

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1856

Introduced by Assembly Member Dababneh

February 10, 2016

An act to ~~amend Section 201 of~~ *add Section 6902.6 to* the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1856, as amended, Dababneh. ~~Property taxation. Sales and use taxes: claim for refund: timing.~~

Existing sales and use tax laws establish procedures by which a person may claim a refund for an overpayment of the taxes imposed by those laws. Existing law generally requires that a claim be filed within 3 years after specified periods in which the overpayment was made.

This bill would provide that a claim that is otherwise valid, but is made in a case in which full payment of the amount of tax determined has not been made, is a claim only for the purpose of tolling the limitations period for filing a claim for refund and, for all other purposes, would deem the claim filed on the date on which the full payment of the tax is made. The bill would prohibit a credit or refund for any payment for which the limitation period has expired prior to filing the claim or any payment made more than seven years prior to the date that full payment of the tax is made. The bill would specify that its provisions apply only to claims for refund on or after its effective date.

~~Existing property tax law subjects all property in this state that is not exempt under the laws of the United States or this state to taxation.~~

~~This bill would make nonsubstantive changes to that provision.~~

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 6902.6 is added to the Revenue and
2 Taxation Code, to read:
3 6902.6. (a) A claim for refund that is otherwise valid under
4 Section 6904, but is made in a case in which full payment of the
5 amount of tax determined has not been made, shall be a claim only
6 for the purpose of tolling the limitations periods set forth in Section
7 6902. For all other purposes, including the application of Sections
8 6906, 6932, 6933, and 6934, the claim shall be deemed to be filed
9 on the date that full payment of the tax is made. However, a credit
10 or refund shall not be made or allowed for any payment for which
11 the applicable limitation period, as set forth in Section 6902, has
12 expired prior to the filing of the claim or any payment made more
13 than seven years prior to the date that full payment of the tax is
14 made.
15 (b) This section shall apply only to claims for refunds made on
16 or after the effective date of the act adding this section.
17 ~~SECTION 1. Section 201 of the Revenue and Taxation Code~~
18 ~~is amended to read:~~
19 ~~201. All property in this state that is not exempt under the laws~~
20 ~~of the United States or of this state is subject to taxation under this~~
21 ~~code.~~