In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953.1, and Act 211 of the 2021 Regular Session of the Louisiana Legislature, and R.S. 47:1511, the Department of Revenue, Policy Services Division, ("the department") is, by emergency rule, adopting LAC 61:I.1525. The purpose of this regulation is to require any person paying gaming winnings under the provisions of Act 141 of the 2020 Regular Session of the Louisiana Legislature and Act 80 of the 2021 Regular Session of the Louisiana Legislature to withhold Louisiana income tax. This Emergency Rule is effective September 5, 2021, and will remain in effect for 120 days, unless renewed or revoked, or until the adoption of the final Rule, whichever comes first. The promulgation of this rule on an emergency basis is necessary to implement the required withholding as permits have been approved allowing the betting. Act 141 of the 2020 Regular Session of the Louisiana Legislature and Act 80 of the 2021 Regular Session of the Louisiana Legislature respectively authorize fantasy sports and sports wagering gaming. This Emergency Rule requires income tax withholding from every person or business that pays sports betting and fantasy sports winnings in excess of $1,200 at the highest rate provided for by R.S. 47:32(A). This Emergency Rule clarifies that any person paying gaming winnings is required to conform to the electronic filing requirements for LDR Form L-3 and accompanying IRS Form W-2G.

ii. any other electronic method authorized by the secretary.

4. Tax Preparer Undue Hardship Waiver of Electronic Filing Requirement
   a. The secretary may waive the electronic filing requirement if it is determined that complying with the requirement would cause an undue hardship.
   b. For the purposes of waiver of the electronic filing requirement, inability by the tax preparer to obtain broadband access at the location where LDR Forms L-3 and IRS Forms W-2G are prepared shall be considered an undue hardship and waiver of the requirement will be granted.


HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:2877 (December 2010), amended by the Department of Revenue, Policy Services Division, LR 47:

Kimberly J. Lewis
Secretary