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Department of Revenue
Policy Services Division
Notice of Public Hearing
Changes to Proposed Rule
Income Tax Filing Extension
(LAC 61:III.2501, 2503, 2505, and 2507)

The Department of Revenue (the Department) published a Notice of Intent to promulgate LAC 61:III.2501, 2503, 2505, and 2507, Income Tax Filing Extension in the October 20, 2022 edition of the *Louisiana Register* (LR 48:2689-2691). Written comments were received from the Council on State Taxation and the Society of Louisiana Certified Public Accountants; no one appeared at the public hearing held on November 29, 2022. Based on these written comments, the Department of Revenue is amending the proposed rule to remove and add certain language relative to section LAC 61:III.2503.

As amended, the proposed rule no longer contains language providing the Secretary the authority to grant a “reasonable” extension of time to file, given that La. R.S. 47:103(D) and 287.614(D) mandate the allotted time to file. Furthermore, the proposed rule provides that taxpayers should retain Federal Form 6513, *Extension of Time to File*, verifying approval for a federal filing extension. The Department has decided to add language providing that taxpayers may retain material other than Federal Form 6513 evidencing approval of their federal filing extension application.

Title 61
REVENUE AND TAXATION
Part III. Administrative and Miscellaneous Provisions

Chapter 25. Returns

§2501. Individual Income Tax Filing Extensions

A. Pursuant to R.S. 47:103(D), the secretary may grant a reasonable extension of time to file a state 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 may request a state filing extension by submitting one of the following:

a. a paper Louisiana Department of Revenue form requesting a filing extension;

b. a paper copy of the taxpayer's Internal Revenue Service form requesting an extension to file a federal income tax return for the same taxable period; or

c. an electronic application.

3. An electronic application may be submitted by:

a. the Department of Revenue's web site;

b. tax preparation software; or

c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

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 must be paid on or before the original due date.

D. For taxable periods prior to January 1, 2022 a tax preparer subject to the electronic filing mandate under LAC 61:III.1501.B must file an electronic application for a state filing extension for individual income taxes.

E. Failure to file the return by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties being assessed from the original due date.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1137 (June 2009), amended LR 36:73 (January 2010), LR 39:103 (January 2013), LR 45:1809 (December 2019), amended LR 49:

§2503. Corporation Income and Franchise Tax Filing Extensions

A. *Louisiana Revised Statute* Title 47, Section 287.614(D) provides that the secretary may grant an 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 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/extensions;

b. tax preparation software; or

c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022 the secretary shall grant a reasonable extension of time to file a state corporation income and franchise tax return for the same extended period of time as the taxpayer's federal extension, or six-months, whichever is later, with no state extension request required.

1. A taxpayer who files a corporation franchise tax return without a corporate income tax return is ineligible for a filing extension pursuant to R.S. 47:612.

2. A taxpayer must mark the box on the CIFT-620, *Louisiana Corporation Income and Franchise Tax Return*, noting that they have timely applied for a federal extension for the same taxable period.

a. If approved for a federal extension, a taxpayer should retain a copy of their approval determination letter Federal Form 6513, *Extension of Time to File* or other material evidencing that their federal extension has been approved.

b. Failure to obtain an approved federal extension shall result in the Louisiana extension being null and void and shall result in delinquent filing penalties being assessed from the original due date.

i. If a taxpayer requested reconsideration of a denied federal extension and the extension is subsequently approved, the taxpayer must attach all documents required by the IRS for approving the reconsideration request to their return in addition to a statement from the IRS or the taxpayer that the reconsidered extension request has been approved.

ii. If a taxpayer requested reconsideration of a denied federal extension and the extension request remains denied, the taxpayer must file their return without further delay and attach the IRS statement informing the taxpayer that their reconsidered extension request remains denied.

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, income and franchise taxes due must be prepaid on or before the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.614(D), 612 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:552 (March 2010), amended LR 39:99 (January 2013), amended LR 49:

§2505. Filing Extensions for Partnerships

A. Revised Statute Title 47, Section 1514 provides that the secretary may grant a reasonable extension to file any tax return due under this subtitle, not to exceed six months, from the date the return is due.

1. To obtain a filing extension for filing a partnership/partnership composite return, partnerships must make the request on or before the tax return's due date.

2. A partnership 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/extensions;

b. tax preparation software; or

c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

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, income taxes due must be prepaid on or before the original due date.

D. Failure to file by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties assessed from the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D), 1511 and 47:1514.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 40:801 (April 2014), LR 48:1106 (April 2022), amended LR 49:

§2507. Fiduciary Income Tax Filing Extensions

A. Pursuant to R.S. 47:103(D), the secretary may grant a reasonable extension of time to file a state income tax return, not to exceed six months from the date the return is due.

1. To obtain a filing extension for filing a fiduciary return, estates and trusts must make the request on or before the due date of the tax return.

2. For taxable periods beginning on or after January 1, 2019, an estate or trust 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;

b. tax preparation software; or

c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

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, income taxes due must be prepaid on or before the original due date.

D. Failure to file by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties assessed from the original due date.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:1810 (December 2019), amended LR 49:

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:00 p.m., Sunday, February, 26, 2023.

Public Hearing

A public hearing will be held on Monday, February, 27, 2023, at 9:00 AM in the LaBelle Room, on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA
Secretary, Department of Revenue