

APA-1

Transmittal Sheet For Notice Of Intended Action

Control: 810

Department or Agency: Revenue

Rule Nos: 810-2-8-.06

Rule Title: Extension of Time for Filing of Business Privilege Tax Returns

New; Amended; Repealed; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that result from the absence of the proposed rule? N/A

Are all the facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes


Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer
Date 12/19/2017



APA-6
10/96

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 810 Department or Agency REVENUE

Rule No: 810-2-8-.06

Rule Title: Extension of Time for Filing of Business Privilege Tax Returns

New Amend Repeal Adopt by Reference

NO
 YES

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
3. EFFECT OF THIS RULE ON COMPETITION:
4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA HERE THE RULE IS TO BE IMPLEMENTED:
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

11. OTHER COMMENTS:

**ALABAMA DEPARTMENT OF REVENUE
Individual and Corporate Tax**

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-2-8-.06

Extension of Time for Filing of Business Privilege Tax Returns

INTENDED ACTION

New, Repeal

SUBSTANCE OF

PROPOSED ACTION:

The department proposes to comply with Act 2017-363 (HB46) that amended Code Sections 40-14A-22 and 40-14A-25 to make the due dates of returns for Business Privilege Tax and Financial Institutions Excise Tax coincide with the corresponding federal due dates,

RULE NO. & TITLE

810-3-29-.05

810-3-39-.10

Requirements for Electronic Filing Software - Fiduciary Tax Returns

Requirements for Electronic Filing Software - Corporate Tax Returns

INTENDED ACTION

New, Repeal

SUBSTANCE OF

PROPOSED ACTION:

The department proposes to update the above mentioned rules in compliance with the Red Tape Reduction Act 2013-088. This rule concerns the electronic filing program requirements for software developers. The new rule replaces outdated verbiage and lays out guidelines which must be followed to successfully participate in the program from acceptance to revocation.

RULE NO. & TITLE

810-3-39-.13

Alabama Requirements for Compliance with Administrative Rule

810-3-39-.12

INTENDED ACTION

New, Repeal

SUBSTANCE OF

PROPOSED ACTION:

The department proposes to To repeal and replace the above mentioned rule in order to maintain consistency and uniformity throughout all MEF rules. The original rule which is being repealed has duplicate language included in Rule 810-3-39-.11. The new proposed rule contains the requirements for an electronic Corporate Income Tax Return.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at **01:30 PM on Tuesday, February 13, 2018, Room 1203, First Floor**, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at <http://www.revenue.alabama.gov/tax-policy/>.

All interested parties may present their views in writing to the **Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132** at any time following publication of the notice up until the conclusion of the hearing. Interested parties may also appear at the hearing to present their views.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, February 13, 2018

CONTACT PERSON AT AGENCY:

Meagan Barrett

Alabama Department of Revenue
4131 Gordon Persons Building
Montgomery, Alabama 36132
(334) 242-1380



Michael D. Gamble, Secretary
Alabama Department of Revenue

810-2-8-.06 Extension of Time for Filing of Business Privilege Tax Returns. (Repeal)

(1) Corporations are required to file an Alabama Business Privilege Tax ("BPT") return no later than two and a half months after the beginning of a taxpayer's taxable year. Generally, all other taxpayers must file no later than three and a half months after the beginning of the taxpayer's taxable year.

(2) Notwithstanding the requirement in (1) above, any taxpayer required to file a BPT return will be granted an automatic six month extension of time for filing the return.

(3) However, in no event shall a taxpayer extend the original due date to pay the tax. An extension of time granted to file the return pursuant to this section is not an extension of time for payment of tax. The amount of tax due must be paid on or before the due date of the return without regard to the extension to file the return.

(a) Payment of the tax shall be made via the paper Payment Voucher or by Electronic Funds Transfer (EFT). However, payment must be made via EFT if the payment exceeds \$750. Please refer to Regulations 810-13-1-.01 and 810-13-1-.03.

(b) Underpayment of tax penalties plus any applicable interest will be imposed as provided by law without regard to any extension granted under this section.

(4) An entity that fails to file the required return by the extended due date may not be granted an automatic extension the following (ensuing) year, but may be required to request the extension in writing. If a written request is required, the request must be made to the Commissioner of Revenue or to his designee, and must explain the reason for the request and the reason for failing to timely file the return in the previous year. The request also must state that the entity has no outstanding debts owed to the Department.

Author: Ann F. Winborne, CPA, and Richard H. Henninger
Authority: Sections 40-2A-7(a)(5) and 40-14A-25, Code of Alabama 1975
History: New rule: Filed November 26, 2008, effective December 31, 2008.

810-2-8-.06 Extension of Time for Filing of Business Privilege Tax Returns. (New Rule)

(1) All entities other than financial institutions as discussed in paragraph (2) below required under Code Section 40-14A-25 to file an Alabama Business Privilege Tax ("BPT") Return with the Department shall file no later than the due date of the corresponding Federal Income Tax Return as required to be filed under federal law, without regard to any extension.

(2) BPT Returns for all members of a financial institution group shall be due no later than the corresponding Financial Institution Excise Tax Return due date, without regard to any extension.

(3) An extension for filing the returns above shall be granted if the corresponding Federal Income Tax Return was extended for the same length of time.

(4) There is no provision in the Alabama Business Privilege Tax law to allow an extension of time to pay the amount of tax due. An extension of time granted to file the return pursuant to this section is not an extension of time for payment of tax. The amount of tax due must be paid on or before the due date of the return without regard to the extension to file the return.

(a) Payment of the tax shall be made via the paper Payment Voucher or by Electronic Funds Transfer (EFT). Any payment that exceeds \$750 must be made via EFT. Please refer to Rules 810-13-1-.01 and 810-13-1-.03.

(b) Underpayment or late payment of tax plus any applicable penalties and interest will be imposed as provided by law without regard to any extension granted under this section.

Author: Jameka Elder
Authority: Sections 40-2A-7(a)(5) and 40-14A-25, Code of Alabama 1975
History: New rule: