

ASSEMBLY BILL

No. 2175

Introduced by Assembly Members Harkey and Ma

February 23, 2012

An act to amend Sections 6757, 7872, 8996, 11496, 30322, 32363, 38532, 40158, 41124.1, 43413, 45451, 46421, 50123, 55141, and 60445 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2175, as introduced, Harkey. Taxation: state tax liens.

Existing law requires the payment of taxes, fees, and surcharges that are administered by the State Board of Equalization under the provisions of the Sales and Use Tax Law, the Motor Vehicle Fuel Tax Law, the Use Fuel Tax Law, the Private Railroad Car Tax Law, the Cigarette and Tobacco Products Tax Law, the Alcoholic Beverage Tax Law, the Timber Yield Tax Law, the Energy Resources Surcharge Law, the Emergency Telephone Users Surcharge Act, the Hazardous Substances Tax Law, the Integrated Waste Management Fee Law, the Oil Spill Response, Prevention, and Administration Fees Law, the Underground Storage Tank Maintenance Fee Law, the Fee Collection Procedures Law, and the Diesel Fuel Tax Law. Existing law also creates a state tax lien that attaches to the property of any person who fails to pay any amount imposed under these laws when that amount becomes due and payable, but remains unpaid. Existing law requires that this state tax lien continue in effect for 10 years unless sooner released or discharged, or unless a notice of state tax lien is filed, as provided.

This bill would authorize the State Board of Equalization or the Controller, as to liens filed under the Motor Vehicle Fuel Tax Law, to withdraw notice of a state tax lien if the liability that gave rise to the

state tax lien, including penalties, interest, and fees, is paid in full. This bill would further require that any withdrawn state tax lien be applied as if notice of the state tax lien had not been filed, and require, as specified, written notice of the withdrawal of the state tax lien.

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

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

1 SECTION 1. Section 6757 of the Revenue and Taxation Code
2 is amended to read:

3 6757. (a) If any person fails to pay any amount imposed under
4 this part at the time that it becomes due and payable, the amount
5 thereof, including penalties and interest, together with any costs
6 in addition thereto, shall thereupon be a perfected and enforceable
7 state tax lien. The lien is subject to Chapter 14 (commencing with
8 Section 7150) of Division 7 of Title 1 of the Government Code.

9 (b) For the purpose of this section, amounts are “due and
10 payable” on the following dates:

11 (1) For amounts disclosed on a return received by the board
12 before the date the return is delinquent, the date the return would
13 have been delinquent;

14 (2) For amounts disclosed on a return filed on or after the date
15 the return is delinquent, the date the return is received by the board;

16 (3) For amounts determined under Section 6536 (pertaining to
17 jeopardy assessments), the date the notice of the board’s finding
18 is mailed or issued;

19 (4) For all other amounts, the date the assessment is final.

20 (c) The lien provided by this section shall not arise during any
21 period that Section 362 of the United States Bankruptcy Code
22 applies to the person against whom the lien would otherwise apply.

23 (d) (1) *The board may withdraw notice of a state tax lien, and*
24 *the withdrawal shall be applied as if notice of the state tax lien*
25 *had not been filed, if the liability represented by the state tax lien,*
26 *including any interest, penalty, and fee, is paid in full. A*
27 *withdrawal shall be made by filing a notice of withdrawal at the*
28 *same office in which the notice of the state tax lien was filed. A*
29 *copy of the notice of withdrawal shall be provided to the taxpayer.*

30 (2) *Upon written request by the taxpayer with respect to whom*
31 *a notice of a state tax lien was withdrawn, the board shall make*

1 *reasonable efforts to notify credit reporting agencies, and any*
2 *financial institution or creditor whose name and address are*
3 *specified in that request, of the withdrawal of the notice.*

4 SEC. 2. Section 7872 of the Revenue and Taxation Code is
5 amended to read:

6 7872. (a) If any person fails to pay any amount imposed under
7 this part at the time that it becomes due and payable, the amount
8 thereof, including penalties and interest, together with any costs
9 in addition thereto, shall thereupon be a perfected and enforceable
10 state tax lien. Such a lien is subject to Chapter 14 (commencing
11 with Section 7150) of Division 7 of Title 1 of the Government
12 Code.

