HB77 ENROLLED



- 1 L6TDAY-2
- 2 By Representative Garrett
- 3 RFD: Ways and Means Education
- 4 First Read: 07-Mar-23
- 5 2023 Regular Session



1 Enrolled, An Act,

2

4 Relating to sales tax; to amend Section 40-23-7, as

- 5 last amended by Section 5 of Act 2022-53 of the 2022 Regular
- 6 Session, Code of Alabama 1975, to provide for an increase in
- 7 the amount of the average monthly sales tax liability for
- 8 required estimated payments.
- 9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- Section 1. Section 40-23-7, as last amended by Section
- 5 of Act 2022-53 of the 2022 Regular Session, Code of Alabama
- 12 1975, is amended to read as follows:
- 13 "\$40-23-7
- 14 (a) The taxes levied under this division, except as
- otherwise provided in subsection (d), shall be due and payable
- in monthly installments on or before the 20th day of the month
- 17 next succeeding the month in which the tax accrues.
- 18 (b) Except as otherwise provided in subsection (d), on
- 19 or before the 20th day of each month, every person on whom the
- 20 taxes levied by this division are imposed shall report to the
- 21 department, on a form prescribed by the department, a true and
- 22 correct statement showing such information as the department
- 23 may require, and shall pay to the department the amount of
- 24 taxes shown to be due.
- 25 (c) Any taxpayer liable for taxes under this division
- 26 whose average monthly state sales tax liability was five
- 27 thousand dollars (\$5,000) twenty thousand dollars (\$20,000) or
- 28 greater during the preceding calendar year shall make



- estimated payments to the department on or before the 20th day of the month in which the liability occurs as follows:
- 31 (1) The amount of the first estimated payment shall be
 32 66 2/3 percent of the taxpayer's actual tax liability for the
 33 month of October 1983; thereafter the amounts of the payment
 34 shall be the lesser of 66 2/3 percent of the taxpayer's actual
 35 tax liability for the same calendar month of the preceding
 36 year or 66 2/3 percent of the current month's estimated
 37 liability.

- (2) Any outstanding credit or deficit arising from the taxpayer's overpayment or underpayment of his or her final liability shall be applied to either increase or reduce that month's final tax liability which shall be reported and paid not later than the 20th day of the month next succeeding the month in which the tax accrues.
- (3) This subsection shall not apply to Sections

 11-51-180, 11-51-200, 40-12-4, nor to any municipal or county

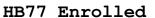
 taxes levied by past or future special or local acts of the

 Legislature.
 - (d) Taxpayers meeting the criteria set forth in this subsection may elect to file quarterly, semi-annually, or annually. Any election to file quarterly, semi-annually, or annually shall be made in writing no later than February 20 of each year and shall be filed with the department in the manner prescribed by the department. Qualifying taxpayers electing to file quarterly, semi-annually, or annually, shall report to the department, on a form prescribed by the department, a true and correct statement showing such information as the



department may require. Qualifying taxpayers shall pay to the department the amount of tax shown to be due on or before the applicable deadlines, under any rules as may be prescribed, as follows:

- (1) When the total state sales tax for which any person is liable under this division is less than \$2,400 during the preceding calendar year, the person may elect to file quarterly returns. Quarterly returns and payments of the amount of tax shown to be due shall be due on or before the 20th day of the month next succeeding the end of the quarter for which the tax is due.
- (2) When the total state sales tax for which any person is liable under this division is less than \$1,200 during the preceding calendar year, or the person liable for the tax has made retail sales in this state during no more than two, 30 consecutive day periods during the preceding calendar year, the person may file semi-annual returns. The semi-annual returns and payment of the amount of the tax shown to be due shall be due on or before July 20 and January 20 following the end of the six-month period for which the tax is due.
- (3) When the total state sales tax for which any person is liable under this division during the preceding calendar year is less than six hundred dollars (\$600), or the person liable for the tax has made retail sales in this state during no more than one, 30 consecutive day period during the preceding calendar year, the person may elect to file an annual return. The annual return and payment of the tax shown to be due shall be due on or before January 20 following the





- end of the annual period for which the tax is due.
- 86 (e) The department, for good cause, may extend the time
- for making any state or state-administered return required
- under this division, but the time for filing any such return
- shall not be extended for a period greater than 30 days from
- 90 the date such return is due to be made."
- 91 Section 2. This act shall become effective October 1,
- 92 2023, following its passage and approval by the Governor, or
- 93 its otherwise becoming law.



123	Senate	31-May-23	Passed	
122				
121				
120				
119				
118				
117				
116				
115		Clerk		
114		John T	readwell	
113	1	1		
112	was pas	assed by the House 20-Apr-23.		
111		I hereby certify that the within	Act originated in and	
110		nouse of hopfosonous.		
109	House of Representatives			
108				
107		restant and restaing officer		
106		President and Presiding Officer	of the Senate	
105				
103				
103				
102		Speaker of the House of Repr	esencacives	
101		Charles of the House of Donn	vocantativos	
99 100				
98				
96 97				
95				
94				