

SECOND REGULAR SESSION

HOUSE BILL NO. 1408

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES COX (Sponsor), GATSCHENBERGER, SCHAD, JONES (89), FUNDERBURK, BURLISON, DENISON, DUSENBERG, KOENIG, RUESTMAN, ALLEN, WILSON (119), SANDER, GRISAMORE, BIVINS AND MUNZLINGER (Co-sponsors).

3839L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 143.811, RSMo, and to enact in lieu thereof one new section relating to interest on overpayments of taxes.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 143.811, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.811, to read as follows:

143.811. 1. Under regulations prescribed by the director of revenue, interest shall be allowed and paid at the rate determined by section 32.065, RSMo, on any overpayment in respect of the tax imposed by sections 143.011 to 143.996; except that, where the overpayment resulted from the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing of the return, interest shall be allowed and paid at the rate of six percent per annum. With respect to the part of an overpayment attributable to a deposit made pursuant to subsection 2 of section 143.631, interest shall be paid thereon at the rate in section 32.065, RSMo, from the date of the deposit to the date of refund. No interest shall be allowed or paid if the amount thereof is less than one dollar.

2. For purposes of this section:

(1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day determined without regard to any extension of time granted the taxpayer;

(2) Any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year, and any amount paid by the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him
17 on the fifteenth day of the fourth month following the close of his taxable year to which such
18 amount constitutes a credit or payment.

19 3. For purposes of this section with respect to any withholding tax:

20 (1) If a return for any period ending with or within a calendar year is filed before April
21 fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of
22 such succeeding calendar year; and

23 (2) If a tax with respect to remuneration paid during any period ending with or within
24 a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be
25 considered paid on April fifteenth of such succeeding calendar year.

26 4. If any overpayment of tax imposed by sections 143.011 to 143.996 is refunded within
27 [four months] **forty-five days** after the last date prescribed (or permitted by extension of time)
28 for filing the return of such tax or within [four months] **forty-five days** after the return was filed,
29 whichever is later, no interest shall be allowed under this section on overpayment.

30 5. Any overpayment resulting from a carryback, including a net operating loss and a
31 corporate capital loss, shall be deemed not to have been made prior to the close of the taxable
32 year in which the loss arises.

33 6. Any overpayment resulting from a carryback of a tax credit, including but not limited
34 to the tax credits provided in sections 253.557 and 348.432, RSMo, shall be deemed not to have
35 been made prior to the close of the taxable year in which the tax credit was authorized. In fiscal
36 year 2003, the commissioner of administration shall estimate the amount of any additional state
37 revenue received pursuant to the provisions of this subsection and shall transfer an equivalent
38 amount of general revenue to the schools of the future fund created in section 163.005, RSMo.

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