

House Bill 2130

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**.

Extends, to conform with income tax return due date frequently delayed if due date falls on weekend or based on observation of Emancipation Day holiday in District of Columbia, date for filing declaration of estimated tax and making estimated tax installment payment.

Applies to declarations of estimated tax due in tax years beginning on or after January 1, 2022. Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to due date for filing declaration of estimated tax; creating new provisions; amending ORS
3 316.577 and 316.579; and prescribing an effective date.

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

5 **SECTION 1.** ORS 316.577 is amended to read:

6 316.577. Except as provided in ORS 316.573, declarations of estimated tax required by ORS
7 316.563 (1) from individuals who are neither farmers nor fishermen for the purpose of that section
8 shall be filed on or before April [15] **18** of the taxable year **or the due date of the return for the**
9 **prior taxable year without regard to extensions, whichever is earlier**, except that if the re-
10 quirements of ORS 316.563 (1) are first met:

11 (1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or be-
12 fore June 15 of the taxable year;

13 (2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on
14 or before September 15 of the taxable year; or

15 (3) After September 1 of the taxable year, the declaration shall be filed on or before January
16 15 of the succeeding year.

17 **SECTION 2.** ORS 316.579 is amended to read:

18 316.579. (1) An individual required to make a declaration of estimated tax under ORS 316.563
19 shall pay the estimated tax as provided in subsections (2) to (6) of this section.

20 (2) If the declaration is filed on or before April [15] **18** of the taxable year, the estimated tax
21 shall be paid in four equal installments. The first installment shall be paid at the time of the filing
22 of the declaration, the second and third on June 15 and September 15 of the taxable year, and the
23 fourth on January 15 of the succeeding year.

24 (3) If the declaration is filed after [April 15] **the due date of the prior taxable year return**
25 **without regard to extensions** and not after June 15 of the taxable year, and is not required by
26 ORS 316.577 to be filed on or before April [15] **18** of the taxable year, the estimated tax shall be paid
27 in three equal installments. The first installment shall be paid at the time of the filing of the dec-
28 laration, the second on September 15 of the calendar year, and the third on January 15 of the suc-
29 ceeding taxable year.

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.

1 (4) If the declaration is filed after June 15 and not after September 15 of the taxable year, and
 2 is not required by ORS 316.577 to be filed on or before June 15 of the taxable year, the estimated
 3 tax shall be paid in two equal installments. The first installment shall be paid at the time of filing
 4 of the declaration, and the second on January 15 of the succeeding taxable year.

5 (5) If the declaration is filed after September 15 of the taxable year and is not required by ORS
 6 316.577 to be filed on or before September 15 of the taxable year, the estimated tax shall be paid in
 7 full at the time of filing of the declaration.

8 (6) If the declaration is filed after the time prescribed in ORS 316.577, subsections (3) to (5) of
 9 this section shall not apply. Instead, there shall be paid at the time of filing all installments of es-
 10 timated tax that would have been payable on or before such time if the declaration had been filed
 11 within the time prescribed in ORS 316.577, and the remaining installments shall be paid at the times
 12 at which, and in the amounts in which, they would have been payable if the declaration had been
 13 so filed.

14 (7) If a taxpayer does not file a declaration but files a return on or before January 31 of the
 15 succeeding year and pays in full the amount stated as due on the return:

16 (a) If the declaration is not required to be filed during the taxable year, but is required to be
 17 filed on or before January 15, the return shall be considered as the declaration; and

18 (b) If the tax shown on the return, as reduced by the sum of the credits against the tax allowed
 19 for purposes of this chapter, is greater than the estimated tax shown in an earlier declaration, or
 20 in the last amendment thereof, the return shall be considered as the amendment of the declaration
 21 permitted by ORS 316.563 (4) to be filed on or before January 15.

22 (8) In the application of this section to a taxable year beginning on any date other than January
 23 1, there shall be substituted for the 15th or last day of the month specified in this section, the 15th
 24 or last day of the corresponding month.

25 (9) An individual may pay an installment of the estimated tax before the date prescribed for its
 26 payment.

27 (10) Any payment of estimated tax received by the Department of Revenue shall first be applied
 28 to underpayments of estimated tax due for any prior installment due for the taxable year. Any ex-
 29 cess amount shall be applied to the installment that next becomes due after the payment was re-
 30 ceived.

31 **SECTION 3. The amendments to ORS 316.577 and 316.579 by sections 1 and 2 of this 2021**
 32 **Act apply to declarations of estimated tax due in tax years beginning on or after January 1,**
 33 **2022.**

34 **SECTION 4. This 2021 Act takes effect on the 91st day after the date on which the 2021**
 35 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

36