

HOUSE No. 3749

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to equalize the quarterly payment 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:

1 SECTION 1. Section 3(c) of chapter 63B. of the General Laws is hereby amended by
2 striking said section and inserting in place thereof the following:— Section 3(c). For purposes of
3 this chapter, there shall be four required installments for each taxable year, except as otherwise
4 provided by this chapter. The first installment shall be paid on or before the fifteenth day of the
5 third month of the taxable year; the second installment shall be paid on or before the fifteenth
6 day of the sixth month of the taxable year; the third installment shall be paid on or before the
7 fifteenth day of the ninth month of the taxable year; and the fourth installment shall be paid on or
8 before the fifteenth day of twelfth month of the calendar year. The amount of any installment
9 shall be twenty-five per cent of the required annual payment. The term “required annual
10 payment” means the lesser of (i) ninety percent of the tax shown on the return for the taxable year
11 or, if no return is filed, ninety percent of the tax for such year, or (ii) one hundred percent of the
12 tax shown on the return of the corporation for the preceding taxable year, or (iii) ninety percent of
13 the tax for the taxable year or, if no return is filed, ninety percent of tax for such year determined
14 by using the income apportionment percentage, if any, applicable for the preceding taxable year

15 in computing its net income subject to tax under chapter sixty-three. Clause (ii) shall not apply if
16 the preceding taxable year was not a taxable year of twelve months or the corporation did not file
17 a return for such preceding taxable year showing a liability for tax. Clause (ii) shall not apply in
18 the case of a large corporation, as defined in section sixty-six hundred and fifty-five (g) of the
19 Internal Revenue Code of the United States, as amended on January first, nineteen hundred and
20 eighty-nine and in effect for the taxable year except for purposes of determining the amount of
21 the first required installment for any taxable year; provided, however that any reduction in such
22 first installment by reason of this provision shall be recaptured by increasing the amount of the
23 next required installment by the amount of such reduction.

24 SECTION 2. Section 4(a) of chapter 63B. of the General Laws is hereby amended as
25 follows:—By striking the word “sixty-five” in line 4 and inserting in place thereof the word:
26 “fifty”, and by striking the word “ten” in line 9 and inserting in place thereof the word: “twenty-
27 five”, and by striking the word “ninety” in line 14 and inserting in place thereof the word:
28 “seventy-five”, and by striking the word “ten” in line 16 and inserting in place thereof the word:
29 “twenty-five”.

30 SECTION 3. Section 4(b) of chapter 63B. of the General Laws is hereby amended by
31 striking said section.