

59-6-103 Returns and payments required of producers.

- (1)
- (a) Subject to Subsection (1)(b), a producer required to deduct and withhold an amount under this chapter shall file a withholding return with the commission:
 - (i) for the amounts required to be deducted and withheld under this chapter during the preceding calendar quarter; and
 - (ii) on a form prescribed by the commission.
 - (b) A withholding return described in Subsection (1)(a) is due on or before the last day of April, July, October, and January.
 - (c) A withholding return described in Subsection (1)(a) shall contain:
 - (i) the name and address of each person receiving a payment subject to the deduction and withholding requirements of this chapter for the calendar quarter for which the withholding return is filed;
 - (ii) for each person described in Subsection (1)(c)(i), the amount of payment the person would have received from the production of minerals:
 - (A) by the producer had the deduction and withholding required by this chapter not been made; and
 - (B) for the calendar quarter for which the withholding return is filed;
 - (iii) for each person described in Subsection (1)(c)(i), the amount of deduction and withholding under this chapter for the calendar quarter for which the withholding return is filed;
 - (iv) the name or description of the property from which the production of minerals occurs that results in a payment subject to deduction and withholding under this chapter; and
 - (v) for each person described in Subsection (1)(c)(i), the interest of the person in the production of minerals that results in a payment subject to deduction and withholding under this chapter.
- (2)
- (a) If a producer receives an exemption certificate filed in accordance with Section 59-6-102.1 from a business entity, the producer shall file a withholding return with the commission:
 - (i) on a form prescribed by the commission; and
 - (ii) on or before the January 31 following the last day of the taxable year for which the producer receives the exemption certificate from the business entity.
 - (b) The withholding return required by Subsection (2)(a) shall contain:
 - (i) the name and address of the business entity that files the exemption certificate in accordance with Section 59-6-102.1;
 - (ii) the amount of the payment made by the producer to the business entity that would have been subject to deduction and withholding under this chapter had the business entity not filed the exemption certificate in accordance with Section 59-6-102.1;
 - (iii) the name or description of the property from which the production of minerals occurs that would have resulted in a payment subject to deduction and withholding under this chapter had the business entity not filed the exemption certificate in accordance with Section 59-6-102.1; and
 - (iv) the interest of the business entity in the production of minerals that would have resulted in a payment subject to deduction and withholding under this chapter had the business entity not filed the exemption certificate in accordance with Section 59-6-102.1.

Amended by Chapter 255, 2008 General Session