

1 SB46
2 155626-2
3 By Senator Taylor
4 RFD: Finance and Taxation General Fund
5 First Read: 14-JAN-14
6 PFD: 12/05/2013

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 40-23-7, Code of Alabama 1975,
12 regarding the collection of state sales taxes, to increase the
13 average monthly tax liability for a taxpayer to be required to
14 make estimated state sales tax payments from \$1,000 or greater
15 to \$2,500 or greater.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 40-23-7, Code of Alabama 1975, is
18 amended to read as follows as follows:

19 "§40-23-7.

20 "(a) The taxes levied under the provisions of this
21 division, except as otherwise provided in subsection (d),
22 shall be due and payable in monthly installments on or before
23 the 20th day of the month next succeeding the month in which
24 the tax accrues.

25 "(b) Except as otherwise provided in subsection (d)
26 on or before the 20th day of each month, every person on whom
27 the taxes levied by this division are imposed shall report to

1 the department, on a form prescribed by the department, a true
2 and correct statement showing such information as the
3 department may require, and shall pay to the department the
4 amount of taxes shown to be due.

5 "(c) Any taxpayer liable for taxes under the
6 provisions of this division whose average monthly state sales
7 tax liability was ~~one thousand dollars (\$1,000)~~ two thousand
8 five hundred dollars (\$2,500) or greater during the preceding
9 calendar year shall make estimated payments to the department
10 on or before the 20th day of the month in which the liability
11 occurs as follows:

12 "(1) The amount of the first estimated payment shall
13 be 66 2/3 percent of the taxpayer's actual tax liability for
14 the month of October 1983; thereafter the amounts of the
15 payment shall be the lesser of 66 2/3 percent of the
16 taxpayer's actual tax liability for the same calendar month of
17 the preceding year or 66 2/3 percent of the current month's
18 estimated liability.

19 "(2) Any outstanding credit or deficit arising from
20 the taxpayer's overpayment or underpayment of his final
21 liability shall be applied to either increase or reduce, as
22 the case may be, that month's final tax liability which shall
23 be reported and paid not later than the 20th day of the month
24 next succeeding the month in which the tax accrues.

25 "(3) The provisions of this subsection shall not
26 apply to the provisions of Sections 11-51-180, 11-51-200,

1 40-12-4, nor to any municipal or county taxes levied by past
2 or future special or local acts of the Legislature.

3 "(d) When the total state sales tax for which any
4 person is liable under this division averages less than two
5 hundred dollars (\$200) per month during the preceding calendar
6 year, a quarterly return and remittance in lieu of the monthly
7 returns may be made, by election of the taxpayer to the
8 department, on or before the 20th day of the month next
9 succeeding the end of the quarter for which the tax is due
10 under any rules and regulations as may be prescribed. The
11 election to file quarterly shall be made in writing no later
12 than February 20 of each year and shall be filed with the
13 department. Notwithstanding the above, no state sales tax
14 return shall be due until January 20 of each year unless the
15 total state sales tax for which any person is liable under
16 this division during the preceding calendar year exceeds ten
17 dollars (\$10).

18 "(e) The department, for good cause, may extend the
19 time for making any state or state-administered return
20 required under the provisions of this division, but the time
21 for filing any such return shall not be extended for a period
22 greater than 30 days from the date such return is due to be
23 made."

24 Section 2. This bill is effective October 1, 2015,
25 following its passage and approval by the Governor or its
26 otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Finance and Taxation General Fund ...	14-JAN-14
Read for the second time and placed on the calen- dar 1 amendment.....	15-JAN-14
Read for the third time and passed as amended	16-JAN-14

Patrick Harris
Secretary