

CALCASIEU TAX REVIEW

Vol. 32, Issue 2

WHAT DO THOSE WORDS MEAN??

SALES OF SERVICES – There are eight taxable services that are enumerated in the Uniform Tax Code (Louisiana Revised Statutes 47:301(14)). However, by law, the local taxing jurisdictions can only tax seven of these sales of services. The eighth service is telecommunications which can only be taxed by the State of Louisiana. The seven taxable services are as follows: (1) furnishing of sleeping rooms (hotels/motels); (2) sales of admissions to places of amusement; (3) parking; (4) printing or reproducing written or graphic matter; (5) furnishing of laundry or cleaning services (cleaning of clothes, furs, furniture, carpets, rugs); (6) furnishing of cold storage; and (7) furnishing of repairs.

REPAIRS – Basically, it is fixing an item to bring it back to its original function. Both parts and labor are taxable on repairs of tangible personal property (TPP). Repairs to tangible personal property (also known as movable property) are taxable where the repair is performed.

UPGRADE OR MODIFICATION – Repairing and improving an item to perform a function that it did not do before. This is considered a fabrication and both parts and labor are taxable.

REPAIRS TO IMMOVABLE (REAL) PROPERTY – These are repairs performed to buildings, central air conditioning systems, etc. No tax should be charged to the purchaser of the repair. However, the repair dealer is responsible for all the use taxes that are due on the cost of materials used or consumed in the performance of his or her real property repair contract.

Visit us on the web: www.calcasieusalestax.org

MY TAXES GO IN WHICH COLUMN?

One of the goals of the Calcasieu Parish Sales Tax Department is to ensure that the taxing jurisdictions we represent receive the proper amount of sales and use taxes that are due to them. Many taxpayers look to the city address or zip code for a clue as to which column to report the sales taxes that they collect. However, just because a customer has a municipal delivery address does not necessarily mean that they are inside the city limits. Ninety-nine percent of the local industries (oil refineries, chemical plants, air separation plants, LNG plants, etc.) that are located within Calcasieu Parish are located outside the city limits and should be reported in Column A of the sales tax return.

To help with this dilemma, the Calcasieu Parish Police Jury has a handy resource, **GIS MAPPING APPLICATION**, on their website that enables you to type in an address and find out if that location is inside or outside the city limits of a municipality. The areas inside the city limits will be highlighted in a light-yellow color. If the area is outside the city limits, the selected location will not be highlighted.

To take advantage of this **FREE** resource, go to www.calcasieuparish.gov/services/geographic-information-systems-gis/gis-mapping.



HOW TO CONTACT US

Our main number is **(337) 217-4280** and **fax number is (337) 217-4281**. Extension for general customer assistance is 3413; for administration, dial extension 3423; for delinquent returns, dial 3409; and for audit information, dial 3422.

Sales Tax 101 Free Help to Dealers

Are you a new business owner and overwhelmed by the number of forms and information you need to produce? Maybe you've been in business for some time but are unsure of exactly what forms you need to complete. Our office has the answer--Sales Tax 101 is a short session offered to dealers to help answer sales tax questions and make filing returns easier. You can download the Sales Tax 101 presentation from our website or call our office for more information or to schedule an appointment for individual assistance.

WHO OWES THE TAX?

On occasion, we are asked who owes the tax, the buyer or the seller? The general answer is both the buyer and the seller. According to the Ordinance, both the buyer and seller are defined as dealers. Therefore, they both have the obligation of paying the tax on the retail sale of tangible personal property. Except for the tax on a motor vehicle, the Ordinance states that the tax levied shall be collected by the seller.

A dealer who fails, neglects, or refuses to collect the tax as provided in the Ordinance, either by himself or through authorized agents or employees, may face a fine of not more than one hundred dollars (\$100.00) or imprisonment of not more than three (3) months, or both in addition to the normal penalty of being liable for and paying the tax.

When a purchaser fails to pay the tax and the seller fails to collect the tax imposed by the Ordinance, the tax shall be payable by the purchaser directly to the Collector. At that point, it shall be the duty of the purchaser to file a return with the Collector and pay the tax imposed by the Ordinance within fifteen (15) days after the sale is completed. Like the seller, the purchaser may face additional consequences in the form of a fine or imprisonment when he fails, neglects, or refuses to file a return.

Have a question about sales or use tax? Email us at salestax@cpsb.org

POSTMARKS & DELIVERY DATES FOR TIMELY FILED RETURNS

The *Louisiana Administrative Code Title 72, Section 305* outlines how the different postmarks and delivery dates are used to determine if a return, report or other document is filed timely with the local collector.

United States Postal Service (USPS) - A return, report or other document in a properly addressed envelope with sufficient postage delivered by USPS is deemed filed on the date postmarked by the USPS. The postmark must bear a date on or before the last date prescribed for filing the return, report or other document in order to be considered timely filed. If the postmark on the envelope is not legible, the taxpayer has the burden of proving the date that the postmark was made. If the return, report or other document is sent by US registered or certified mail, the date of registration is treated as the date of the postmark. A postage meter date is considered a valid postmark date provided it does not conflict with a legible USPS postmark date. If the dates conflict, the USPS date will override the meter date.

Delivery by Courier – A return, report or other document delivered by a courier is deemed filed on the date it is delivered to the local collector's office.

Delivery by the Taxpayer – A return, report or other document delivered by the taxpayer or a representative of the taxpayer is deemed filed on the date it is delivered to the local collector's office.

Electronically Filed Report and Remittance – The return and remittance are deemed to be filed when both the return and remittance are transmitted and available to be received by the local collector or the local collector's designated agent for electronic filing.

Timely Filing When the Twentieth Calendar Day Falls on Saturday, Sunday, or Legal Holiday - Unless otherwise specifically provided, when the twentieth calendar day following the due date for any report or return prescribed under the laws administered by the local collector, falls on a Saturday, Sunday, or a legal holiday, the report or return shall be considered timely if it is filed on the next business day.

Local Office Holidays

Our offices will be closed on the following dates for the holidays mentioned:

Labor Day.....Sept. 7, 2020
Election Day.....Nov. 3, 2020
Veterans Day.....Nov. 11, 2020
ThanksgivingNov. 23-27, 2020
Christmas/New Year's.....
Dec. 21, 2020 - Jan. 1, 2021
MLK Day.....Jan. 18, 2021

Our regular office hours are 8:00 am to 4:30 pm. Our office is open during the lunch hour.

Due Dates for Sales and Use Tax Returns and Hotel/Motel Returns

Return: **Due By:**

Jul. 2020.....Aug. 20, 2020
Aug. 2020.....Sept. 21, 2020
Sept. 2020.....Oct. 20, 2020
Oct. 2020.....Nov. 20, 2020
Nov. 2020.....Dec. 21, 2020
Dec. 2020.....Jan. 20, 2021
Jan. 2021.....Feb. 22, 2021

ONLINE FILING

"100% FREE"

Don't forget our free online service for filing your sales tax reports. It is fast and convenient. Go to: www.salestaxonline.com or <http://parishe-file.revenue.louisiana.gov> to get started.

Did you know that dealers are required to provide a collector with accurate and updated information?

Per *Louisiana Revised Statute 47:337.29(C)*: "Any dealer shall have an obligation to use reasonable means to notify and provide a collector with accurate and updated information pertaining to its proper address and the names and contact information for those officers or directors, or members or managers having direct control or supervision over its local sales and use taxes and those charged with the responsibility of filing a dealer's sales and use tax return with the collector. This obligation shall be continuing, and a dealer shall notify the collector of any changes, additions, or deletions within thirty (30) days of any change."