

Tax Withholding Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bridger Bolinder

Senate Sponsor: Daniel McCay

LONG TITLE**Committee Note:**

The Revenue and Taxation Interim Committee recommended this bill.

Legislative Vote: 14 voting for 0 voting against 4 absent

General Description:

This bill modifies requirements for tax withholding.

Highlighted Provisions:

This bill:

- provides penalty provisions that apply if a producer fails to file a Form 1099 for mineral production tax withholding or fails to file the Form 1099 on time;

- aligns the time periods for incurring penalties for failure to file or timely file an income tax withholding form with the time periods for incurring penalties for failure to file or timely file a mineral production tax withholding form;

- amends the percentage of the mineral production tax a producer withholds to align with the income tax rate;

- amends the information a producer is required to provide on a withholding return;

- provides the requirements for a producer to file a form 1099 with the State Tax Commission; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

59-1-401, as last amended by Laws of Utah 2024, Chapter 96

59-6-102, as last amended by Laws of Utah 2008, Chapter 255

59-6-103, as last amended by Laws of Utah 2017, Chapter 226

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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **59-1-401** is amended to read:

**59-1-401 . Definitions -- Offenses and penalties -- Rulemaking authority --
Statute of limitations -- Commission authority to waive, reduce, or compromise penalty
or interest.**

(1) As used in this section:

(a) "Tax, fee, or charge" means:

(i) a tax, fee, or charge the commission administers under:

(A) this title;

(B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

(C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

(D) Section 19-6-410.5;

(E) Section 19-6-714;

(F) Section 19-6-805;

(G) Section 34A-2-202;

(H) Section 40-6-14; or

(I) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service
Charges; or

(ii) another amount that by statute is subject to a penalty imposed under this section.

(b) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:

(i) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;

(ii) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;

(iii) Chapter 2, Property Tax Act, except for Section 59-2-1309;

(iv) Chapter 3, Tax Equivalent Property Act; or

(v) Chapter 4, Privilege Tax.

(2)(a) The due date for filing a return is:

(i) if the person filing the return is not allowed by law an extension of time for filing
the return, the day on which the return is due as provided by law; or

(ii) if the person filing the return is allowed by law an extension of time for filing the
return, the earlier of:

(A) the date the person files the return; or

(B) the last day of that extension of time as allowed by law.

(b) A penalty in the amount described in Subsection (2)(c) is imposed if a person files a

- 65 return after the due date described in Subsection (2)(a).
- 66 (c) For purposes of Subsection (2)(b), the penalty is an amount equal to the greater of:
- 67 (i) \$20; or
- 68 (ii)(A) 2% of the unpaid tax, fee, or charge due on the return if the return is filed
- 69 no later than five days after the due date described in Subsection (2)(a);
- 70 (B) 5% of the unpaid tax, fee, or charge due on the return if the return is filed
- 71 more than five days after the due date but no later than 15 days after the due
- 72 date described in Subsection (2)(a); or
- 73 (C) 10% of the unpaid tax, fee, or charge due on the return if the return is filed
- 74 more than 15 days after the due date described in Subsection (2)(a).
- 75 (d) This Subsection (2) does not apply to:
- 76 (i) an amended return; or
- 77 (ii) a return with no tax due.
- 78 (3)(a) Except as provided in Subsection (15), a person is subject to a penalty for failure
- 79 to pay a tax, fee, or charge if:
- 80 (i) the person files a return on or before the due date for filing a return described in
- 81 Subsection (2)(a), but fails to pay the tax, fee, or charge due on the return on or
- 82 before that due date;
- 83 (ii) the person:
- 84 (A) is subject to a penalty under Subsection (2)(b); and
- 85 (B) fails to pay the tax, fee, or charge due on a return within a 90-day period after
- 86 the due date for filing a return described in Subsection (2)(a);
- 87 (iii)(A) the person is subject to a penalty under Subsection (2)(b); and
- 88 (B) the commission estimates an amount of tax due for that person in accordance
- 89 with Subsection 59-1-1406(2);
- 90 (iv) the person:
- 91 (A) is mailed a notice of deficiency; and
- 92 (B) within a 30-day period after the day on which the notice of deficiency
- 93 described in Subsection (3)(a)(iv)(A) is mailed:
- 94 (I) does not file a petition for redetermination or a request for agency action;
- 95 and
- 96 (II) fails to pay the tax, fee, or charge due on a return;
- 97 (v)(A) the commission:
- 98 (I) issues an order constituting final agency action resulting from a timely filed

