

House Bill No. 1050

As Amended

HOUSE BILL NO. 1050 -- By MADDUX

An Act relating to revenue and taxation; amending 68 O.S. 1991, Section 223, as amended by Section 1, Chapter 34, O.S.L. 1996 (68 O.S. Supp. 1998, Section 223), which relates to limitation of time for assessment of taxes; setting forth limitation period for levy and collection of taxes; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 1991, Section 223, as amended by Section 1, Chapter 34, O.S.L. 1996 (68 O.S. Supp. 1998, Section 223), is amended to read as follows:

Section 223. ~~(a)~~ A. No assessment of any tax levied under the provisions of any state tax law except as provided in ~~the following paragraphs of this section~~, shall be made after the expiration of three (3) years from the date the return was required to be filed or the date the return was filed, whichever period expires the later, and no proceedings by tax warrant or in court without the previous assessment for the collection of such tax shall be begun after the expiration of such period. No assessment shall be required if a report or return, signed by the taxpayer, was filed and the liability evidenced by the report or return has not been paid. If the assessment has been made within the limitation period set forth in this subsection, the tax may be collected by tax warrant or court proceeding, but only if the tax warrant is issued or the proceeding begun within ten (10) years after the assessment of the tax HAS BECOME FINAL.

~~(b)~~ B. Where before the expiration of the time prescribed in ~~the preceding paragraph~~ subsection A of this section for the assessment of the tax, both the Tax Commission and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon, and the period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. In those instances where the time to file a claim for a refund has not expired at the date the

extension agreement is entered into, the entering into such an agreement shall automatically extend the period in which a refund may be allowed or a claim for a refund may be filed to the final date of such agreement.

(e) C. In the case of either a false or a fraudulent report or return, or failure to file a report or return, as required under any state tax law, the Tax Commission is authorized to compute, determine and assess the estimated amount of tax due from any information in its possession, or a proceeding in court may be begun for the collection of such tax without assessment at any time.

SECTION 2. This act shall become effective November 1, 1999.

COMMITTEE REPORT BY: COMMITTEE ON REVENUE AND TAXATION, dated 2-9-99 -- DO PASS, As Amended.