

TITLE 3: TAXATION
CHAPTER 8: ESTATE TAX
PART 5: FEDERAL EXTENSION

3.8.5.1 ISSUING AGENCY: Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630
[7/15/96; 3.8.5.1 NMAC - Rn, 3 NMAC 8.5.1, 12/14/00]

3.8.5.2 SCOPE: Provisions of this part apply to every person subject to the Estate Tax Act.
[7/15/96; 3.8.5.2 NMAC - Rn, 3 NMAC 8.5.2, 12/14/00]

3.8.5.3 STATUTORY AUTHORITY: Section 9-11-6.2 NMSA 1978 of the Taxation and Revenue Department Act.
[7/15/96; 3.8.5.3 NMAC - Rn, 3 NMAC 8.5.3, 12/14/00]

3.8.5.4 DURATION: Permanent.
[7/15/96; 3.8.5.4 NMAC - Rn, 3 NMAC 8.5.4, 12/14/00]

3.8.5.5 EFFECTIVE DATE: 7/15/96, unless a later date is cited at the end of a section, in which case the later date is the effective date. The effective date of the Estate Tax Act was July 1, 1973. (Laws 1973, Ch. 345, Section 18) The Estate Tax Act and this part apply to estates where decedent passed away after June 30, 1973. Pursuant to Section 7-1-5(H) NMSA 1978 of the Tax Administration Act, the Estate Tax Act regulations filed August 5, 1974 were declared to be effective July 1, 1973. The amendments to those regulations adopted by TRD Rule 7-88 were effective on September 15, 1988.
[7/15/96; 3.8.5.5 NMAC - Rn & A, 3 NMAC 8.5.5, 12/14/00]

3.8.5.6 OBJECTIVE: The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Estate Tax Act.
[7/15/96; 3.8.5.6 NMAC - Rn, 3 NMAC 8.5.6, 12/14/00]

3.8.5.7 DEFINITIONS: [Reserved]
[7/15/96; 3.8.5.7 NMAC - Rn, 3 NMAC 8.5.7, 12/14/00]

3.8.5.8 COPY OF FEDERAL EXTENSION: If an extension of time for filing the federal estate tax return is granted by the federal government, that extension applies to the filing of the state estate tax return. A copy of the document granting the extension by the federal government must be filed simultaneously with the filing of the state estate tax return by the date to which the federal extension has been granted.
[8/5/74, 9/15/88, 7/15/96; 3.8.5.8 NMAC - Rn, 3 NMAC 8.5.8, 12/14/00]

HISTORY OF 3.8.5 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: BOR 70-1, (Inheritance Tax Reg. 2-1), Accrual of Interest During Probate Court's Extension of Time for Payment of Inheritance Tax, filed 3/5/70.

BOR 71-6, Regulation for Inheritance Tax Act, filed 12/20/71.

BOR 73-2, Regulations in Effect and Pertaining to the New Mexico Inheritance Tax Act, filed 4/4/73.

BOR 74-3, Regulations in Effect and Pertaining to the New Mexico Estate Act, filed 8/5/74.

TRD Rule 7-88, Regulations Pertaining to the New Mexico Estate Tax Act, Sections 7-7-1 to 7-7-20 NMSA 1978, filed 9/15/88.

History of Repealed Material: [RESERVED]

NMAC History:

3 NMAC 8.5, Federal Extension, filed 7/2/96.

3.8.5 NMAC, Federal Extension, filed 12/1/00.