

**18:26-3.7 Payment; due date; interest; extension of time**

(a) The New Jersey estate tax is due at the date of a decedent's death. However, if payment is made within nine months from the date of death, no late penalty shall be imposed.

(b) All or any part of the estate tax due this State, if not paid within nine months from the date of death, shall bear interest at the rate of 10 percent per annum from the expiration of the said nine months until the date of actual payment, unless an extension of time to file the Federal estate tax return is granted, in which case the Director may reduce the interest rate to six percent per annum until the expiration of the extension or the filing of the Federal estate tax return, whichever is earlier. If the decedent was a member of the United States armed forces, the estate tax will not bear interest until the expiration of nine months after receipt of official notification of the decedent's death by the decedent's husband, wife, father, mother, or next of kin. (For estates with date of death prior to March 1, 1992, the estate tax is payable within 18 months of the date of death, and estate tax not paid within 18 months from the date of death bears interest at the rate of six percent per annum from the expiration of the 18 months until the date of actual payment. If the Federal government has not determined the amount of estate tax due within such period of 18 months or there is a subsequent assessment of an additional or increased estate tax, the tax is payable within 60 days after receipt of notification from the Federal government stating the amount of the Federal estate tax and the credit for state death taxes allowable and the New Jersey estate tax shall bear interest at the rate of six percent per annum from the expiration of such 60 day period to the date of payment.)

(c) All administrators, executors, trustees, grantees, donees and vendees, shall be personally liable for any and all estate taxes until paid, for which an action at law shall lie in the name of the State, but no lien shall attach to any property of an estate on account of the estate tax due this State.

(d) The executor, administrator, trustee or other person or corporation liable for the payment of the estate tax shall file with the Director a copy of the Federal estate tax return within 30 days after the filing of the original with the Federal Government, and a copy of any communication from the Federal Government, making any final change in said return, or confirming, increasing or diminishing the tax thereby shown to be due, which is to be filed within 30 days after receipt thereof, and shall file any other evidence, information or data that the Director shall in his discretion deem necessary.

(e) The Director may, for cause shown, extend the time for payment with interest at the rate of 10 percent per annum for such period as the circumstances, in his or her discretion, may require.

(f) All New Jersey estate tax returns must be filed within nine months following the death of the decedent. The Director may grant an extension of time in which the return may be filed. An estate representative may request an extension of time to file the New Jersey estate tax return for a period up to that allowed by the IRS by filing Form IT-EXT (Application for Extension of Time to File a Return.) A copy of the request for a Federal extension and, if Federal approval is not automatic, a copy of the Federal approval must be attached to the request.

1. This subsection provides the authority only for an extension of time to file the estate tax return, and does not extend the time to pay the tax. The tax liability is due on the decedent's date of death and must be paid in full within nine months. Any extension granted for the filing of the New Jersey estate tax return expires upon the filing of the Federal estate tax return.

Amended by R.1993 d.131, effective March 15, 1993; R.1994 d.627, effective December 19, 1994; R.2002, d.135, effective May 6, 2002.