

NOTICE OF INTENT

Department of Revenue Policy Services Division

Individual Income Tax Filing Extensions (LAC 61:III.2501)

Under the authority of R.S. 47:1511, 103(D), 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:III.2501 to mandate the electronic filing of a request for an extension to file an individual income tax return.

The secretary of revenue is authorized, but not required, to grant a reasonable extension of time to file a Louisiana individual income tax return. It has been the Louisiana Department of Revenue's (LDR) practice in past years to accept paper extensions submitted prior to or with the return. Beginning with returns due on or after January 1, 2012, individuals needing additional time to file their income tax returns must electronically request an extension of time to file on or before the return due date. (Please note individual income tax returns for 2011 will be due May 15, 2012). A draft of the Potpourri Notice can be found at the below website.

www.doa.louisiana.gov/OSR/Revenue%20Rule-Making%20Comments.pdf

This proposed amendment of LAC 61:III.2501 should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D).

Title 61

REVENUE AND TAXATION

Part III. Administrative Provisions and Miscellaneous

Chapter 25. Returns

§2501. Individual Income Tax Filing Extensions

A. Louisiana Revised Statute Title 47, Section 103(D) provides that the secretary may grant a reasonable extension of time to file a state individual income tax return, not to exceed six months from the date the return is due.

1. To obtain a filing extension, the taxpayer must make the request on or before the tax return's due date.

2. A taxpayer must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:

a. the Department of Revenue's web site at www.revenue.louisiana.gov;

b. tax preparation software; or

c. any other electronic method authorized by the secretary.

B. A tax preparer that prepares more than 100 Louisiana individual income tax returns during any calendar year must file electronically as follows.

1. For returns due on or after January 1, 2012, 75 percent of his requests for an extension to file must be filed electronically.

2. For returns due on or after January 1, 2013, 100 percent of his requests for an extension to file must be filed electronically.

a. Tax Preparer is a person or entity that prepares for compensation or employs one or more persons to prepare for compensation any Louisiana individual income tax return.

i. A tax preparer is an entity that is assigned a Tax Identification Number and includes all of the entity's locations.

ii. The combined total of the returns prepared at all of the tax preparer's locations will be used to determine whether or not the tax preparer is subject to the electronic filing mandate.

4. When an extension is filed by the taxpayer under this section B, the request for an extension to file shall be filed on the form prescribed by the Secretary.

C. Filing Extension Does Not Extend Time to Pay Tax

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, estimated taxes due ~~should~~ must be ~~prepaid~~ paid on or before the original due date.

C. Waiver of Electronic Filing of an Extension Requirement

1. The secretary may waive the electronic filing of an extension if it is determined that complying with the requirement would cause an undue hardship.

2. For the purpose of waiver of the electronic filing of an extension requirement, inability by the tax preparer to obtain broadband access at the location where the tax returns are prepared will be considered an undue hardship and waiver of the requirement will be granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, and 103(D).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 37: