

### **136.060 Corporation organization tax.**

- (1) Every corporation incorporated under the laws of this state, having a capital stock divided into shares, shall pay into the State Treasury, at the time of incorporation, an organization tax based upon the number of shares authorized by the articles of incorporation, at the following rates: one cent (\$0.01) for each share authorized up to and including twenty thousand (20,000) shares, one-half cent (\$0.005) for each share in excess of twenty thousand (20,000) shares and up to and including two hundred thousand (200,000) shares, and one-fifth cent (\$0.002) for each share in excess of two hundred thousand (200,000) shares.
- (2) Upon the filing of an amendment to articles of incorporation changing the authorized number of shares, the tax that would be due upon the number of shares authorized by the articles of incorporation as so amended, at the rates set forth in subsection (1) of this section, shall be computed, and if the tax as so computed exceeds the amount of tax paid on the basis of the number of shares authorized by the articles prior to the amendment, the excess tax shall be paid at the time the amendment is filed.
- (3) Every corporation that has not, prior to July 1, 1946, become liable for the payment of a Kentucky organization tax upon any or all of its capital stock, and that by amendment of its articles of incorporation changes its name, increases its powers, enlarges its scope, or prolongs its corporate life, shall, upon the filing of the amendment, pay the tax as provided in subsection (1) of this section upon its entire capital stock, or so much thereof as has not theretofore borne the tax.
- (4) A consolidated or merged corporation formed under the laws of this state shall not be required to pay any organization tax on the number of shares of capital stock on which the organization tax has been paid by the constituent corporations prior to the consolidation or merger, but the organization tax shall be paid on any increase of the number of shares of capital stock of the consolidated corporation over the aggregate number of shares of the constituent corporations prior to the consolidation or merger. When a foreign corporation consolidates or merges with one (1) or more corporations of this state, the organization tax shall be paid on the number of shares of capital stock of the foreign corporation.
- (5) No corporation subject to the tax imposed by this section shall have or exercise any corporate powers until the tax has been paid, and upon payment it shall file a statement thereof with the Secretary of State. No corporation required to pay a tax under any of the provisions of this section shall in any event pay a less sum therefor than ten dollars (\$10).

**Effective:** July 13, 1990

**History:** Amended 1990 Ky. Acts ch. 187, sec. 1, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 84, sec. 1, effective July 15, 1988. -- Amended 1946 Ky. Acts ch. 141, sec. 13. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 556, 4225.