

Regular Session, 2013

HOUSE BILL NO. 374

BY REPRESENTATIVES STOKES AND TALBOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURERS/TAXES: Provides relative to timing of payment of insurance premium taxes to the commissioner of insurance

1 AN ACT

2 To amend and reenact R.S. 22:845, relative to payment of insurance premium taxes to the  
3 commissioner of insurance; to provide relative to the timing of the payment of such  
4 taxes; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:845 is hereby amended and reenacted to read as follows:

7 §845. Payment of tax

8 A. For insurers with a net tax liability exceeding one million dollars in any  
9 tax year, ~~The~~ the taxes levied under the provisions of this Part shall be paid to the  
10 commissioner of insurance at Baton Rouge and shall be remitted on a quarterly basis:  
11 for the succeeding calendar year. The amount of the taxes due on or before the  
12 fifteenth day of the month following the end of the quarter shall be equal to  
13 one-fourth of the total previous year's tax. At the end of the calendar year, the fourth  
14 quarter's report shall be adjusted to compensate for overpayments or underpayments  
15 of the tax based on that current year's gross receipts of taxable premiums and shall  
16 be due on or before March first of the following year and each year thereafter.

17 B. For insurers with a net tax liability not in excess of one million dollars in  
18 any tax year, the taxes levied under the provisions of this Part shall be paid to the  
19 commissioner of insurance at Baton Rouge and shall be remitted on an annual basis  
20 on or before March first for the previous calendar year.

1           C. Nothing ~~herein~~ contained in this Section shall be construed as relieving  
2           any insurer from paying to the commissioner of insurance the fees otherwise required  
3           or levied by law for qualifying to do business, or for the renewal thereof annually,  
4           or for agents' certificates of authority required by law.

5           D. The legislative auditor may review any report submitted by an insurer for  
6           the payment of taxes levied under the provisions of this Part.

7           Section 2. This Act shall become effective upon signature by the governor or, if not  
8           signed by the governor, upon expiration of the time for bills to become law without signature  
9           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
10          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
11          effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Stokes

HB No. 374

**Abstract:** Changes timing of payment of insurance premium taxes for those insurers with a net tax liability not in excess of \$1 million in any tax year from quarterly payment to annual payment.

Present law provides that insurance premium taxes paid by insurers to the insurance commissioner shall be remitted on a quarterly basis.

Proposed law provides that such taxes paid by insurers with a net tax liability exceeding \$1 million in any tax year shall continue to be remitted on a quarterly basis and specifies that this shall be for the succeeding calendar year.

Proposed law further provides that such taxes paid by insurers with a net tax liability not in excess of \$1 million in any tax year shall be remitted on an annual basis on or before March 1 for the previous calendar year.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:845)