SENATE DOCKET, NO. 124 FILED ON: 1/11/2013

SENATE . . . . . No. 1401

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act equalizing the quarterly payments of excise taxes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Rodrigues	*First Bristol and Plymouth*

SENATE DOCKET, NO. 124 FILED ON: 1/11/2013

SENATE . . . . . No. 1401

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 1401) of Michael J. Rodrigues for legislation to equalize the quarterly payments of excise taxes. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1504* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act equalizing the quarterly payments of excise taxes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subsection (c) of section 3 of chapter 63B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking said subsection and inserting in place thereof the following:-

(c) For purposes of this chapter, there shall be four required installments for each taxable year, except as otherwise provided by this chapter. The first installment shall be paid on or before the fifteenth day of the third month of the taxable year; the second installment shall be paid on or before the fifteenth day of the sixth month of the taxable year; the third installment shall be paid on or before the fifteenth day of the ninth month of the taxable year; and the fourth installment shall be paid on or before the fifteenth day of twelfth month of the calendar year. The amount of any installment shall be twenty-five per cent of the required annual payment.

The term "required annual payment" means the lesser of (i) ninety percent of the tax shown on the return for the taxable year or, if no return is filed, ninety percent of the tax for such year, or (ii) one hundred percent of the tax shown on the return of the corporation for the preceding taxable year, or (iii) ninety percent of the tax for the taxable year or, if no return is filed, ninety percent of tax for such year determined by using the income apportionment percentage, if any, applicable for the preceding taxable year in computing its net income subject to tax under chapter sixty-three.

18 Clause (ii) shall not apply if the preceding taxable year was not a taxable year of twelve
19 months or the corporation did not file a return for such preceding taxable year showing a liability
20 for tax.

21 Clause (ii) shall not apply in the case of a large corporation, as defined in section sixty-
22 six hundred and fifty-five (g) of the Internal Revenue Code of the United States, as amended on
23 January first, nineteen hundred and eighty-nine and in effect for the taxable year except for
24 purposes of determining the amount of the first required installment for any taxable year;
25 provided, however that any reduction in such first installment by reason of this provision shall be
26 recaptured by increasing the amount of the next required installment by the amount of such
27 reduction.

28 SECTION BB. Section 4A of chapter 63B of the General Laws, as so appearing, is
29 hereby amended by striking the word "sixty-five" in line 4 and inserting in place thereof the
30 following:- fifty.

31 SECTION CC. Section 4A of chapter 63B of the General Laws, as so appearing, is
32 hereby amended by striking the word "ten" in line 9 and inserting in place thereof the following:-
33 twenty-five.

34 SECTION DD. Section 4A of chapter 63B of the General Laws, as so appearing, is
35 hereby amended by striking the word "ninety" in line 14 and inserting in place thereof the
36 following:- twenty-five.

37 SECTION EE. Section 4A of chapter 63B of the General Laws, as so appearing, is
38 hereby amended by striking the word "ten" in line 16 and inserting in place thereof the
39 following:- twenty-five. -; and by adding the following section:

40 "SECTION XX. Sections AA through EE shall be effective for tax years beginning on or
41 after January 1, 2014.".