

ASSEMBLY BILL

No. 2314

Introduced by Assembly Members Block and Knight
(Coauthors: Assembly Members Conway, Gilmore, V. Manuel
Perez, and Salas)
(Coauthor: Senator Runner)

February 19, 2010

An act to amend Section 276.1 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2314, as introduced, Block. Property tax exemption: disabled veterans: procedure.

Existing law establishes a property tax exemption for disabled veterans. Existing law provides that for property for which the disabled veterans' exemption would have been available but for the taxpayer's failure to receive a timely disability rating from the United States Department of Veterans Affairs (USDVA), there shall be canceled or refunded any taxes, including any interest and penalties thereon, levied on that portion of the assessed value of the property that would have been exempt under a timely and appropriate claim, provided that the claimant meets specified conditions. These conditions are that (1) the claimant had an application pending with the USDVA and subsequently received a rating that qualifies the claimant for the disabled veterans' exemption, and (2) the claimant subsequently files an appropriate claim for the exemption the later of 30 days of receipt of the disability rating from the USDVA or on or before the next following lien date.

This bill would make these provisions applicable to property for which the disabled veterans' exemption would have been available but the

taxpayer had not yet received a disability rating from the USDVA that qualifies the claimant for the exemption. The bill would delete the first condition described above requiring the claimant to have had an application pending with the USDVA and subsequently have received a qualifying rating. The bill would also change the timeframe for which a claimant may file an appropriate claim for the exemption to 90 days of receipt of the disability rating or on or before the next following lien date.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 276.1 of the Revenue and Taxation Code
2 is amended to read:

3 276.1. (a) For property for which the disabled veterans'
4 exemption described in Section 205.5 would have been available
5 ~~but for the taxpayer's failure to receive a timely~~ *the taxpayer had*
6 *not yet received a* disability rating from the United States
7 Department of Veterans Affairs (USDVA), there shall be canceled
8 or refunded the amount of any taxes, including any interest and
9 penalties thereon, subject to the provisions regarding cancellations
10 in Article 1 (commencing with Section 4985) of Chapter 4 and the
11 limitations periods on refunds as described in Article 1
12 (commencing with Section 5096) of Chapter 5, levied on that
13 portion of the assessed value of the property that would have been
14 exempt under a timely and appropriate claim, provided that the
15 claimant ~~meets both of the following conditions:~~

16 ~~(1) The claimant had an application pending with the USDVA~~
17 ~~for a disability rating and subsequently received a rating that~~
18 ~~qualifies the claimant for the disabled veterans' exemption~~
19 ~~described in Section 205.5.~~

20 ~~(2) The claimant subsequently files an appropriate claim for the~~
21 ~~disabled veterans' exemption described in Section 205.5 the later~~
22 ~~of 30 90 days of receipt of the disability rating from the USDVA~~
23 ~~or on or before the next following lien date.~~

24 (b) Subject to the provisions regarding cancellations and the
25 limitations periods on refunds, the disabled veterans' exemption
26 applies beginning on the effective date, as determined by the

- 1 USDVA, of a disability rating that qualifies the claimant for the
- 2 exemption.

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