

House Bill 536

By: Representatives Royal of the 140th, Sims of the 130th and Borders of the 142nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
2 income taxes, so as to provide for extended filing and payment dates with respect to certain
3 returns which have been electronically filed; to provide an effective date; to provide for
4 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 Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes,
8 is amended by striking subsection (a) of Code Section 48-7-56, relating to time and place for
9 filing returns, and inserting in its place a new subsection (a) to read as follows:

10 "(a) Returns of taxpayers other than corporations shall be filed with the commissioner on
11 or before April 15 in each year except that in the case of taxpayers using a fiscal year the
12 return shall be filed on or before the fifteenth day of the fourth month after the close of the
13 fiscal year. However, in the case a taxpayer's return is allowed to be filed at a later date,
14 pursuant to the Internal Revenue Code of 1986 as it existed on or after January 1, 2002,
15 because the taxpayer has electronically filed returns, the date the return shall be filed shall
16 be extended without interest and penalty to the date the return is allowed to be filed
17 pursuant to the Internal Revenue Code of 1986 as it existed on or after January 1, 2002.

18 Returns of corporations made on the basis of a calendar year shall be filed on or before the
19 fifteenth day of March following the close of the calendar year, and returns of corporations
20 made on the basis of a fiscal year shall be filed on or before the fifteenth day of the third
21 month following the close of the fiscal year. Returns required for a taxable year relating to
22 returns of domestic import sales corporations and former domestic import sales
23 corporations and foreign sales corporations shall be filed on or before the fifteenth day of
24 the ninth month following the close of the taxable year. The commissioner may allow
25 further time for filing returns in the case of sickness or other disability or whenever in his
26 judgment good cause exists for the extension. In case a taxpayer is granted an extension of

1 time to file a return, the commissioner may require a tentative return to be filed on or
2 before the due date of the return for which the extension is granted. A tentative return shall
3 be made on the usual form, shall be plainly marked 'tentative,' shall state the estimated
4 amount of the tax believed to be due, and shall be properly signed by the taxpayer."

5 **SECTION 2.**

6 Said chapter is further amended by striking Code Section 48-7-80, relating to time and place
7 of payment of tax on basis of calendar or fiscal year, and inserting in its place a new Code
8 Section 48-7-80 to read as follows:

9 "48-7-80.

10 The total amount of tax imposed by this chapter on taxpayers other than corporations shall
11 be paid to the commissioner on or before April 15 following the close of the calendar year.
12 If the return of a taxpayer other than a corporation is made on the basis of a fiscal year, the
13 tax shall be paid to the commissioner on or before the fifteenth day of the fourth month
14 following the close of the fiscal year. However, in the case a taxpayer's return is allowed
15 to be filed at a later date, pursuant to the Internal Revenue Code of 1986 as it existed on or
16 after January 1, 2003, because the taxpayer has electronically filed returns, the date of
17 payment shall be extended without interest and penalty to the date the return is allowed to
18 be filed pursuant to the Internal Revenue Code of 1986 as it existed on or after January 1,
19 2003. The total amount of tax imposed by this chapter on corporations shall be paid to the
20 commissioner on or before March 15, following the close of the calendar year. If the return
21 of a corporation is made on the basis of a fiscal year, the tax shall be paid to the
22 commissioner on or before the fifteenth day of the third month following the close of the
23 fiscal year."

24 **SECTION 3.**

25 This Act shall become effective upon its approval by the Governor or upon its becoming law
26 without such approval and shall be applicable to all taxable years beginning on or after
27 January 1, 2003.

28 **SECTION 4.**

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