

DECLARATION OF EMERGENCY

Department of Revenue Policy Services Division

Income and Franchise Tax (LAC 61:I.1515)

Under the authority of R.S. 47:1511, R.S. 47:1519, R.S. 47:1520 and R.S. 47:114 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.1515.

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, pursuant to La. R.S. 47:1519, 1520 and 114 employers that are required to remit electronically are now required to also file a separate return electronically on a quarterly basis. Additionally, to correspond with administrative form changes relative to the use of Form L-3, Form L-3 will no longer be used for the purpose of annually reconciling accounts, but rather will be more effectively used as a transmittal for W-2s.

Without this Rule, all employers required to withhold and remit withholdings taxes will not know that the reconciliation of taxes payable to the department to their actual remittances will be done on a quarterly basis instead of annually. 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 15. Income: Withholding Tax

§1515. Withholding Tax Statements and Returns—Electronic Filing Requirements

A. Employers that are required to electronically remit withholding tax pursuant to La. R.S. 47:1519B and LAC 61:I.4910A, shall file a separate L-1 return electronically on a quarterly basis, effective for the periods beginning after December 31, 2011.

B. Employers are required to file a Transmittal of Withholding Tax Statements, Form L-3, with copies of the employee withholding statements, Form W-2s.

1. The L-3 transmittal and employee withholding statements must be filed on or before the first business day following February 27 for the preceding calendar year.

2. If a business terminates during the year, the L-3 transmittal and employee withholding statements must be filed within 30 days after the last month in which the wages were paid.

3. If the due date falls on a weekend or holiday, the report is due the next business day and becomes delinquent the next day.

C. The following employers are required to file the Form L-3, and the employee withholding statements, Form W-2s, electronically:

1. Employers that file 250 or more employee withholding statements due on or after January 1, 2008.

2. Employers that file 200 or more employee withholding statements due on or after January 1, 2010.

3. Employers that file 150 or more employee withholding statements due on or after January 1, 2012.

4. Employers that file 100 or more employee withholding statements due on or after January 1, 2014.

5. Employers that file 50 or more employee withholding statements due on or after January 1, 2016.

D. Electronic Filing Options—The Form L-3, and the employee withholding statements, Form W-2, may be filed electronically as follows:

1. Electronic filing using the LaWage electronic filing application via the LDR website, www.revenue.louisiana.gov.

2. Submission on CD or DVD

a. Records must be submitted using a record layout that is consistent with the Internal Revenue Code requirements.

b. CDs and DVDs must be labeled with the following information:

i. File name;

ii. Employer's Louisiana account number;

iii. Employer's name;

iv. Employer's mailing address;

v. Tax year; and

vi. The CD or DVD number and total number of CDs or DVDs for multi-volume submissions (example: 1 of 3, etc.).

3. Any other electronic method authorized by the secretary.

4. Submissions by magnetic media including tapes and tape cartridges are no longer allowed.

E. Separate submissions must be made for each employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, R.S. 47:1519, R.S. 47:1520 and R.S. 47:114.

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

Cynthia Bridges

Secretary