13 (b) For the purpose of this section, amounts are “due and
14 payable” on the following dates:

15 (1) For amounts disclosed on a return received by the board
16 before the date the return is delinquent, the date the return would
17 have been delinquent;

18 (2) For amounts disclosed on a return filed on or after the date
19 the return is delinquent, the date the return is received by the board;

20 (3) For amounts determined under Section 7698 (pertaining to
21 jeopardy assessments), the date the notice of the board’s finding
22 is mailed or issued;

23 (4) For all other amounts, the date the assessment is final.

24 (c) (1) *The Controller may withdraw notice of a state tax lien,*
25 *and the withdrawal shall be applied as if notice of the state tax*
26 *lien had not been filed, if the liability represented by the state tax*
27 *lien, including any interest, penalty, and fee, is paid in full. A*
28 *withdrawal shall be made by filing a notice of withdrawal at the*
29 *same office in which the notice of the state tax lien was filed. A*
30 *copy of the notice of withdrawal shall be provided to the taxpayer.*

31 (2) *Upon written request by the taxpayer with respect to whom*
32 *a notice of a state tax lien was withdrawn, the Controller shall*
33 *make reasonable efforts to notify credit reporting agencies, and*
34 *any financial institution or creditor whose name and address are*
35 *specified in that request, of the withdrawal of the notice.*

36 SEC. 3. Section 8996 of the Revenue and Taxation Code is
37 amended to read:

38 8996. (a) If any person fails to pay any amount imposed under
39 this part at the time that it becomes due and payable, the amount
40 thereof, including penalties and interest, together with any costs

1 in addition thereto, shall thereupon be a perfected and enforceable
 2 state tax lien. Such a lien is subject to Chapter 14 (commencing
 3 with Section 7150) of Division 7 of Title 1 of the Government
 4 Code.

5 (b) For the purpose of this section, amounts are “due and
 6 payable” on the following dates:

7 (1) For amounts disclosed on a return received by the board
 8 before the date the return is delinquent, the date the return would
 9 have been delinquent;

10 (2) For amounts disclosed on a return filed on or after the date
 11 the return is delinquent, the date the return is received by the board;

12 (3) For amounts determined under Section 8826 (pertaining to
 13 jeopardy assessments), the date the notice of the board’s finding
 14 is mailed or issued;

15 (4) For all other amounts, the date the assessment is final.

16 (c) (1) *The board may withdraw notice of a state tax lien, and*
 17 *the withdrawal shall be applied as if notice of the state tax lien*
 18 *had not been filed, if the liability represented by the state tax lien,*
 19 *including any interest, penalty, and fee, is paid in full. A*
 20 *withdrawal shall be made by filing a notice of withdrawal at the*
 21 *same office in which the notice of the state tax lien was filed. A*
 22 *copy of the notice of withdrawal shall be provided to the taxpayer.*

23 (2) *Upon written request by the taxpayer with respect to whom*
 24 *a notice of a state tax lien was withdrawn, the board shall make*
 25 *reasonable efforts to notify credit reporting agencies, and any*
 26 *financial institution or creditor whose name and address are*
 27 *specified in that request, of the withdrawal of the notice.*

28 SEC. 4. Section 11496 of the Revenue and Taxation Code is
 29 amended to read:

30 11496. (a) The board may at any time release all or any
 31 portion of the property subject to any lien provided for in this part
 32 from the lien or subordinate the lien to other liens and
 33 encumbrances if it determines that the amount, interest, and
 34 penalties are sufficiently secured by a lien on other property or
 35 that the release or subordination of the lien will not jeopardize the
 36 collection of the amount, interest, and penalties.

