

# St. John the Baptist Parish

## Sales and Use Tax Department

Operated by: **ACI St. John, LLC**

This brochure has been prepared to help taxpayers doing business in St. John the Baptist Parish better understand the sales and use tax laws, regulations, and their administration. The brochure is not intended to be all-inclusive and provides only a basic summary of relevant data. The most important information contained here-in is that if someone has any questions they should email their questions to [info@acistjohn.com](mailto:info@acistjohn.com) or call the office of **ACI St. John, LLC**. Our contact and staff information follow:

**Physical Address**

421 W. Airline Hwy. Ste 200  
LaPlace, LA 70068

**Mailing Address**

P.O. Box 2066  
LaPlace, LA 70069-2066

**Telephone Number(s)**

(985) 359-6600

**Facsimile Number**

(985) 359-6602

**Administrative Staff**

N. P. Stein, CPA CTE - CEO  
Sandra Lasseigne - Specialist

**Audit Staff**

George W. Haindle – Chief Examiner  
Lester Rainey, Jr. - Examiner

**Web Site**

[www.acistjohn.com](http://www.acistjohn.com)

**Email Address**

[info@acistjohn.com](mailto:info@acistjohn.com)

The St. John the Baptist Parish School Board administers the collection of all of the sales and use tax in St. John the Baptist Parish. The School Board has contracted with **ACI St. John, LLC** to perform this function. A list of the towns and their zip codes in the Parish follow:

**East Bank**

Garyville 70051  
LaPlace 70068 & 70069  
Manchac (Akers) 70421  
Mt. Airy 70076  
Reserve 70084  
Ruddock 70068

**West Bank**

Edgard 70049  
Lucy 70049  
Pleasure Bend (Vacherie) 70090  
Wallace (Vacherie) 70090

**IMPOSITION OF TAX**

St. John the Baptist Parish has levied sales and use taxes totaling 4.75% as follows:

<u>Effective Date</u>	<u>Rate</u>	<u>Dedication</u>
August 9, 1965	1.00%	School Board
August 1, 1979	1.00%	School Board
December 1, 1984	.25%	Fire Departments
February 1, 1986	1.00%	Council-Sewerage
August 1, 1988	.75%	Council-Roads/Econ. Dev.
January 1, 2001	.25%	Sheriff
January 1, 2001	.25%	School Board
<u>January 1, 2004</u>	<u>.25%</u>	<u>Fire Department Salaries</u>
Total Tax Rate	4.75%	

Generally, these taxes are levied on the following:

- **Retail sales of tangible personal property** delivered into and picked up in the parish. **"Tangible Personal Property"** means and includes personal property which may be seen, weighed, measured, felt or touched, or is in any other manner perceptible to the senses;
- Cost price of **tangible personal property used, consumed, distributed, or stored for use or consumption** in the parish. Transactions of this type expose every entity in the parish to a possible "use" tax liability.
- Gross proceeds derived from the **lease or rental of tangible personal property** in the parish;
- Gross proceeds derived from the **sale of such services as furnishing sleeping rooms, storage or parking privileges, printing, laundry, cleaning, pressing, dyeing, cold storage space, repairs, and admissions, dues, or fees to places of amusement, etc.**

### **EXEMPTIONS AND EXCLUSIONS**

Sales and use taxes are generally not levied on some transactions including the following:

- Farm products sold by the farmer;
- Value given for an item traded in;
- Gasoline, steam, water not in containers, electricity, fuels used to generate electricity, newspapers, fertilizer, containers sold to farmers for products, natural gas, boiler fuel except refinery gas, and automobile and aircraft demonstrators;
- Vessels with fifty (50) ton load displacements and their component parts;
- Sales to vessels operating exclusively in foreign or interstate commerce;
- Drilling equipment, etc. used exclusively outside the boundaries of the state;
- Seeds used to plant crops;
- Pesticides used for agricultural purposes;
- Property purchased for exclusive use outside of the parish;
- Equipment purchased by public volunteer fire departments;
- Admissions to domestic nonprofit organizations' entertainment events;
- Cable television fees;
- Receipts from coin-operated washing and drying machines;
- Monetized bullion valued at \$1,000 or more;
- Purchases made with food stamps or WIC vouchers;
- Sales to political subdivisions of the State.
- Sales for resale or further processing;
- Sales discounts, returns, and allowances.

These are the more common exemptions and exclusions but the list is not all-inclusive.

### **COLLECTION OF TAX**

**Sales taxes** are required to be collected by dealers who maintain a place of business, have an agent, or deliver in the Parish. **Use taxes** incurred by dealers are accrued and paid directly to the Parish. **Dealers must add and separately state the sales tax to the sales price unless they receive a valid exemption certificate from the purchaser. A dealer who does not do so is liable for the tax himself.**

**"Dealer"** shall include every person who manufactures or produces, imports, sells at retail, uses, consumes, or stores for use, leases or rents tangible personal property or furnishes taxable services, engages in business in the parish, or sells to vending machine operators.

**All dealers must apply for a sales tax registration number with the School Board (Collector) at the address on the cover of this brochure. A dealer may be required to file sales tax returns monthly,**

quarterly, semi-annually, annually, or occasionally. A sales tax return is required to be filed by all dealers given periodic filing frequencies whether or not they have liability for the period.

