

DECLARATION OF EMERGENCY

Department of Revenue Policy Services Division

Corporation Income and Franchise Tax Filing Extensions (LAC 61:III.2503)

The Louisiana Department of Revenue exercised the emergency provision in accordance with R.S. 49:953(B) of the Administrative Procedure Act and its authority under R.S. 47:1511, 1514, 103(D), to adopt a rule that requires corporate taxpayers who are unable to file the Louisiana corporation income and franchise tax return by the due date to request an extension on the form prescribed by the Secretary of the Department of Revenue.

It was previously the practice of the Louisiana Department of Revenue (LDR) to accept copies of the federal extension submitted with the Louisiana return as an acceptable method to request an extension of time to file the Louisiana corporation income and franchise tax return. The evolution of technology has allowed the IRS to grant federal extensions electronically, with no paper extension issued to the taxpayer. The increased use of “paperless” federal extensions has made it impossible for taxpayers to attach a copy of the federal extension to their state returns. At the same time, increased use of technology by LDR has made obtaining a state extension via the Internet possible. Beginning with the corporation income and franchise tax return due on January 1, 2012, a taxpayer who needs additional time to file their Louisiana corporation income and franchise tax return must request an extension to file the return on the form prescribed by the Secretary of the Department of Revenue. The Department will no longer accept a federal extension to file as an extension to file the Louisiana corporation income and franchise tax return.

The Department of Revenue has determined that this emergency action is necessary to prevent undue delay in notifying taxpayers and tax preparers of this new requirement and to prevent taxpayers from incurring late filing penalties and other related penalties as a result of failing to timely file for a state extension. This Emergency Rule becomes effective on March 20, 2012 and shall remain in effect for a period of 180 days or until this rule takes effect through the normal promulgation process, whichever comes first.

Title 61

REVENUE AND TAXATION

Part III. Administrative Provisions and Miscellaneous

Chapter 25. Returns

§2503. Corporation Income and Franchise Tax Filing Extensions

A. The secretary may grant a reasonable extension of time to file a state corporation income and franchise tax return, not to exceed seven 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 may request a state filing extension by submitting:

a. a Louisiana Application for Extension to File Corporation Income and Franchise Tax, Form CIFT-620Ext; or

b. an electronic application.

B. 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 income taxes due should be paid on or before the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 1514, and 287.614(D). HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 37

Cynthia Bridges
Secretary