

# SENATE . . . . . No. 1401

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## 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 adoption of the accompanying bill:

An Act equalizing the quarterly payments of excise taxes.

PETITION OF:

NAME:

*Michael J. Rodrigues*

DISTRICT/ADDRESS:

*First Bristol and Plymouth*

# SENATE . . . . . No. 1401

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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.

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

## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
\_\_\_\_\_

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:*

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

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

11           The term "required annual payment" means the lesser of (i) ninety percent of the tax  
12 shown on the return for the taxable year or, if no return is filed, ninety percent of the tax for such  
13 year, or (ii) one hundred percent of the tax shown on the return of the corporation for the  
14 preceding taxable year, or (iii) ninety percent of the tax for the taxable year or, if no return is  
15 filed, ninety percent of tax for such year determined by using the income apportionment  
16 percentage, if any, applicable for the preceding taxable year in computing its net income subject  
17 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."