37 (b) (1) *The board may withdraw notice of a state tax lien, and*
 38 *the withdrawal shall be applied as if notice of the state tax lien*
 39 *had not been filed, if the liability represented by the state tax lien,*
 40 *including any interest, penalty, and fee, is paid in full. A*

1 *withdrawal shall be made by filing a notice of withdrawal at the*
2 *same office in which the notice of the state tax lien was filed. A*
3 *copy of the notice of withdrawal shall be provided to the taxpayer.*

4 (2) *Upon written request by the taxpayer with respect to whom*
5 *a notice of a state tax lien was withdrawn, the board shall make*
6 *reasonable efforts to notify credit reporting agencies, and any*
7 *financial institution or creditor whose name and address are*
8 *specified in that request, of the withdrawal of the notice.*

9 SEC. 5. Section 30322 of the Revenue and Taxation Code is
10 amended to read:

11 30322. (a) If any person fails to pay any amount imposed
12 under this part at the time that it becomes due and payable, the
13 amount thereof, including penalties and interest, together with any
14 costs in addition thereto, shall thereupon be a perfected and
15 enforceable state tax lien. Such a lien is subject to Chapter 14
16 (commencing with Section 7150) of Division 7 of Title 1 of the
17 Government Code.

18 (b) For the purpose of this section, amounts are “due and
19 payable” on the following dates:

20 (1) For amounts disclosed on a return received by the board
21 before the date the return is delinquent, the date the return would
22 have been delinquent;

23 (2) For amounts disclosed on a return filed on or after the date
24 the return is delinquent, the date the return is received by the board;

25 (3) For amounts determined under Section 30241 (pertaining
26 to jeopardy assessments), the date the notice of the board’s finding
27 is mailed or issued;

28 (4) For all other amounts, the date the assessment is final.

29 (c) (1) *The board may withdraw notice of a state tax lien, and*
30 *the withdrawal shall be applied as if notice of the state tax lien*
31 *had not been filed, if the liability represented by the state tax lien,*
32 *including any interest, penalty, and fee, is paid in full. A*
33 *withdrawal shall be made by filing a notice of withdrawal at the*
34 *same office in which the notice of the state tax lien was filed. A*
35 *copy of the notice of withdrawal shall be provided to the taxpayer.*

36 (2) *Upon written request by the taxpayer with respect to whom*
37 *a notice of a state tax lien was withdrawn, the board shall make*
38 *reasonable efforts to notify credit reporting agencies, and any*
39 *financial institution or creditor whose name and address are*
40 *specified in that request, of the withdrawal of the notice.*

1 SEC. 6. Section 32363 of the Revenue and Taxation Code is
2 amended to read:

3 32363. (a) If any person fails to pay any amount imposed
4 under this part at the time that it becomes due and payable, the
5 amount thereof, including penalties and interest, together with any
6 costs in addition thereto, shall thereupon be a perfected and
7 enforceable state tax lien. Such a lien is subject to Chapter 14
8 (commencing with Section 7150) of Division 7 of Title 1 of the
9 Government Code.

10 (b) For the purpose of this section, amounts are “due and
11 payable” on the following dates:

12 (1) For amounts disclosed on a return received by the board
13 before the date the return is delinquent, the date the return would
14 have been delinquent;

15 (2) For amounts disclosed on a return filed on or after the date
16 the return is delinquent, the date the return is received by the board;

17 (3) For amounts determined under Section 32311 (pertaining
18 to jeopardy assessments), the date the notice of the board’s finding
19 is mailed or issued;

20 (4) For all other amounts, the date the assessment is final.

