

CALIFORNIA FRANCHISE TAX BOARD

Legal Ruling No. 098

June 26, 1958

FEDERAL ADJUSTMENTS: STATUTE OF LIMITATIONS: "FINAL DETERMINATION"

Syllabus:

Sections 18451 and 18586.2 have no retroactive effect; "Final determination" construed.

Advice is requested as to (1) whether Sections 18451 and 18586.2 may be given retroactive effect, and (2) what constitutes a "final determination" within the meaning of Section 18451.

(1) Sections 18451 and 18586.2 are applicable only where a federal final determination is made or an amended federal return is filed after September 22, 1951, the effective date of these sections.

(2) The "final determination" occurs upon the date of the federal assessment; except that when an appeal is taken from a Tax Court decision it does not occur until the court of final resort has rendered its decision, regardless of the fact that the tax has been previously assessed.