

House Bill 811

By: Representatives Harrell of the 106<sup>th</sup> and Williamson of the 115<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 administration of revenue and taxation, so as to provide that interest paid on  
3 refunds of overpayments of taxes and past due taxes shall be equal to the bank prime loan  
4 rate; to provide for related matters; to provide for an effective date; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to  
9 administration of revenue and taxation, is amended by revising subsection (a) of Code  
10 Section 48-2-35, relating to refunds of taxes and fees, as follows:

11 "(a) A taxpayer shall be refunded any and all taxes or fees which are determined to have  
12 been erroneously or illegally assessed and collected from such taxpayer under the laws  
13 of this state, whether paid voluntarily or involuntarily, and shall be refunded interest,  
14 except as provided in subsection (b) of this Code section, on the amount of the taxes or  
15 fees from the date of payment of the tax or fee to the commissioner at an annual rate  
16 equal to the bank prime loan rate as posted by the Board of Governors of the Federal  
17 Reserve System in statistical release H. 15 or any publication that may supersede it, ~~plus~~  
18 ~~3 percent~~, to accrue monthly. Such annual interest rate shall be determined for each  
19 calendar year based on the first weekly posting of statistical release H. 15 on or after  
20 January 1 of each calendar year. For the purposes of this Code section, any period of less  
21 than one month shall be considered to be one month. Refunds shall be drawn from the  
22 treasury on warrants of the Governor issued upon itemized requisitions showing in each  
23 instance the person to whom the refund is to be made, the amount of the refund, and the  
24 reason for the refund."

25 **SECTION 2.**

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

28 "48-2-40.

29 Except as otherwise expressly provided by law, taxes owed the state or any local taxing  
30 jurisdiction shall bear interest at an annual rate equal to the bank prime loan rate as posted  
31 by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any  
32 publication that may supersede it, ~~plus 3 percent~~, to accrue monthly. Such annual interest  
33 rate shall be determined for each calendar year based on the first weekly posting of  
34 statistical release H. 15 on or after January 1 of each calendar year. Interest shall begin to  
35 accrue from the date the tax is due until the date the tax is paid. For the purposes of this  
36 Code section, any period of less than one month shall be considered to be one month. This  
37 Code section shall also apply to alcoholic beverage taxes."

38 **SECTION 3.**

39 This Act shall become effective on July 1, 2020.

40 **SECTION 4.**

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