21 (c) (1) *The board may withdraw notice of a state tax lien, and*
22 *the withdrawal shall be applied as if notice of the state tax lien*
23 *had not been filed, if the liability represented by the state tax lien,*
24 *including any interest, penalty, and fee, is paid in full. A*
25 *withdrawal shall be made by filing a notice of withdrawal at the*
26 *same office in which the notice of the state tax lien was filed. A*
27 *copy of the notice of withdrawal shall be provided to the taxpayer.*

28 (2) *Upon written request by the taxpayer with respect to whom*
29 *a notice of a state tax lien was withdrawn, the board shall make*
30 *reasonable efforts to notify credit reporting agencies, and any*
31 *financial institution or creditor whose name and address are*
32 *specified in that request, of the withdrawal of the notice.*

33 SEC. 7. Section 38532 of the Revenue and Taxation Code is
34 amended to read:

35 38532. (a) If any amount required to be paid to the state under
36 this part is not paid at the time that it becomes due and payable,
37 the amount thereof, including penalties and interest, together with
38 any costs in addition thereto, shall thereupon be a perfected and
39 enforceable state tax lien. Such a lien is subject to Chapter 14

1 (commencing with Section 7150) of Division 7 of Title 1 of the
2 Government Code.

3 (b) For the purpose of this section, amounts are “due and
4 payable” on the following dates:

5 (1) For amounts disclosed on a return received by the board
6 before the date the return is delinquent, the date the return would
7 have been delinquent.

8 (2) For amounts disclosed on a return filed on or after the date
9 the return is delinquent, the date the return is received by the board.

10 (3) For amounts received under Section 38431 (pertaining to
11 jeopardy assessments), the date the notice of the board’s finding
12 is mailed or issued.

13 (4) For all other amounts, the date the assessment is final.

14 (c) (1) *The board may withdraw notice of a state tax lien, and*
15 *the withdrawal shall be applied as if notice of the state tax lien*
16 *had not been filed, if the liability represented by the state tax lien,*
17 *including any interest, penalty, and fee, is paid in full. A*
18 *withdrawal shall be made by filing a notice of withdrawal at the*
19 *same office in which the notice of the state tax lien was filed. A*
20 *copy of the notice of withdrawal shall be provided to the taxpayer.*

21 (2) *Upon written request by the taxpayer with respect to whom*
22 *a notice of a state tax lien was withdrawn, the board shall make*
23 *reasonable efforts to notify credit reporting agencies, and any*
24 *financial institution or creditor whose name and address are*
25 *specified in that request, of the withdrawal of the notice.*

26 SEC. 8. Section 40158 of the Revenue and Taxation Code is
27 amended to read:

28 40158. (a) If any person fails to pay any amount imposed
29 under this part at the time that it becomes due and payable, the
30 amount thereof, including penalties and interest, together with any
31 costs in addition thereto, shall thereupon be a perfected and
32 enforceable state tax lien. Such a lien is subject to Chapter 14
33 (commencing with Section 7150) of Division 7 of Title 1 of the
34 Government Code.

35 (b) For the purpose of this section, amounts are “due and
36 payable” on the following dates:

37 (1) For amounts disclosed on a return received by the board
38 before the date the return is delinquent, the date the return would
39 have been delinquent.

1 (2) For amounts disclosed on a return filed on or after the date
2 the return is delinquent, the date the return is received by the board.

3 (3) For all other amounts, the date the assessment is final.

4 (c) (1) *The board may withdraw notice of a state tax lien, and*
5 *the withdrawal shall be applied as if notice of the state tax lien*
6 *had not been filed, if the liability represented by the state tax lien,*
7 *including any interest, penalty, and fee, is paid in full. A*
8 *withdrawal shall be made by filing a notice of withdrawal at the*
9 *same office in which the notice of the state tax lien was filed. A*
10 *copy of the notice of withdrawal shall be provided to the taxpayer.*

11 (2) *Upon written request by the taxpayer with respect to whom*
12 *a notice of a state tax lien was withdrawn, the board shall make*
13 *reasonable efforts to notify credit reporting agencies, and any*
14 *financial institution or creditor whose name and address are*
15 *specified in that request, of the withdrawal of the notice.*

16 SEC. 9. Section 41124.1 of the Revenue and Taxation Code
17 is amended to read:

18 41124.1. (a) If any person fails to pay any amount imposed
19 under this part at the time that it becomes due and payable, the
20 amount thereof, including penalties and interest, together with any
21 costs in addition thereto, shall thereupon be a perfected and
22 enforceable state tax lien. Such a lien is subject to Chapter 14
23 (commencing with Section 7150) of Division 7 of Title 1 of the
24 Government Code.

