

Assembly Bill No. 414

CHAPTER 614

An act to amend Section 19306 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor October 5, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 414, Havice. Franchise and income taxes: statute of limitations.

Existing franchise and income tax law provides that no credit or refund shall be allowed or made after a specified period of time unless before the expiration of that period a claim for refund or credit is filed by the taxpayer or the Franchise Tax Board allows a credit, makes a refund, or mails a notice of proposed assessment.

This bill would also allow a claim or refund if a claim therefor is made prior to the expiration of a period ending 4 years from the date the return was filed, if filed within the time prescribed by certain laws providing for an extension of time to file, as provided.

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

SECTION 1. Section 19306 of the Revenue and Taxation Code is amended to read:

19306. (a) No credit or refund shall be allowed or made after a period ending four years from the date the return was filed (if filed within the time prescribed by Section 18567 or 18604, whichever is applicable), four years from the last day prescribed for filing the return (determined without regard to any extension of time for filing the return), or after one year from the date of the overpayment, whichever period expires later, unless before the expiration of that period a claim therefor is filed by the taxpayer, or unless before the expiration of that period the Franchise Tax Board allows a credit, makes a refund, or mails a notice of proposed overpayment on a preprinted form prescribed by the Franchise Tax Board.

(b) The amendments to this section by the act adding this subdivision shall be applied to all claims and refunds, without regard to taxable or income year, for which the statute of limitations has not expired on the date that this act takes effect.

O

