

House Bill 1309

By: Representatives Sims of the 130<sup>th</sup>, Marin of the 66<sup>th</sup>, and Hill of the 81<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and  
2 taxation, so as to provide for a temporary reduction in state income taxes; to provide for  
3 additional requirements for income reporting by employers; to provide for a temporary  
4 suspension of certain exemptions from sales and use taxes; to provide for procedures,  
5 conditions, and limitations; to provide for powers, duties, and authority of the state revenue  
6 commissioner; to amend Code Section 40-5-25 of the Official Code of Georgia Annotated,  
7 relating to drivers license applications and fees, so as to provide for special class licenses;  
8 to provide for powers, duties, and authority of the Department of Public Safety; to provide  
9 for an effective date; to provide for applicability; to repeal conflicting laws; and for other  
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
14 amended by adding a new Code section at the end of Article 2 of Chapter 7, relating to  
15 imposition, rate, and computation of state income taxes, to be designated Code Section  
16 48-7-43, to read as follows:

17 "48-7-43.

18 (a) Notwithstanding any other provision of this chapter to the contrary, the amount of state  
19 income tax otherwise due and payable from a taxpayer for the taxable year beginning on  
20 January 1, 2005, and ending at 12:00 Midnight on December 31, 2005, shall be reduced by  
21 5 percent. The reduction provided for by this Code section shall apply only with respect  
22 to tax due and payable from the taxpayer pursuant to the income tax return of the taxpayer  
23 for the single taxable year specified by this Code section and shall not apply to state  
24 income taxes due and payable for any other period of time.

25 (b) The commissioner shall promulgate any rules and regulations necessary to implement  
26 and administer this Code section."

**SECTION 2.**

Said title is further amended by adding a new Code section immediately following Code Section 48-7-102.1, to be designated Code Section 48-7-102.2, to read as follows:

"48-7-102.2.

(a) The department shall maintain a separate database of all taxpayers holding a special class license under subsection (f) of Code Section 40-5-25 as reported by the Department of Public Safety. The special class license number shall be used by the department as the taxpayer identification number of the taxpayer to whom the license was issued.

(b) An employer of any taxpayer whose taxpayer identification number is contained in such database shall report the wages or salary of that taxpayer to the department using a Form 1099 if that taxpayer is not otherwise subject to the withholding requirements of this article."

**SECTION 3.**

Said title is further amended by adding a new Code section at the end of Part 1 of Article 1 of Chapter 8, relating to general provisions regarding sales and use taxes, to be designated Code Section 48-8-14, to read as follows:

"48-8-14.

(a) Notwithstanding any other provision of this chapter or any other general law to the contrary and except as otherwise provided for specifically in subsection (b) of this Code section, any sale or use which would otherwise constitute a taxable event and which is subject to an exemption specified under any provision of this chapter or any other general law, shall for the period commencing on January 1, 2005, and ending at 12:00 Midnight on December 31, 2005, be subject to state and local sales and use taxes which would otherwise be applicable to such taxable event in the absence of such exemption. The suspension of such exemptions shall apply only with respect to taxable events occurring during the period of time specified in this subsection and such suspension shall not apply to any taxable event occurring during any other period of time.

(b) The temporary suspension of applicability of exemptions from sales and use taxes shall not apply to the following exemptions which shall remain in effect during the suspension period:

- (1) Paragraph (1) of Code Section 48-8-3;
- (2) Paragraph (2) of Code Section 48-8-3;
- (3) Paragraph (6.3) of Code Section 48-8-3;
- (4) Paragraph (12) of Code Section 48-8-3;
- (5) Paragraph (13) of Code Section 48-8-3;
- (6) Paragraph (25) of Code Section 48-8-3;

- 1 (7) Paragraph (26) of Code Section 48-8-3;  
 2 (8) Paragraph (27) of Code Section 48-8-3;  
 3 (9) Paragraph (28) of Code Section 48-8-3;  
 4 (10) Paragraph (29) of Code Section 48-8-3;  
 5 (11) Paragraph (29.1) of Code Section 48-8-3;  
 6 (12) Paragraph (49) of Code Section 48-8-3;  
 7 (13) Paragraph (57) of Code Section 48-8-3; but with respect to a taxpayer who is 65  
 8 years of age or older, or disabled at the time the taxable event occurs during the  
 9 suspension period;  
 10 (14) Paragraph (64) of Code Section 48-8-3; and  
 11 (15) Paragraph (67) of Code Section 48-8-3.  
 12 (c) The commissioner shall promulgate any rules and regulations necessary to implement  
 13 and administer this Code section."

#### 14 **SECTION 4.**

15 Code Section 40-5-25 of the Official Code of Georgia Annotated, relating to drivers license  
 16 applications and fees, is amended by adding a new subsection at the end thereof, to be  
 17 designated subsection (f), to read as follows:

18 "(f)(1) Notwithstanding any other provision of this chapter to the contrary, the  
 19 department shall issue a drivers license under subsection (a) of this Code section to any  
 20 person who is not a citizen of the United States but who otherwise meets all the  
 21 requirements of this chapter with respect to such license.

22 (2) Each license issued under this subsection shall retain the class designation specified  
 23 under subsection (a) of this Code section but shall be preceded by the designation  
 24 'Special'. Special class licenses shall be applied for in the same manner as otherwise  
 25 required for the underlying license classification and shall be subject to the same  
 26 requirements and fees except as otherwise provided in this Code section.

27 (3) The department shall utilize a separate numbering system for special class licenses  
 28 and each such license number shall be reported to the Department of Revenue. Such  
 29 number shall continue to be assigned to a licensee until such person becomes a citizen of  
 30 the United States at which time the department shall issue a regular drivers license to  
 31 such person which is not subject to the requirements of this subsection if such licensee  
 32 is otherwise qualified under this Code section to receive such license."

#### 33 **SECTION 5.**

34 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 35 without such approval.

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**SECTION 6.**

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