25 (b) For the purpose of this section, amounts are “due and
26 payable” on the following dates:

27 (1) For amounts disclosed on a return received by the board
28 before the date the return is delinquent, the date the return would
29 have been delinquent.

30 (2) For amounts disclosed on a return filed on or after the date
31 the return is delinquent, the date the return is received by the board.

32 (3) For all other amounts, the date the assessment is final.

33 (c) (1) *The board may withdraw notice of a state tax lien, and*
34 *the withdrawal shall be applied as if notice of the state tax lien*
35 *had not been filed, if the liability represented by the state tax lien,*
36 *including any interest, penalty, and fee, is paid in full. A*
37 *withdrawal shall be made by filing a notice of withdrawal at the*
38 *same office in which the notice of the state tax lien was filed. A*
39 *copy of the notice of withdrawal shall be provided to the taxpayer.*

1 (2) *Upon written request by the taxpayer with respect to whom*
2 *a notice of a state tax lien was withdrawn, the board shall make*
3 *reasonable efforts to notify credit reporting agencies, and any*
4 *financial institution or creditor whose name and address are*
5 *specified in that request, of the withdrawal of the notice.*

6 SEC. 10. Section 43413 of the Revenue and Taxation Code is
7 amended to read:

8 43413. (a) If any person fails to pay any amount imposed
9 pursuant to this part at the time that it becomes due and payable,
10 the amount thereof, including penalties and interest, together with
11 any costs in addition thereto, shall thereupon be a perfected and
12 enforceable state tax lien. Such a lien is subject to Chapter 14
13 (commencing with Section 7150) of Division 7 of Title 1 of the
14 Government Code.

15 (b) For the purpose of this section, amounts are “due and
16 payable” on the following dates:

17 (1) For amounts disclosed on a return received by the board
18 before the date the return is delinquent, the date the return would
19 have been delinquent.

20 (2) For amounts disclosed on a return filed on or after the date
21 the return is delinquent, the date the return is received by the board.

22 (3) For amounts determined under Section 43350 (pertaining
23 to jeopardy assessments), the date the notice of the board’s finding
24 is mailed or issued.

25 (4) For all other amounts, the date the assessment is final.

26 (c) (1) *The board may withdraw notice of a state tax lien, and*
27 *the withdrawal shall be applied as if notice of the state tax lien*
28 *had not been filed, if the liability represented by the state tax lien,*
29 *including any interest, penalty, and fee, is paid in full. A*
30 *withdrawal shall be made by filing a notice of withdrawal at the*
31 *same office in which the notice of the state tax lien was filed. A*
32 *copy of the notice of withdrawal shall be provided to the taxpayer.*

33 (2) *Upon written request by the taxpayer with respect to whom*
34 *a notice of a state tax lien was withdrawn, the board shall make*
35 *reasonable efforts to notify credit reporting agencies, and any*
36 *financial institution or creditor whose name and address are*
37 *specified in that request, of the withdrawal of the notice.*

38 SEC. 11. Section 45451 of the Revenue and Taxation Code is
39 amended to read:

1 45451. (a) If any person fails to pay any amount imposed
 2 pursuant to this part at the time that it becomes due and payable,
 3 the amount thereof, including penalties and interest, together with
 4 any costs in addition thereto, shall thereupon be a perfected and
 5 enforceable state tax lien. A lien is subject to Chapter 14
 6 (commencing with Section 7150) of Division 7 of Title 1 of the
 7 Government Code.

8 (b) For the purpose of this section, amounts are due and payable
 9 on the following dates:

10 (1) For amounts disclosed on a report received by the board
 11 before the date the return is delinquent, the date the amount would
 12 have been due and payable.

