

House Bill 353

By: Representative Martin of the 47<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to state administrative provisions, so as to change certain provisions regarding the  
3 rate of interest to be paid for refunds and on past due taxes; to provide an effective date; to  
4 provide for applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state  
8 administrative provisions, is amended in Code Section 48-2-35, relating to refunds, by  
9 revising subsection (a) as follows:

10 "(a) A taxpayer shall be refunded any and all taxes or fees which are determined to have  
11 been erroneously or illegally assessed and collected from such taxpayer under the laws of  
12 this state, whether paid voluntarily or involuntarily, and shall be refunded interest, except  
13 as provided in subsection (b) of this Code section, on the amount of the taxes or fees at the  
14 rate of  $\pm$  .5 percent per month from the date of payment of the tax or fee to the  
15 commissioner. For the purposes of this Code section, any period of less than one month  
16 shall be considered to be one month. Refunds shall be drawn from the treasury on warrants  
17 of the Governor issued upon itemized requisitions showing in each instance the person to  
18 whom the refund is to be made, the amount of the refund, and the reason for the refund."

19 **SECTION 2.**

20 Said article is further amended by revising Code Section 48-2-40, relating to rate of interest  
21 on past due taxes, as follows:

22 "48-2-40.

23 Except as otherwise expressly provided by law, taxes owed the state or any local taxing  
24 jurisdiction shall bear interest at the rate of  $\pm$  .5 percent per month from the date the tax is  
25 due until the date the tax is paid. For the purposes of this Code section, any period of less

26 than one month shall be considered to be one month. This Code section shall also apply to  
27 alcoholic beverage taxes."

28 **SECTION 3.**

29 This Act shall become effective on July 1, 2011, and shall be applicable to all interest due  
30 and payable for any month beginning on or after July 1, 2011.

31 **SECTION 4.**

32 All laws and parts of laws in conflict with this Act are repealed.