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SENATE BILL NO. 667

Senate Amendments in [] — February 5, 2004

A *BILL to amend and reenact § 58.1-9 of the Code of Virginia, relating to filing tax returns or payment of taxes by mail or otherwise.*

Patrons Prior to Engrossment—Senators Mims and Potts

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-9 of the Code of Virginia is amended and reenacted as follows:**

§ 58.1-9. Filing of tax returns or payment of taxes by mail or otherwise.

A. When remittance of a tax return or a tax payment is made by mail, receipt of such return or payment by the person with whom such return is required to be filed or to whom such payment is required to be made, in a sealed envelope bearing a postmark on or before midnight of the day such return is required to be filed or such payment made without penalty or interest, shall constitute filing and payment as if such return had been filed or such payment made before the close of business on the last day on which such return may be filed or such tax may be paid without penalty or interest.

B. When remittance of a tax payment is made by electronic funds transfer, receipt of funds available for withdrawal, in a bank account designated to receive such payments by the person to whom such payment is required to be made, on or before midnight of the day such payment is required to be made without penalty or interest, shall constitute payment as if such payment had been made before the close of business on the last day on which such tax may be paid without penalty or interest.

C. Notwithstanding any provision of law, the Tax Commissioner may allow the electronic filing of any state tax return, statement or document. For purposes of this subsection, the Tax Commissioner may determine alternative methods for the signing, subscribing or verifying of a state tax return, statement or document that shall have the same validity and consequences as the actual signing by the taxpayer. The Tax Commissioner may prescribe methods of execution, recording, reproduction and certification of electronically filed information pursuant § 59.1-496.

D. *The Tax Commissioner shall provide an electronic access method for taxpayers liable as businesses [for taxes under Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) for corporation income and estimated taxes under Articles 10 (§ 58.1-400 et seq.), 14 (§ 58.1-440 et seq.) and 20 (§ 58.1-500 et seq.) and withholding tax under Article 16 (§ 58.1-460 et seq.)] of Chapter 3 of this title to confirm the receipt by the Department of the taxpayer's payment and tax return whether the return is filed monthly, quarterly or annually.*

[2. That the provisions of this act shall be effective July 1, 2005.]

ENGROSSED

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