

RULE

Department of Revenue Policy Services Division

Interest Waiver and Filing Extensions Following Disasters (LAC 61:III.2111 and 2116)

Under authority of R.S. 47:1601(A)(2)(d) and 1511 and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, repealed LAC 61:III.2111 in its entirety and enacts LAC 61:III.2116 to provide for the waiver and compromise of interest following a disaster.

Title 61

REVENUE AND TAXATION

Part III. Department of Revenue—Administrative Provisions and Miscellaneous

Chapter 21. Interest and Penalties

§2111. Interest Waiver and Filing Extensions Following Disasters

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:1601(A)(2)(c) and (d) and 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:261 (February 2006), repealed LR 35:1137 (June 2009).

§ 2116. Interest Waiver and Filing Extensions Following Disasters

A. Following a federally declared disaster, if the Secretary of Revenue authorizes extensions of time to pay for taxpayers whose residence, business or tax preparer is located in the disaster area, the secretary may allow for the compromise of all or part of the interest related to the payments for which an extension has been granted. The Secretary of Revenue has the discretion to compromise interest in any part or all of a disaster area. The secretary or designee shall authorize any compromise of interest under this Section by issuance of a Revenue Information Bulletin (RIB). Any communication from the Department of Revenue other than a RIB specifically citing this regulation should not be relied upon for the authorization for the compromise of interest.

1. A compromise of interest may be made retroactive to date of the federally declared disaster.

2. A compromise of interest under this Section may be made automatic only for individual income tax and estimated payments. All other taxes will require a written request to compromise interest.

3. Any compromise granted under this Section shall be applicable to all similarly situated taxpayers whose primary residence, business or tax preparer is located in the disaster area or portion of the disaster area in which the Secretary of Revenue has authorized the compromise of interest.

B. Any amount upon which interest began to accrue before the federally declared disaster will not be eligible for an interest compromise under this Section.

C. Business Taxpayers Located in the Disaster Area

1. A business will be considered to be located in the disaster area if the location at which it routinely does its tax preparation is in the disaster area or if it has significant accounting records necessary for tax preparation located in the disaster area.

2. Taxpayers whose tax preparation is routinely performed at a location within the disaster area will be eligible to have interest from all business locations compromised because the taxpayer could not file the return or pay taxes timely due to the disaster.

3. Taxpayers filing consolidated sales tax returns that include locations within and without the disaster areas and whose tax preparation is performed outside the disaster area should file returns using the information available from the disaster area at the time the return is due. When the amended return is filed that accurately reflects taxes owed from the disaster area, the taxpayer should attach a written request to waive any interest resulting from inaccuracies from locations within the disaster area.

D. Annual report requirement following federally declared disasters. The annual reporting requirement for interest compromised under R.S. 47:1601(A)(2)(d) will be met by reporting the total interest compromised for all taxpayers attributable to the federally declared disaster. In the event that there is more than one federally declared disaster declared during a year, total interest compromised under each disaster will be reported separately.

E. Definitions

Federally Declared Disaster—a disaster for which the President of the United States has made a presidential major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Disaster Area—a parish or location that has been declared a disaster area by the President of the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1601(A)(2)(d) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1138 (June 2009).

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Secretary

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