

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS65282-LY-203A (3/16)

Short Title: Conform Tax Filing Extensions.

(Public)

Sponsors: Senator Webster.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW AN AUTOMATIC EXTENSION OF THE TIME TO FILE A STATE TAX RETURN WHEN THE TAXPAYER RECEIVES AN EXTENSION TO FILE THE CORRESPONDING FEDERAL TAX RETURN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-130.17(d) reads as rewritten:

"(d) An extension of time to file a federal income tax return is an automatic extension of time to file an income tax return under this Part. A taxpayer may ask the Secretary for an extension of time to file a return under G.S. 105-263."

SECTION 2. G.S. 105-155(a) reads as rewritten:

"(a) **Where and When to File.** – An income tax return shall be filed as prescribed by the Secretary at the place prescribed by the Secretary. The income tax return of every taxpayer reporting on a calendar year basis shall be filed on or before the fifteenth day of April in each year, and the income tax return of every taxpayer reporting on a fiscal year basis shall be filed on or before the fifteenth day of the fourth month following the close of the fiscal year. An information return shall be filed at the times prescribed by the Secretary. An extension of time to file a federal income tax return is an automatic extension of time to file an income tax return under this Part. A taxpayer may ask the Secretary for an extension of time to file a return under G.S. 105-263."

SECTION 3. G.S. 105-197(b) reads as rewritten:

"(b) **Due Date.** – The tax is due on April 15th following the end of the calendar year. A return must be filed on or before the due date of the tax. An extension of time to file a federal gift tax return is an automatic extension of time to file a gift tax return under this Article. A taxpayer may ask the Secretary of Revenue for an extension of time for filing a return under G.S. 105-263."

SECTION 4. G.S. 105-263 reads as rewritten:

"§ 105-263. **Extensions of time for filing a report or return.**

1 The Secretary may extend the time in which a person must file a report or return
2 with the Secretary. When there is a federal return or report that corresponds to the State
3 return or report, an extension of time to file the federal return or report is an automatic
4 extension of time to file the State return or report. To obtain an extension of time for
5 filing a report or return, a person must comply with any application requirement set by
6 the Secretary. An extension of time for filing a franchise tax return, an income tax
7 return, or a gift tax return does not extend the time for paying the tax due or the time
8 when a penalty attaches for failure to pay the ~~tax~~ only if the balance owing on the
9 tax liability is greater than two thousand dollars (\$2,000). An extension of time for
10 filing a report or any other return ~~other than a franchise tax return, an income tax return,~~
11 ~~or a gift tax return~~ extends the time for paying the tax due and the time when a penalty
12 attaches for failure to pay the tax. When an extension of time for filing a report or return
13 extends the time for paying the tax expected to be due with the report or return, interest,
14 at the rate established pursuant to G.S. 105-241.1(i), accrues on the tax due from the
15 original due date of the report or return to the date the tax is paid."

16 **SECTION 5.** This act becomes effective July 1, 2005, and applies to returns
17 or reports due on or after that date.