

The House Committee on Ways and Means offers the following substitute to HB 1028:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 11 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated,
2 relating to records and reports of currency transactions, so as to provide for a fee with
3 respect to wire transmission of money; to provide for procedures, conditions, and limitations;
4 to provide for legislative intent; to prohibit certain conduct to avoid or evade such fee; to
5 provide for powers, duties, and authority of the commissioner of banking and finance with
6 respect to the foregoing; to amend Article 2 of Chapter 7 of Title 48 of the Official Code of
7 Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to
8 provide for an income tax credit with respect to money transmission fees; to provide for
9 conditions and limitations; to provide for powers, duties, and authority of the state revenue
10 commissioner with respect to the foregoing; to provide an effective date; to provide for
11 applicability; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Article 11 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to
15 records and reports of currency transactions, is amended by adding a new Code section to
16 read as follows:

17 "7-1-912.1.

18 (a) Any authorized agent of a licensee or any money transmission business which is
19 subject to licensure under Article 4 of this chapter which receives money for wire
20 transmission transactions conducted at a location in this state for transmission to another
21 country shall collect from the customer a fee in the amount of 2 percent of the amount of
22 money being transmitted for each single transaction in which less than \$10,000.00 is
23 transmitted. The fee required under this subsection is in addition to and not in lieu of other
24 applicable money transmitter fees and such fee shall not be deemed to be a cap or other
25 limitation regarding such other fees.

26 (b) Such money transmission business shall give the customer a receipt setting forth:

- 1 (1) The date the order was placed;
- 2 (2) The amount of the fee;
- 3 (3) The dollar amount of the transmission order;
- 4 (4) The sender name and address;
- 5 (5) The name of the licensee registered with the department;
- 6 (6) The agent's identifier information; and
- 7 (4) The statement 'Keep this receipt with your records. If you file a Georgia income tax
- 8 return you may claim an income tax credit for the full amount of the money transmission
- 9 fee.'
- 10 (c) Each money transmission business required to collect the fee under this Code section
- 11 shall file a semiannual return with the commissioner reporting the amount of fees due and
- 12 collected. In reporting such fees to the commissioner a money transmission business shall
- 13 be allowed to deduct and retain an amount equal to 20 percent of each fee collected to
- 14 defray the costs of collection. Such fees shall be paid electronically to the commissioner
- 15 in the form of an automated clearing house debit. The commissioner shall semiannually
- 16 remit such fees to the general fund of the state.
- 17 (d) Subject to the general appropriations process, it is the intent of the General Assembly
- 18 that an amount equal to the amount of funds derived from the fees collected under this
- 19 Code section shall be utilized for trauma care programs.
- 20 (e) The commissioner shall provide by rule or regulation for the implementation of this
- 21 Code section including, but not limited to, any appropriate administrative actions or fines
- 22 for neglecting, failing, or refusing to comply with the requirements of this Code section."

23 SECTION 2.

24 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the

25 imposition, rate, and computation of income tax, is amended by adding a new Code section

26 to read as follows:

27 "48-7-29.13.

- 28 (a) As used in this Code section, the term 'money transmission fee' means only the
- 29 additional 2 percent fee imposed and collected pursuant to subsection (a) of Code Section
- 30 7-1-912.1 and not any other money transmission fee, but only if such 2 percent fee is
- 31 identified separately on the taxpayer's transaction receipt.
- 32 (b) A taxpayer shall be allowed a credit against the tax imposed by this chapter in an
- 33 amount not to exceed the actual amount expended for money transmission fees.
- 34 (c) In no event shall the total amount of the tax credit under this Code section for a taxable
- 35 year exceed the taxpayer's income tax liability. Any unused tax credit shall be allowed the

1 taxpayer against succeeding years' tax liability. No such credit shall be allowed the
2 taxpayer against prior years' tax liability.

3 (d) The commissioner shall be authorized to promulgate any rules and regulations
4 necessary to implement and administer the provisions of this Code section."

5 **SECTION 3.**

6 This Act shall become effective upon its approval by the Governor or upon its becoming law
7 without such approval, and Section 2 of this Act shall be applicable to all taxable years
8 beginning on or after January 1, 2008.

9 **SECTION 4.**

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