



General Assembly

January Session, 2011

Amendment

LCO No. 6444

HB0656106444HDO

Offered by:

REP. WIDLITZ, 98th Dist.

SEN. DAILY, 33rd Dist.

To: House Bill No. 6561

File No. 585

Cal. No. 346

"AN ACT CONCERNING SALES TAXES PAID BY BUSINESSES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 12-686 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011, and*
5 *applicable to payments for tax periods beginning on or after said date*):

6 (a) (1) Except as otherwise provided in subsections (b), [and] (c) and
7 (d) of this section, the commissioner may require every person who
8 files a tax return for any tax on a monthly or quarterly basis to pay
9 such tax during the twelve-month period following a determination of
10 liability under this subdivision by one of the means of electronic funds
11 transfer approved by the department, if the commissioner determines
12 that such person's liability for such tax was four thousand dollars or
13 more for the twelve-month period ending on the June thirtieth
14 immediately preceding the monthly or quarterly period with respect to
15 which the requirement to pay tax by electronic funds transfer is

16 established. The commissioner, in determining whether tax liability is
17 four thousand dollars or more, shall base such determination on the
18 taxes reported to be due on the tax returns of such person related to
19 the period under examination. If any tax return or returns of such
20 person for such period have not been filed, the commissioner may base
21 such determination on any information available to such
22 commissioner.

23 (2) Except as otherwise provided in subsections (b), [and] (c) and (d)
24 of this section, the commissioner may require every person, other than
25 a person described in subdivision (3) of this subsection, who files a tax
26 return for any tax on an annual basis to pay such tax, or any
27 installment thereof, during the twelve-month period following a
28 determination of liability under this subdivision by one of the means
29 of electronic funds transfer approved by the department if the
30 commissioner determines that such person's liability for such tax was
31 four thousand dollars or more for the year immediately preceding the
32 year with respect to which the requirement to pay tax by electronic
33 funds transfer is established. The commissioner, in determining
34 whether tax liability is four thousand dollars or more, may base the
35 determination on the estimated tax, if any, paid for the immediately
36 preceding year, provided, if the tax return for such immediately
37 preceding year has been filed, the commissioner shall base the
38 determination on the taxes reported to be due on such tax return. If
39 any tax return of such person for such period has not been filed or
40 estimated tax has not been paid by such person for such period, the
41 commissioner may base such determination on any information
42 available to the commissioner.

43 (3) Except as otherwise provided in subsections (b), [and] (c) and (d)
44 of this section, the commissioner may require every employer who is
45 deducting and withholding Connecticut income tax from employee
46 wages to pay such tax during the twelve-month period following a
47 determination of liability under this subdivision, by one of the means
48 of electronic funds transfer approved by the department if the
49 commissioner determines that the amount of Connecticut income tax

50 deducted and withheld from employee wages by such employer was
51 more than two thousand dollars for the twelve-month period ending
52 on the June thirtieth immediately preceding the quarterly period with
53 respect to which the requirement to pay over tax by electronic funds
54 transfer is established. The commissioner, in determining whether tax
55 liability is more than two thousand dollars, shall base such
56 determination on the taxes reported to be due on the quarterly
57 withholding tax returns of such employer related to the period under
58 examination. If any such tax return of such person for such period has
59 not been filed, the commissioner may base such determination on any
60 information available to the commissioner.

61 (b) Notwithstanding any provision of subsection (a) of this section:
62 (1) No person shall be required to pay any tax by electronic funds
63 transfer until the department has given notice to such person of such
64 requirement; and (2) no person required to pay any tax for any period
65 by electronic funds transfer shall cease such method of payment until
66 notified by the department that such method of payment is no longer
67 required. The department shall give notice to such person that such
68 method of payment is no longer required as soon as practicable after
69 such determination is made.

70 (c) Notwithstanding any provision of subsection (a) of this section,
71 any person required by regulations adopted under section 12-690 to
72 file electronically any return, statement or other document that is
73 required by law or regulation to be filed with the commissioner shall
74 be required to pay the tax to which such return, statement or other
75 document pertains by electronic funds transfer. For purposes of this
76 subsection, any person required by regulations adopted under section
77 12-690 shall not include any return preparer, as defined in such
78 regulation.

79 (d) Notwithstanding any provision of subsection (a) of this section,
80 any person required to file a tax return electronically or to make a tax
81 payment by electronic funds transfer, may request in writing, not later
82 than thirty days prior to the date such filing or payment is due, that

83 the commissioner waive such requirements if, on the basis of
 84 information provided by such person, the commissioner finds that
 85 there would be undue hardship for such person. The commissioner
 86 shall promptly inform such person of the granting or rejection of the
 87 requested waiver. The decision of the commissioner shall be final and
 88 not subject to further review or appeal. If the commissioner grants the
 89 waiver, such person may file a signed paper Connecticut tax return or
 90 returns and make payments by other than electronic funds transfer.
 91 Such waiver shall be effective for twelve months from the date such
 92 waiver is granted. The provisions of this subsection shall not apply to
 93 return preparers."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011, and applicable to payments for tax periods beginning on or after said date</i>	12-686