

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.