*Taxes due with returns are considered due on the first day and delinquent on the twentieth day of the following reporting period.* When taxes are collected and remitted timely, dealers are allowed to keep a percentage of the tax (as stated on the sales tax return) as vendor's compensation. When taxes are delinquent, dealers become liable for interest, penalties, and costs in addition to the taxes due as explained in the ASSESSMENT PROCEDURES AND TAXPAYER RIGHTS section below.

## **RECORDS AND INSPECTION**

All dealers are required to keep suitable records as may be necessary to determine accurate tax liability. These records must be kept for a period of three (3) years from December 31<sup>st</sup> of the year the tax could have been paid without penalty (prescriptive period) and are subject to examination (audit) by the Collector or his assigns at all reasonable hours. Records and files kept by the Collector are confidential and information contained therein can only be divulged in an action or proceeding under the provisions of the sales tax ordinances.

St. John the Baptist Parish School Board has a staff of auditors which devotes its time to examining taxpayers' records for the purpose of ascertaining accurate liability. Most taxpayers audited are chosen for audit based on an identified problem with the taxpayer or similar type taxpayers. However, a random selection of a certain number of taxpayers is made monthly for the purpose of fairly subjecting all to audit.

## **ASSESSMENT PROCEDURES AND TAXPAYER RIGHTS**

- I. Pre-Assessment
  - a. Taxpayer is provided exhibit and schedules by the auditor detailing additional taxes due or overpaid.
  - b. Taxpayer may be granted reasonable amount of time by the auditor to review audit findings and documentation.
  - c. Taxpayer may also be granted additional time to review findings by the Collector if reasonable and pertinent.
- II. Notice of Intent to Assess
  - a. Taxpayer is issued billing for the audit deficiency, interest, and penalty, if any.
  - b. Taxpayer may respond within 30 days of notice date in one of three ways:
    - i. if in agreement with the findings, pay the proposed assessment
    - ii. file a written protest citing your objection to the assessment and request a hearing with this Department. If you choose to protest this intent to assess and request a hearing, your request must include a written protest and must be filed within 30 days of the date of this letter.
    - iii. Request an extension of time in order to prepare a written protest.
  - c. The Collector may consider any protest filed and may modify the proposed assessment, as to errors of fact or law.
- III. Notice of Assessment and Right of Appeal
  - a. At the end of the 30-day period, or upon the expiration of any extensions granted, the Collector will proceed to formally assess the tax, interest, and penalty, if any.
  - b. The taxpayer must respond within 60 days of the date of the notice in one of three ways:
    - i. pay the amount of the formal assessment
    - ii. pay the amount of the formal assessment and, in writing, notify the Collector of your intent to file suit for recovery on the amount paid under protest. A suit must be filed within 30 days of payment.
    - iii. request a hearing with the Collector for a final review
- IV. Subsequent Legal Action

- a. Following the end of the 60-day assessment period, and no response being received, the assessment becomes final and may be collected by distraint and sale of taxpayer assets.
- b. In addition to distraint, the Collector may at any time seek collection through ordinary suit or summary judgment in a court of competent jurisdiction.

**V. Interest and Penalties**

- a. Taxes are due and payable on the 1<sup>st</sup> day of the month following the report period in which the taxable transaction occurs and are considered to be delinquent when transmitted after the 20<sup>th</sup> day of the due month. Interest on delinquent taxes is computed from the due date (1<sup>st</sup>) until paid at an annual rate of 15%.
- b. A return becomes delinquent on the 21<sup>st</sup> day of the month following the transaction month . If the return is filed late, a delinquent penalty of 5 percent of the tax due for each 30 days of delinquency is assessed, not to exceed 25 percent in the aggregate. For example, a return for the month of March 2004 would be subject to a 5 percent penalty if transmitted on or after the 21<sup>st</sup> day of April, and incur an additional 5% penalty on any unpaid tax due amount on May 21, 2004
- c. Interest on refunds and overpayments accrues at the rate of 2% per annum from the period paid to the date the claim is filed, and continues at that rate for an additional sixty days. Any refundable amounts thereafter shall accrue interest at the legal judicial rate prescribed by law.
- d. The Collector has some discretionary authority to waive penalty when the deficiency is not the result of intentional disregard of the tax ordinances but for reasons set forth by the taxpayer and acceptable to the Collector.
- e. In the event legal services are required to affect a collection of any tax, interest, or penalty due, attorney's fees in the amount of 10% of the aggregate due may be imposed and collected.

### **REFUNDS AND REMEDIES**

Taxpayers are entitled to refunds of taxes previously paid when purchases are returned or the taxes were erroneously paid, etc. LA R.S. 47:337.34 describes the rights and procedures for said refunds.

### **CHANGE OF STATUS**

The sales tax return contains a section the taxpayer should use to inform the Collector of a status change. If a taxpayer quits or sells his business, he has fifteen (15) days to pay any amounts due. His successor(s) must withhold sufficient purchase money to cover any such amounts due or become personally liable.

### **CONCLUSION**

Again, this brochure is intended only to provide basic sales and use tax information and is not all-inclusive. Anyone with a question, or having any doubts on how to treat a transaction, should email their questions to [info@acistjohn.com](mailto:info@acistjohn.com) or call the office of **ACI St. John, LLC**.