

54:35-3

LEGISLATIVE HISTORY CHECKLIST

NJSA 54:35-3 (Inheritance taxes--relief from penalty for late payment)

Laws of 1976 Chapter 110

Bill No. A865

Sponsor(s) Bassano

Date Introduced Pre-filed

Committee: Assembly Taxation

Senate Revenue, Finance & Appropriations

Amended during passage Yes No

Date of passage: Assembly May 20, 1976

Senate October 7, 1976

Date of approval October 29, 1976

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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JAN 1978

10/4/76

ASSEMBLY, No. 865

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblyman BASSANO

AN ACT relating to inheritance taxes and amending R. S. 54:35-3.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 54:35-3 is amended to read as follows:

2 54:35-3. If such tax is not paid within 8 months after the death
3 of the decedent, the tax shall bear interest at the rate of 10% per
4 annum from the expiration of 8 months after the death of the de-
5 cedent to the date when the tax is paid, unless, *payment was ten-*
6 *dered by the taxpayer within the 8 months period and is evidenced*
7 *by the postmark on the letter conveying the payment, or by other*
8 *acceptable proof, but was not credited through no fault of the tax-*
9 *payer, in which case no interest shall be charged, or unless, by*
10 reason of claims made upon the estate, necessary litigation or
11 other unavoidable cause of delay, the decedent's estate, or a part
12 thereof, cannot be settled before the expiration of 8 months from
13 the death of the decedent, in which case only 6% per annum shall
14 be charged from the expiration of such 8 months until the cause
15 of delay is removed; provided, however, that if the decedent shall
16 have heretofore died or shall hereafter die while a member of the
17 Armed Forces of the United States, no such tax shall commence
18 to bear such interest until the expiration of 8 months after receipt
19 of official notification of the death of the decedent by the wife,
20 husband, father, mother, or next of kin of such decedent.

1 2. This act shall take effect immediately.

STATEMENT

Under present law, failure to pay inheritance taxes when due subjects the taxpayer to penalty interest charges. All too often a taxpayer tenders his inheritance tax payment on time, but through no fault on his part the payment is not credited, and the penalty is imposed. This bill would provide relief from the penalty where acceptable proof of having tendered payment on time is established by the taxpayer.

ASSEMBLY COMMITTEE ON TAXATION

STATEMENT TO

ASSEMBLY, No. 865

STATE OF NEW JERSEY

DATED: MAY 3, 1976

This bill put into law what has been accomplished administratively in some instances. It provides that where payment of inheritance tax is made on time and where proof can be shown that such payment was made on time, that the person making such payment shall not be penalized because the payment does not appear on the record as having been received on time.

The committee releases the bill favorably.

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 865

—◆—
STATE OF NEW JERSEY
—◆—

DATED: SEPTEMBER 23, 1976

The Senate Revenue, Finance and Appropriations Committee concurs
in the Assembly Committee on Taxation statement on this bill.

FISCAL NOTE TO
ASSEMBLY, No. 865

STATE OF NEW JERSEY

DATED: MAY 6, 1976

Assembly Bill No. 865 provides relief from penalty for late payment of inheritance taxes where acceptable proof of timely tender of payment is established.

The Treasury Department states that figures are not available from which to estimate what revenue loss enactment of this legislation might create. However, it is the department's opinion that it would not be significant.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.