

House Bill 1221

By: Representatives Jennings of the 63rd, Snelling of the 99th, Cummings of the 27th, Graves of the 125th, Buck of the 135th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated,
2 relating to state administration regarding revenue and taxation, so as to change the rate of
3 interest paid with respect to certain refunds and certain past due taxes; to provide an effective
4 date; to provide for applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state
8 administration regarding revenue and taxation, is amended by striking subsection (a) of Code
9 Section 48-2-35, relating to taxpayer refunds, and inserting in its place a new subsection (a)
10 to read as follows:

11 "(a) A taxpayer shall be refunded any and all taxes or fees which are determined to have
12 been erroneously or illegally assessed and collected from such taxpayer under the laws of
13 this state, whether paid voluntarily or involuntarily, and shall be refunded interest on the
14 amount of the taxes or fees at the rate of ~~1 percent per month~~ 9 percent per annum from the
15 date of payment of the tax or fee to the commissioner. For the purposes of this Code
16 section, any period of less than one month shall be considered to be one month. Refunds
17 shall be drawn from the treasury on warrants of the Governor issued upon itemized
18 requisitions showing in each instance the person to whom the refund is to be made, the
19 amount of the refund, and the reason for the refund."

20 style="text-align:center">**SECTION 2.**

21 Said article is further amended by striking Code Section 48-2-40, relating to the rate of
22 interest on past due taxes, and inserting in its place a new Code Section 48-2-40 to read as
23 follows:

1 "48-2-40.

2 Except as otherwise expressly provided by law, taxes owed the state or any local taxing
3 jurisdiction shall bear interest at the rate of ~~1 percent per month~~ 9 percent per annum from
4 the date the tax is due until the date the tax is paid. For the purposes of this Code section,
5 any period of less than one month shall be considered to be one month. This Code section
6 shall also apply to alcoholic beverage taxes."

7 **SECTION 3.**

8 This Act shall become effective on January 1, 2003, and shall apply to any interest period
9 beginning on or after January 1, 2003.

10 **SECTION 4.**

11 All laws and parts of laws in conflict with this Act are repealed.