13 (2) For amounts disclosed on a report filed on or after the date
 14 the return is delinquent, the date the return is received by the board
 15 or the year following the fee due date pursuant to Section 45151,
 16 whichever is later.

17 (3) For amounts determined under Section 45351, pertaining to
 18 jeopardy assessments, the date the notice of the board's finding is
 19 mailed or issued.

20 (4) For all other amounts, the date the assessment is final.

21 (c) (1) *The board may withdraw notice of a state tax lien, and*
 22 *the withdrawal shall be applied as if notice of the state tax lien*
 23 *had not been filed, if the liability represented by the state tax lien,*
 24 *including any interest, penalty, and fee, is paid in full. A*
 25 *withdrawal shall be made by filing a notice of withdrawal at the*
 26 *same office in which the notice of the state tax lien was filed. A*
 27 *copy of the notice of withdrawal shall be provided to the taxpayer.*

28 (2) *Upon written request by the taxpayer with respect to whom*
 29 *a notice of a state tax lien was withdrawn, the board shall make*
 30 *reasonable efforts to notify credit reporting agencies, and any*
 31 *financial institution or creditor whose name and address are*
 32 *specified in that request, of the withdrawal of the notice.*

33 SEC. 12. Section 46421 of the Revenue and Taxation Code is
 34 amended to read:

35 46421. (a) If any person fails to pay any amount imposed
 36 pursuant to this part at the time that it becomes due and payable,
 37 the amount thereof, including penalties and interest, together with
 38 any costs in addition thereto, shall thereupon be a perfected and
 39 enforceable lien. The lien shall be subject to Chapter 14

1 (commencing with Section 7150) of Division 7 of Title 1 of the
2 Government Code.

3 (b) For the purpose of this section, amounts are “due and
4 payable” on the following dates:

5 (1) For amounts disclosed on a return received by the board
6 before the date the return is delinquent, the date the amount would
7 have been due and payable.

8 (2) For amounts disclosed on a return filed on or after the date
9 the return is delinquent, the date the return is received by the board.

10 (3) For amounts determined under Section 46301 pertaining to
11 jeopardy assessments, the date the notice of the board’s finding is
12 mailed or issued.

13 (4) For all other amounts, the date the assessment is final.

14 (c) (1) *The board may withdraw notice of a state tax lien, and*
15 *the withdrawal shall be applied as if notice of the state tax lien*
16 *had not been filed, if the liability represented by the state tax lien,*
17 *including any interest, penalty, and fee, is paid in full. A*
18 *withdrawal shall be made by filing a notice of withdrawal at the*
19 *same office in which the notice of the state tax lien was filed. A*
20 *copy of the notice of withdrawal shall be provided to the taxpayer.*

21 (2) *Upon written request by the taxpayer with respect to whom*
22 *a notice of a state tax lien was withdrawn, the board shall make*
23 *reasonable efforts to notify credit reporting agencies, and any*
24 *financial institution or creditor whose name and address are*
25 *specified in that request, of the withdrawal of the notice.*

26 SEC. 13. Section 50123 of the Revenue and Taxation Code is
27 amended to read:

28 50123. (a) If any person fails to pay any amount imposed
29 pursuant to this part at the time that it becomes due and payable,
30 the amount, including interest and penalties, together with any
31 costs in addition to the amount, are a perfected and enforceable
32 state tax lien which is subject to Chapter 14 (commencing with
33 Section 7150) of Division 7 of Title 1 of the Government Code.

