

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Friday, October 18, 2024, and filed with the agency secretary on Friday, October 18, 2024.

AGENCY NAME: Alabama Department of Revenue

INTENDED ACTION: Amend

RULE NO.: 810-3-78-.01

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: Credit For Tax Withheld

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 11, AAM, DATED FRIDAY, AUGUST 30, 2024.

STATUTORY RULEMAKING AUTHORITY: §§40-2A-7(a)(5), 40-18-78, Code of Alabama 1975

(Date Filed)
(For LRS Use Only)

REC'D & FILED
OCT 21, 2024
LEGISLATIVE SVC AGENCY

Vernon Barnett

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Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

810-3-78-.01 Credit For Tax Withheld.

(1) An employee or other payee from whose wages or other remuneration income tax is withheld, and/or a recipient of proceeds from a wager from which income tax was withheld pursuant to §40-18-91, Code of Ala. 1975, is allowed a credit for the amount withheld on his or her income tax return for the tax year during which the tax was withheld.

(2)(a) Credit will be allowed only if a copy of the withholding statement, Form W-2, is attached to the return.

(b) In the case of withholding from proceeds of a wager, credit will only be allowed if a copy of the statement required to be furnished the recipient under Rule 810-3-75-.01, is attached to the return of the claimant of the credit.

(c) In the case of withholding from a nonwage payment, credit will only be allowed if a copy of the Form 1099 or other information return is attached to the return of the claimant of the credit.

(3) A fiscal year taxpayer is allowed a credit on the fiscal year return for income taxes withheld during the calendar year which ends within the fiscal year. For example, a taxpayer having a fiscal year ending July 31, 2014, is entitled to credit for tax withheld during calendar year 2013.

Author: Neal Hearn

Statutory Authority: Code of Ala. 1975, §§40-2A-7(a)(5), 40-18-78.

History: Adopted September 30, 1982. Amended June 17, 1988; Amended February 8, 1989, filed March 20, 1989; effective April 24, 1989. **Amended:** Filed August 26, 1994; effective September 30, 1994. **Amended:** Filed May 3, 2000; effective June 7, 2000.

Amended: Filed July 17, 2015; effective August 21, 2015.

Amended: Published October 31, 2024; effective December 15, 2024.