

**26-35a-105 Penalties and interest.**

- (1) The penalty for failure to file a return or pay the assessment due within the time prescribed by this chapter is the greater of \$50, or 1% of the assessment due on the return.
- (2) For failure to pay within 30 days of a notice of deficiency of assessment required to be paid, the penalty is the greater of \$50 or 5% of the assessment due.
- (3) The penalty for underpayment of the assessment is as follows:
  - (a) If any underpayment of assessment is due to negligence, the penalty is 25% of the underpayment.
  - (b) If the underpayment of the assessment is due to intentional disregard of law or rule, the penalty is 50% of the underpayment.
- (4) For intent to evade the assessment, the penalty is 100% of the underpayment.
- (5) The rate of interest applicable to an underpayment of an assessment under this chapter or an unpaid penalty under this chapter is 12% annually.
- (6) The department may waive the imposition of a penalty for good cause.

Enacted by Chapter 284, 2004 General Session