

Policy and Procedure Memorandum

PPM No. 50.1

Subject: Policy Statements in General

Effective Date: December 18, 2018

This Policy and Procedure Memorandum supersedes any previously issued memoranda that conflict with these directives.

A. Purpose

The Louisiana Uniform Local Sales Tax Board was created under R.S. 47:337.102, which also defines the powers and authority of the Board. R.S. 47:337.102(C)(1) allows the Board to support and advise local sales and use tax collectors concerning the imposition, collection, and administration of local sales and use taxes authorized under the constitution and laws of this state. R.S. 47:337.102(C)(5) permits the Board to issue policy advice on matters concerning the imposition, collection, and administration of local sales and use tax. And R.S. 47:337.102(C)(9) and (D) authorizes the Board to issue Private Letter Rulings to taxpayers with respect to any local sales and use tax issue. This memorandum defines the types of policy advice that may be issued to advise local collectors and taxpayers and assist local sales and use tax authorities in administering the tax laws correctly, consistently, and fairly.

B. Statutory or Regulatory Authority

R.S. 47:337.102(C)(1), R.S. 47:337.102(C)(5), R.S. 47:337.102(C)(9) and R.S. 47:337.102(D)

C. Definitions

Board—the eight individual members, or their designated proxies, appointed to serve on the Louisiana Uniform Local Sales Tax Board as described in R.S. 47:337.102(B).

Board Tax Advisory—a written statement of the board’s opinion regarding the application of principles of law to a specific set of facts. The opinion is issued in order to provide guidance on local sales tax issues to the public and local tax administrators. It is neither binding on taxpayers or collectors nor subject to appeal to the Louisiana Board of Tax Appeals. A board tax advisory is generally issued to:

- a. provide an interpretation of rules, regulations, statutes, court cases, Board of Tax Appeals decisions, or any other sources of law regarding a specific set of facts; or
- b. serve as guidance to taxpayers, tax practitioners, and local tax administrators when the law or regulations are not clear as to a specific set of facts.

Collector—the single collector for a parish as defined in Article VII, Section 3 of the Constitution of Louisiana and any of the collector’s duly authorized assistants.

Dealer—a person who manufactures or produces tangible personal property for sale at retail, for use, or consumption, or distribution, or for storage to be used or consumed in a taxing jurisdiction or performs any of the other activities defined in R.S. 47:301(4) as those of a dealer.

Declaratory Ruling—a policy statement issued by the board that applies to a specific set of facts and provides guidance for local taxing authorities and taxpayers. They are not rules and are not binding on the public but they are binding on the board and local tax collectors. Local private letter rulings are the only declaratory rulings issued by the board.

Executive Director—the Executive Director of the Louisiana Uniform Local Sales Tax Board.

Informal Advice—information regarding a tax matter provided in the form of un-researched commentary in order to provide general enlightenment to taxpayers, local tax collectors and board employees. Any of the following types of informal advice may be provided:

- a. Oral Advice. There is no formal procedure for requesting informal oral advice. Board members, employees or contractors will answer questions by telephone or in person as requested, within resource and appropriateness constraints. Advice given at audit meetings, protest conferences, information exchange meetings, or presentations made at a conference and the like is considered informal oral advice.
- b. Informal E-Mail Advice. These requests have the same status as informal oral advice. Informal e-mails are generally responses where limited research is desired by the recipient and an expedited answer is needed. The recipient should be informed about the informal nature of the response.
- c. Newsletters, Pamphlets, and Informational Publications. The board may publish informational newsletters, pamphlets, and publications when necessary. Statements contained in these publications do not have the force and effect of law and are not binding on the public, board or local tax administrators. They are merely helpful tools for disseminating information.
- d. E-mails or correspondence distributed to a general audience or published on the board’s website that announce specific events like:
 - i. a change in a local tax rate;
 - ii. a statute or regulation that has been added, amended, or rescinded;
 - iii. a legal case that has been decided;
 - iv. the availability of information based on data supplied by other agencies, such as sales tax rates or comparative tax collections by parish;
 - v. tax filing deadlines;

- vi. services offered by the board or local tax administrators, like office hours, website features, and information about new forms; or
- vii. other facts of interest to taxpayers and collectors.

Local Private Letter Ruling (LPLR)—a document prepared by the board at the request of a taxpayer or dealer in order to provide guidance on local sales tax for a specific tax issue. An LPLR does not have the force and effect of law but will be binding on the board and the local taxing authorities that were served with notice of the request but only as to the taxpayer who submitted the request and only if the facts provided were truthful and complete and the transaction was carried out as proposed. It continues as authority for the board's position unless a subsequent LPLR, rule, legal decision, or statute supersedes it.

Policy and Procedure Memorandum (PPM)—a document that may be used internally for employees or externally for collectors and taxpayers and that provides guidance regarding administrative, managerial, or procedural matters.

Redacted Local Private Letter Ruling—a local private letter ruling that has been censored to remove a taxpayer's identifying information for compliance with R.S. 47:1508. All Redacted LPLRs shall be posted on the board's website within ten days of issuance.

Taxpayer—any person subject to local sales tax in Louisiana.

D. General Procedures

Employees shall prepare and issue the aforementioned forms of policy advice in accordance with procedures hereafter established by the Board.

The Board, in its sole discretion, may authorize exceptions to this policy by unanimous vote of its members.

Revision History: December 18, 2018, adopted by the Board (new document).

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