

HOUSE No. 613

By Mr. Pierce of Greenfield (by request), petition of Nathaniel M. Nichols for legislation to make certain graduated changes in the law relating to taxation of insurance companies. Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Five.

AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE
LAW RELATING TO THE TAXATION OF INSURANCE
COMPANIES.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 Section twenty-eight of chapter sixty-three of the
2 General Laws, as most recently amended by chapter
3 five hundred and thirty-one of the acts of nineteen
4 hundred and forty-three, is hereby further amended
5 by striking out section twenty-eight and inserting
6 the following new section:—

7 *Section 28.* Every life insurance company liable
8 to taxation under section twenty shall pay to the
9 commissioner at the time fixed for filing its return
10 by said section the amount of the excise thereby
11 imposed and the amount of the retaliatory tax imposed
12 by section twenty-one if such company is also liable
13 to taxation thereunder. As soon as may be, the com-
14 missioner from the return required by section twenty
15 and from such other evidence as he may obtain shall

16 make assessment of such excise, giving to each such
17 company notice of the correct amount thereof.

18 The commissioner shall assess upon all insurance
19 companies liable to taxation under sections twenty-
20 two and twenty-three the excise thereby imposed,
21 and shall forthwith upon making such assessment
22 give to every such company notice of the amount
23 thereof. Liability for the taxes imposed by said
24 sections twenty to twenty-three, inclusive, or by
25 sections two and three of chapter five hundred and
26 thirty-one of the acts of nineteen hundred and forty-
27 three shall be incurred by reason of the transaction of
28 business during the calendar year preceding that in
29 which assessment provided for in this section is made.
30 Such excise shall become due and payable to the
31 commissioner thirty days after the date of such
32 notice but not later than June first.

33 All taxes or any portion thereof not paid when due
34 shall bear interest at the rate of six per cent per
35 annum from the date payable until June first and,
36 whether assessed before or after June first, shall bear
37 interest at the rate of twelve per cent per annum from
38 June first until they are paid.

39 Within sixty days after date of notice of assess-
40 ment, any insurance company may apply to the com-
41 missioner for a correction of its excise, and in default
42 of settlement may, upon application within thirty
43 days of the date of notification of the commissioner's
44 decision, be heard thereon by the appellate tax board.
45 If abatement of an excise paid is granted, the over-
46 payment with interest thereon at the rate of six per
47 cent per annum from the date of payment shall be
48 refunded to the company by the state treasurer with-
49 out any appropriation therefor by the general court.