

House Bill 1024

By: Representatives Scott of the 2nd, Graves of the 12th, Everson of the 106th, Peake of the 137th, Lindsey of the 54th, and others

A BILL TO BE ENTITLED
AN ACT

1 To enact the Jobs, Opportunity, and Business Success Refund Act of 2010; to amend and
2 enact provisions intended to provide for tax relief and encourage employment opportunities
3 and business stimulation; to amend Title 48 of the Official Code of Georgia Annotated, the
4 "Georgia Public Revenue Code," so as to eliminate the requirement for dealers to make
5 returns and remittances with respect to estimated sales and use tax liability; to provide for
6 other related matters; to provide for an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 (a) This Act shall be known and may be cited as the "Jobs, Opportunity, and Business
11 Success Refund Act of 2010."
12 (b) The General Assembly intends through the enactment of this Act to provide for tax relief
13 and encourage employment opportunities and business stimulation.

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

15 Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," is
16 amended in Code Section 48-8-49, relating to dealers' sales and use tax returns, by revising
17 subsection (b) as follows:

18 "(b)(1) As used in this subsection, the term 'estimated tax liability' means a dealer's tax
19 liability, adjusted to account for any subsequent change in the state sales and use tax rate,
20 based on the dealer's average monthly payments for the last fiscal year.

21 (2)(A) If the estimated tax liability of a dealer for any taxable period prior to January
22 1, 2011, exceeds \$5,000.00, the dealer shall file a return and remit to the commissioner
23 not less than 50 percent of the estimated tax liability for the taxable period on or before
24 the twentieth day of the period. The amount of the payment of the estimated tax liability
25 shall be credited against the amount to be due on the return required under subsection

26 (a) of this Code section. This ~~subsection~~ subparagraph shall not apply to any dealer
27 unless during the previous fiscal year the dealer's monthly payments exceeded
28 \$5,000.00 per month for three consecutive months or more nor shall this ~~subsection~~
29 subparagraph apply to any dealer whose primary business is the sale of motor fuels who
30 is remitting prepaid state tax under paragraph (2) of subsection (b) of Code Section
31 48-9-14. No local sales taxes shall be included in determining any estimated tax
32 liability.

33 (B) If the estimated tax liability of a dealer for any taxable period on or after January 1,
34 2011, and prior to January 1, 2012, exceeds \$10,000.00, the dealer shall file a return
35 and remit to the commissioner not less than 50 percent of the estimated tax liability for
36 the taxable period on or before the twentieth day of the period. The amount of the
37 payment of the estimated tax liability shall be credited against the amount to be due on
38 the return required under subsection (a) of this Code section. This subparagraph shall
39 not apply to any dealer unless during the previous calendar year the dealer's monthly
40 payments exceeded \$10,000.00 per month for three consecutive months or more nor
41 shall this subparagraph apply to any dealer whose primary business is the sale of motor
42 fuels who is remitting prepaid state tax under paragraph (2) of subsection (b) of Code
43 Section 48-9-14. This paragraph shall cease to apply to a dealer if such dealer falls
44 below the threshold specified in this subparagraph. No local sales taxes shall be
45 included in determining any estimated tax liability.

46 (C) If the estimated tax liability of a dealer for any taxable period on or after January 1,
47 2012, and prior to January 1, 2013, exceeds \$20,000.00, the dealer shall file a return
48 and remit to the commissioner not less than 50 percent of the estimated tax liability for
49 the taxable period on or before the twentieth day of the period. The amount of the
50 payment of the estimated tax liability shall be credited against the amount to be due on
51 the return required under subsection (a) of this Code section. This subparagraph shall
52 not apply to any dealer unless during the previous calendar year the dealer's monthly
53 payments exceeded \$20,000.00 per month for three consecutive months or more nor
54 shall this subparagraph apply to any dealer whose primary business is the sale of motor
55 fuels who is remitting prepaid state tax under paragraph (2) of subsection (b) of Code
56 Section 48-9-14. This paragraph shall cease to apply to a dealer if such dealer falls
57 below the threshold specified in this subparagraph. No local sales taxes shall be
58 included in determining any estimated tax liability.

59 (D) If the estimated tax liability of a dealer for any taxable period on or after January 1,
60 2013, and prior to January 1, 2014, exceeds \$40,000.00, the dealer shall file a return
61 and remit to the commissioner not less than 50 percent of the estimated tax liability for
62 the taxable period on or before the twentieth day of the period. The amount of the

63 payment of the estimated tax liability shall be credited against the amount to be due on
64 the return required under subsection (a) of this Code section. This subparagraph shall
65 not apply to any dealer unless during the previous calendar year the dealer's monthly
66 payments exceeded \$40,000.00 per month for three consecutive months or more nor
67 shall this subparagraph apply to any dealer whose primary business is the sale of motor
68 fuels who is remitting prepaid state tax under paragraph (2) of subsection (b) of Code
69 Section 48-9-14. This paragraph shall cease to apply to a dealer if such dealer falls
70 below the threshold specified in this subparagraph. No local sales taxes shall be
71 included in determining any estimated tax liability.

72 (E) For any taxable period on or after January 1, 2014, a dealer shall not be required
73 to file a return and remit to the commissioner any estimated tax liability and shall be
74 issued a refund check by the commissioner for the amount of any estimated tax liability
75 which has been remitted and has not been credited against the amount due on the
76 dealer's return under subsection (a) of this Code section.

77 (3) A dealer who in any month does not meet the applicable threshold under
78 subparagraph (A), (B), (C), or (D) of paragraph (2) of this subsection shall be issued a
79 refund check by the commissioner for the amount of any estimated tax liability which has
80 been remitted and has not been credited against the amount due on the dealer's return
81 under subsection (a) of this Code section within 30 days of the determination that such
82 dealer is below such threshold. Prior to or in conjunction with the mailing of such refund
83 check, the commissioner shall mail the dealer the following notice:

84 'Dear Georgia business owner,

85 This is a refund of your sales tax deposit, which is returned to you in compliance with
86 the Jobs, Opportunity, and Business Success Refund Act of 2010 (J.O.B.S).

87 The Georgia State House and State Senate passed and the Governor signed the J.O.B.S.
88 Refund Act (O.C.G.A. 48-8-49) believing that entrepreneurs and business owners, not
89 government, are best equipped to create jobs and sustainable economic growth for
90 Georgia.

91 We appreciate your efforts to create true economic stimulus for our great state.

92 Thank you!

93 Georgia General Assembly"

94 **SECTION 3.**

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

97 **SECTION 4.**

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