspapers published in this state by religious organizations shall also be exempt from such taxes, provided that the price paid for the newspaper or a subscription to the newspaper does not exceed the cost to publish such newspaper.

Amends 47:305.59—The sales and use tax imposed by the state of Louisiana and all of its tax authorities shall not apply to the sale of construction materials to Habitat for Humanity affiliates or Fuller Center for Housing covenant partners located in this state when such materials are intended for use in constructing new residential dwellings in this state.

Enacts 47:305.62—The sales and use tax imposed by the state of Louisiana and all of its tax authorities shall not apply to the sale of construction materials to Hands on New Orleans and Rebuilding Together New Orleans covenant partners located in this state when such materials are intended for use in either constructing, rehabilitating, or renovating residential dwellings in this state which were destroyed or damaged by Hurricane Katrina or Hurricane Rita. No more than five hundred thousand dollars of state and local exemptions authorized pursuant to this Section shall be granted in any calendar year.

ACT 442 (SENATE BILL 9)

Amends 47:305 D—Exempts new trucks, new automobiles, new aircraft, **and new boats, vessels, or other water craft** withdrawn from stock by factory authorized new truck, new automobile, new aircraft dealers, **and factory-authorized dealers of new boats, vessels, or other water craft**, and used trucks and used automobiles withdrawn from stock by new or used motor vehicle dealers, **which are withdrawn** for use as demonstrators. Also provides for qualifying terms and usage of said boats (not more than 6 consecutive days/and no more than 12 days per month).

Amends 47:305.50—Exempts from state and local sales and use tax purchases by railroads of railroad ties prior to long term preservative treatment, which are installed on a track system outside the taxing jurisdiction where sold.

Enacts 47:301 (16) (q)—Establishes that for state and local sales tax purposes, “tangible personal property” shall not include property considered immovable prior to the enactment of Act 632 (July 1, 2008). Also establishes a “working group” to assist in developing policy regarding which items shall be considered movable or immovable for sales tax purposes.

ACT 453 (SENATE BILL 52)

Enacts 47:305.62—Exempts from state and local sales and use tax certain consumer purchases of firearms, ammunition, and hunting supplies on the first consecutive Friday through Sunday of September each year. Defines consumer purchases, hunting supplies, and firearms and provides for certain sales arrangements. Also known as the “Annual Louisiana Second Amendment Weekday Holiday Act.”

ACT 456 (HOUSE BILL 9)

Excludes from the definition of “hotel,” temporary lodging facilities operated by a non-profit 501(3)(c), provided that the facility is devoted exclusively to the temporary housing, for periods no longer than 30 days, of homeless transients, and further providing that the lodging charge to such persons is no greater than \$20.00 per day.

ACT 500 (HOUSE BILL 251)

Amends 47:301 (16) (g)—Changes the sales tax exemption for “ manufactured home” to “factory built home” and defines factory built home. Provides that “factory built home” shall not include any self-propelled recreational vehicle or travel trailer. Exempts 54% of the sales price and requires payment of state and local sales taxes to the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles. Declares the Act retroactive, but provides that prior correctly computed taxes not paid under protest shall not be refunded. Deletes obsolete provisions of current law.

Voluntary Disclosure Agreements

The City of Baton Rouge/Parish of East Baton Rouge Revenue Division offers to taxpayers the opportunity to self-report unpaid sales and use taxes through a Voluntary Disclosure Agreement. In exchange for reporting the tax liability, the City-Parish agrees to abate any civil and criminal penalties against the taxpayer and its officers or employees relative to the tax liability.

How does a Voluntary Disclosure Agreement Work?

Taxpayers may call the City-Parish Revenue Division at 225-389-3084 or send a written request to P.O. Box 2590, Baton Rouge, LA 70821, and request information on the Voluntary Disclosure Agreement Program. After the request is received, qualified taxpayers will be asked to sign a Voluntary Disclosure Agreement, which stipulates the reporting requirements. The taxpayer is required to report and pay the tax and interest due and, if appropriate, register with the City-Parish. After payment of the tax and interest, penalties will be waived in full by the City-Parish.

Sales Tax Due Dates

Following are the sales tax due dates for the fourth quarter of 2009:

For the Month of	Tax Due Date	Delinquent Date
October	November 1	November 21
November	December 1	December 22
December	January 1	January 21

Need help?

Taxpayers may contact the Revenue Division by phone or fax to receive assistance between the hours of 8 a.m. & 5 p.m., M-F.

Taxpayer Assistance (225) 389-3084 Fax (225) 389-5369

Taxpayer Topics

The *Tax Facts* newsletter is issued quarterly by the Department of Finance/Revenue Division. Our mission is to provide taxpayers with information concerning developments and policies regarding the collection of local sales and use tax within East Baton Rouge Parish. The Revenue Division invites any suggestions, questions or comments on issues that you would like addressed in future issues of *Tax Facts*. Please send these items to:

City of Baton Rouge - Parish of East Baton Rouge

Department of Finance

P. O. Box 2590

Baton Rouge, LA 70821-2590

Attention: Steve Thomas,

or email to

stthomas@brgov.com

Remember to mail your return early! Returns bearing a U.S. postmark on or after the delinquent dates will be assessed penalty, interest, and loss of vendors' compensation.

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