House Bill 547 (AS PASSED HOUSE AND SENATE)

By: Representatives Dean of the 48th and Holmes of the 53rd

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 48-5-242 of the Official Code of Georgia Annotated, relating to the waiver of penalties due on unpaid taxes under certain circumstances, so as to provide for the waiver of interest due on unpaid taxes; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-5-242 of the Official Code of Georgia Annotated, relating to the waiver of penalties due on unpaid taxes under certain circumstances, is amended by striking said Code section in its entirety and inserting in its place a new Code section to read as follows:

"48-5-242.

(a) Upon written approval by the governing authority of the county in accordance with subsection (c) of this Code section, the tax collector or tax commissioner may waive, in whole or in part, the collection of any amount due the taxing authorities for which taxes are collected, when such amount represents a penalty or an amount of interest assessed for failure to comply with the laws governing the assessment and collection of ad valorem taxes, ~~and~~ when the tax collector or tax commissioner reasonably determines that the default giving rise to the penalty or interest was due to reasonable cause and not due to gross or willful neglect or disregard of the law or of regulations or instructions issued pursuant to the law, and when the interest to be waived accrues on or after July 1, 2002.

(b) In the case of penalties or interest arising from the failure of the taxpayer to comply with the terms, conditions, or covenants required with respect to properties receiving any type of preferential assessment, the tax collector or tax commissioner shall not be authorized to waive any portion of the penalty or interest that represents a recovery by the taxing authorities of any amount by which taxes were reduced as a result of the granting of such preferential assessment.

(c) The waiver of penalties or interest in accordance with this Code section shall be subject to the written approval of the county governing authority either on a case-by-case basis or

by a resolution delegating the authority to the tax collector or tax commissioner to make the final determinations. Such resolution may establish rules and regulations governing the administration of this Code section and establish guidelines to be followed by the tax collector or tax commissioner when granting ~~the penalty~~ such waivers."

SECTION 2.

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