

Enrolled
House Bill 2308

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon State Bar Estate Planning Section)

CHAPTER

AN ACT

Relating to discharge of estate fiduciary from personal liability for inheritance tax; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2009 Act are added to and made a part of ORS chapter 118.

SECTION 2. (1) If the executor or trustee of an estate makes a written application to the Department of Revenue for a determination of the tax due under this chapter and discharge from personal liability therefor, the department shall notify the executor or trustee of the amount of tax due under this chapter. The department shall give this notice:

- (a) As soon as possible, and in any event within 18 months of the application; or
- (b) If the application is made before the return is filed, by the earliest of the following:
 - (A) Eighteen months after the return is filed.
 - (B) The expiration of the period prescribed for the assessment of the tax under ORS 305.265.

(C) The expiration of the period prescribed for the issuance of a notice of deficiency under ORS 314.410.

(2) After payment of the amount in the notice, other than any amount for which the time for payment is extended by the department, the executor or trustee shall be discharged from personal liability for any deficiency in tax. The department shall furnish to the executor or trustee a receipt or writing showing the discharge.

(3) The department shall adopt by rule policies and procedures for administration of applications under this section.

(4) The expiration of the period prescribed for the issuance of a notice of deficiency concerning any tax due under this chapter shall be as provided under ORS 314.410.

SECTION 3. The period prescribed for the Department of Revenue to allow or make a refund of any tax, or portion of tax, paid under this chapter shall be as provided in ORS 314.415.

SECTION 4. Sections 2 and 3 of this 2009 Act apply to applications for determination of and discharge from inheritance tax liability filed with the Department of Revenue on or after January 1, 2010.

SECTION 5. This 2009 Act takes effect on the 91st day after the date on which the regular session of the Seventy-fifth Legislative Assembly adjourns sine die.

Passed by House May 1, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 19, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State