

Senate Bill 21

By: Senators Ligon, Jr. of the 3rd, Seabaugh of the 28th, McKoon of the 29th, Heath of the 31st, Loudermilk of the 52nd and others

AS PASSED SENATE

**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 administration of tax and license laws, so as to provide that no audit shall be
3 conducted after three years following the filing of a sales and use tax return or report; to
4 provide an exception; 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
8 administration of tax and license laws, is amended by revising Code Section 48-2-49, relating
9 to periods of limitation for assessment of taxes, as follows:

10 "48-2-49.

11 (a) Except as otherwise provided in this Code section or this title, the amount of any tax
12 imposed by this title may be assessed at any time.

13 (b) Except as otherwise provided by subsection (c) of this Code section or by this title, in
14 the case where a return or report is filed, the amount of any tax imposed by this title shall
15 be assessed within three years after the return or report was filed. For purposes of this
16 subsection, a return or report filed before the last day prescribed by law for the filing
17 thereof shall be considered as filed on such last day. If an extension of time for filing a
18 return or report is granted and the return or report is filed on or before the extended date,
19 the return or report shall be considered as filed on the extended due date.

20 (c) In the case where a return or report is filed, no audit of a taxpayer's sales and use tax
21 report or return shall be conducted after the expiration of three years from the date the
22 return or report was filed except pursuant to a subpoena issued by a court of record. For
23 purposes of this subsection, a return or report filed before the last day prescribed by law
24 for the filing thereof shall be considered as filed on such last day. If an extension of time
25 for filing a return or report is granted and the return or report is filed on or before the
26 extended date, the return or report shall be considered as filed on the extended due date.

27 ~~(e)~~ (d) Except as otherwise provided by this title, in the case of a false or fraudulent return
28 or report filed with the intent to evade tax or a failure to file a return or report, the amount
29 of any tax imposed by this title may be assessed at any time.

30 ~~(d)~~ (e) Where, before the expiration of the time prescribed in this Code section for the
31 assessment of any tax imposed by this title, both the commissioner and the person subject
32 to assessment have consented in writing to its assessment after such time, the tax may be
33 assessed at any time prior to the expiration of the agreed upon period. The period so
34 agreed upon may be extended by subsequent agreements in writing made before the
35 expiration of the previously agreed upon period. The commissioner is authorized in any
36 such agreement to extend similarly the period within which a claim for refund may be filed.

37 ~~(e)~~ (f) If a claim for refund of taxes paid for any taxable period is filed within the last six
38 months of the period during which the commissioner may assess the amount of taxes, the
39 assessment period ~~is~~ shall be extended for a period of six months beginning on the day the
40 claim for refund ~~is~~ was filed.

41 ~~(f)~~ (g) No action without assessment shall be brought for the collection of any tax after the
42 expiration of the period for assessment."

43 **SECTION 2.**

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