

House Bill 2283

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Revenue)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that if taxpayer elects to apply overpayment of tax to subsequent year estimated tax installment, amount paid is credited as estimated tax on later of first estimated tax due date or date payment is made, if elected on timely filed return, or is credited as estimated tax on later of date return is filed or date payment is made, if elected on return filed late.

Applies to payments made in tax years beginning on or after January 1, 2018.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to overpayment of personal income tax; creating new provisions; amending ORS 316.583;
3 and prescribing an effective date.

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

5 **SECTION 1.** ORS 316.583 is amended to read:

6 316.583. (1) Payment of the estimated income tax or any installment shall be considered payment
7 on account of the income taxes imposed by this chapter for the taxable year.

8 (2) If there is an overpayment of income tax for a taxable year, the taxpayer may elect on a
9 timely filed return for that taxable year (determined with regard to any extension of time for filing)
10 to have the overpayment credited against an installment of estimated tax for the subsequent taxable
11 year. The amount [*credited*] **paid** shall be [*deemed paid*] **credited** as estimated tax on **the later of**
12 **the first date prescribed for payment of the estimated tax or the date that the taxpayer made the**
13 **overpayment to the department.**

14 (3) If there is an overpayment of income taxes for a taxable year, and the taxpayer elects on a
15 return (including an amended return) for that taxable year filed after the due date (determined with
16 regard to any extension of time for filing) to have the overpayment credited against an installment
17 of estimated tax for a subsequent taxable year, the overpayment shall be credited against that in-
18 stallment of estimated tax. The amount [*credited*] **paid** shall be [*deemed paid*] **credited** as estimated
19 tax on the **later of the date** the return was filed **or the date that the taxpayer made the over-**
20 **payment to the department.**

21 (4) The Department of Revenue may adopt rules which enable the taxpayer or department to
22 credit against the estimated income tax the amount the taxpayer or the department determines to
23 be an overpayment of the income tax for a preceding taxable year.

24 **SECTION 2.** **The amendments to ORS 316.583 by section 1 of this 2017 Act apply to esti-**
25 **imated tax payments made in tax years beginning on or after January 1, 2018.**

26 **SECTION 3.** **This 2017 Act takes effect on the 91st day after the date on which the 2017**
27 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.