34 (b) (1) *The board may withdraw notice of a state tax lien, and*
35 *the withdrawal shall be applied as if notice of the state tax lien*
36 *had not been filed, if the liability represented by the state tax lien,*
37 *including any interest, penalty, and fee, is paid in full. A*
38 *withdrawal shall be made by filing a notice of withdrawal at the*
39 *same office in which the notice of the state tax lien was filed. A*
40 *copy of the notice of withdrawal shall be provided to the taxpayer.*

1 (2) *Upon written request by the taxpayer with respect to whom*
 2 *a notice of a state tax lien was withdrawn, the board shall make*
 3 *reasonable efforts to notify credit reporting agencies, and any*
 4 *financial institution or creditor whose name and address are*
 5 *specified in that request, of the withdrawal of the notice.*

6 SEC. 14. Section 55141 of the Revenue and Taxation Code is
 7 amended to read:

8 55141. (a) If any person fails to pay any amount imposed
 9 pursuant to this part at the time that it becomes due and payable,
 10 the amount thereof, including penalties and interest, together with
 11 any costs in addition thereto, shall thereupon be a perfected and
 12 enforceable state tax lien. Such a lien is subject to Chapter 14
 13 (commencing with Section 7150) of Division 7 of Title 1 of the
 14 Government Code.

15 (b) For the purpose of this section, amounts are “due and
 16 payable” on the following dates:

17 (1) For amounts disclosed on a return received by the board
 18 before the date the return is delinquent, the date the return would
 19 have been delinquent.

20 (2) For amounts disclosed on a return filed on or after the date
 21 the return is delinquent, the date the return is received by the board.

22 (3) For amounts determined under Section 55101, the date the
 23 notice of the board’s finding is mailed or issued.

24 (4) For all other amounts, the date the assessment is final.

25 (c) (1) *The board may withdraw notice of a state tax lien, and*
 26 *the withdrawal shall be applied as if notice of the state tax lien*
 27 *had not been filed, if the liability represented by the state tax lien,*
 28 *including any interest, penalty, and fee, is paid in full. A*
 29 *withdrawal shall be made by filing a notice of withdrawal at the*
 30 *same office in which the notice of the state tax lien was filed. A*
 31 *copy of the notice of withdrawal shall be provided to the taxpayer.*

32 (2) *Upon written request by the taxpayer with respect to whom*
 33 *a notice of a state tax lien was withdrawn, the board shall make*
 34 *reasonable efforts to notify credit reporting agencies, and any*
 35 *financial institution or creditor whose name and address are*
 36 *specified in that request, of the withdrawal of the notice.*

37 SEC. 15. Section 60445 of the Revenue and Taxation Code is
 38 amended to read:

39 60445. (a) If any person fails to pay any amount imposed
 40 under this part at the time that it becomes due and payable, the

1 amount thereof, including penalties and interest, together with any
2 costs in addition thereto, shall thereupon be a perfected and
3 enforceable state tax lien. That lien is subject to Chapter 14
4 (commencing with Section 7150) of Division 7 of Title 1 of the
5 Government Code.

6 (b) For the purpose of this section, amounts are “due and
7 payable” on the following dates:

8 (1) For amounts disclosed on a return received by the board
9 before the date the return is delinquent, the date the return would
10 have been delinquent.

11 (2) For amounts disclosed on a return filed on or after the date
12 the return is delinquent, the date the return is received by the board.

13 (3) For amounts determined under Section 60330 (pertaining
14 to jeopardy assessments), the date the notice of the board’s finding
15 is mailed or issued.

16 (4) For all other amounts, the date the assessment is final.

17 (c) (1) *The board may withdraw notice of a state tax lien, and
18 the withdrawal shall be applied as if notice of the state tax lien
19 had not been filed, if the liability represented by the state tax lien,
20 including any interest, penalty, and fee, is paid in full. A
21 withdrawal shall be made by filing a notice of withdrawal at the
22 same office in which the notice of the state tax lien was filed. A
23 copy of the notice of withdrawal shall be provided to the taxpayer.*

24 (2) *Upon written request by the taxpayer with respect to whom
25 a notice of a state tax lien was withdrawn, the board shall make
26 reasonable efforts to notify credit reporting agencies, and any
27 financial institution or creditor whose name and address are
28 specified in that request, of the withdrawal of the notice.*