

House Bill 1302 (AS PASSED HOUSE AND SENATE)

By: Representatives Bonner of the 72<sup>nd</sup>, Carpenter of the 4<sup>th</sup>, Lott of the 122<sup>nd</sup>, Mathiak of the 73<sup>rd</sup>, McDonald of the 26<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to  
2 income taxes, so as to provide for a one-time tax credit for individual taxpayers who filed  
3 income tax returns for both the 2020 and 2021 taxable years; to provide for a definition; to  
4 provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes,  
9 is amended by adding a new Code section to read as follows:

10 "48-7-20.1.

11 (a) As used in this Code section, the term 'qualified taxpayer' means an individual taxpayer  
12 who filed an individual income tax return for both the 2020 and 2021 taxable years by the  
13 due date for filing the income tax return for the 2021 taxable year, including any extensions  
14 which have been granted. Such term shall not include any:

15 (1) Nonresident alien individual;

16 (2) Individual who was claimed as a dependent by another taxpayer for federal or  
17 Georgia income tax purposes for the 2020 taxable year; or

18 (3) Estate or trust.

19 (b)(1) Once a qualified taxpayer files an individual income tax return for tax year 2021,  
20 the department shall automatically credit such qualified taxpayer with a one-time refund  
21 amount equal to the lesser of:

22 (A) The qualified taxpayer's 2020 individual income tax liability as properly reported  
23 on Line 16 of the 2020 Georgia Form 500 or Line 4 of the 2020 Georgia Form 500EZ;  
24 or

25 (B) An amount, which is based on such taxpayer's filing status for the 2020 taxable  
26 year, equal to:

27 (i) In the case of a single taxpayer or a married taxpayer filing a separate return,  
28 \$250.00;

29 (ii) In the case of a head of household, \$375.00; or

30 (iii) In the case of a married couple filing a joint return, \$500.00.

31 (2) Notwithstanding the provisions of paragraph (1) of this subsection, in the case of any  
32 taxable nonresident or part-year resident whose tax was prorated as provided by Code  
33 Section 48-7-85, the amount of the refund credit determined pursuant to paragraph (1) of  
34 this subsection shall be prorated based on the ratio of income taxable to Georgia as  
35 properly reported on Schedule 3, Line 9 of the Georgia Form 500 for the 2020 taxable  
36 year.

37 (3) In no event shall the department credit pursuant to this Code section any taxpayer  
38 with a refund greater than the taxpayer's individual income tax liability as properly  
39 reported on Line 16 of the 2020 Georgia Form 500 or Line 4 of the 2020 Georgia Form  
40 500EZ.

41 (c) The refunds and credits provided for in this Code section shall not constitute taxable  
42 income for Georgia individual income tax purposes.

43 (d) Any refunds due under this Code section to a taxpayer shall be either electronically  
44 transmitted or sent by check to such taxpayer, based on the taxpayer's refund instructions,  
45 if any, as indicated on the taxpayer's tax year 2021 return, provided that such refund shall  
46 first be credited against any outstanding liability existing at the time the refund provided  
47 for in this Code section is to be issued.

48 (e) In no event shall the amount of a refund or credit provided for in this Code section  
49 accrue interest for the benefit of the taxpayer or be paid or credited to the taxpayer with  
50 interest.

51 (f) Any amount due to be refunded or credited to a taxpayer pursuant to this Code section  
52 shall be subject to the setoff debt collection provisions of Article 7 of this chapter.

53 (g) The commissioner may promulgate any rules and regulations necessary to implement  
54 and administer this Code section."

55 **SECTION 2.**

56 This Act shall become effective upon its approval by the Governor or upon its becoming law  
57 without such approval.

58 **SECTION 3.**

59 All laws and parts of laws in conflict with this Act are repealed.