- 99 petition for redetermination or a timely filed request for agency action; or
100 (II) is considered to have denied a request for reconsideration under Subsection
101 63G-4-302(3)(b) resulting from a timely filed petition for redetermination
102 or a timely filed request for agency action; and
- 103 (B) the person fails to pay the tax, fee, or charge due on a return within a 30-day
104 period after the date the commission:
- 105 (I) issues the order constituting final agency action described in Subsection
106 (3)(a)(v)(A)(I); or
107 (II) is considered to have denied the request for reconsideration described in
108 Subsection (3)(a)(v)(A)(II); or
- 109 (vi) the person fails to pay the tax, fee, or charge within a 30-day period after the date
110 of a final judicial decision resulting from a timely filed petition for judicial review.
- 111 (b) For purposes of Subsection (3)(a), the penalty is an amount equal to the greater of:
- 112 (i) \$20; or
113 (ii)(A) 2% of the unpaid tax, fee, or charge due on the return if the activated tax,
114 fee, or charge due on the return is paid no later than five days after the due date
115 for filing a return described in Subsection (2)(a);
- 116 (B) 5% of the unpaid tax, fee, or charge due on the return if the activated tax, fee,
117 or charge due on the return is paid more than five days after the due date for
118 filing a return described in Subsection (2)(a) but no later than 15 days after that
119 due date; or
- 120 (C) 10% of the unpaid tax, fee, or charge due on the return if the activated tax, fee,
121 or charge due on the return is paid more than 15 days after the due date for
122 filing a return described in Subsection (2)(a).
- 123 (4)(a) In the case of any underpayment of estimated tax or quarterly installments
124 required by Sections 59-5-107, 59-5-207, 59-7-504, and 59-9-104, there shall be
125 added a penalty in an amount determined by applying the interest rate provided under
126 Section 59-1-402 plus four percentage points to the amount of the underpayment for
127 the period of the underpayment.
- 128 (b)(i) For purposes of Subsection (4)(a), the amount of the underpayment shall be the
129 excess of the required installment over the amount, if any, of the installment paid
130 on or before the due date for the installment.
- 131 (ii) The period of the underpayment shall run from the due date for the installment to
132 whichever of the following dates is the earlier:

- 133 (A) the original due date of the tax return, without extensions, for the taxable year;
134 or
- 135 (B) with respect to any portion of the underpayment, the date on which that
136 portion is paid.
- 137 (iii) For purposes of this Subsection (4), a payment of estimated tax shall be credited
138 against unpaid required installments in the order in which the installments are
139 required to be paid.
- 140 (5)(a) Notwithstanding Subsection (2) and except as provided in Subsection (6), a
141 person allowed by law an extension of time for filing a corporate franchise or income
142 tax return under Chapter 7, Corporate Franchise and Income Taxes, or an individual
143 income tax return under Chapter 10, Individual Income Tax Act, is subject to a
144 penalty in the amount described in Subsection (5)(b) if, on or before the day on
145 which the return is due as provided by law, not including the extension of time, the
146 person fails to pay:
- 147 (i) for a person filing a corporate franchise or income tax return under Chapter 7,
148 Corporate Franchise and Income Taxes, the payment required by Subsection
149 59-7-507(1)(b); or
- 150 (ii) for a person filing an individual income tax return under Chapter 10, Individual
151 Income Tax Act, the payment required by Subsection 59-10-516(2).
- 152 (b) For purposes of Subsection (5)(a), the penalty per month during the period of the
153 extension of time for filing the return is an amount equal to 2% of the tax due on the
154 return, unpaid as of the day on which the return is due as provided by law.
- 155 (6) If a person does not file a return within an extension of time allowed by Section
156 59-7-505 or 59-10-516, the person:
- 157 (a) is not subject to a penalty in the amount described in Subsection (5)(b); and
- 158 (b) is subject to a penalty in an amount equal to the sum of:
- 159 (i) a late file penalty in an amount equal to the greater of:
- 160 (A) \$20; or
- 161 (B) 10% of the tax due on the return, unpaid as of the day on which the return is
162 due as provided by law, not including the extension of time; and
- 163 (ii) a late pay penalty in an amount equal to the greater of:
- 164 (A) \$20; or
- 165 (B) 10% of the unpaid tax due on the return, unpaid as of the day on which the
166 return is due as provided by law, not including the extension of time.

- 167 (7)(a) Additional penalties for an underpayment of a tax, fee, or charge are as provided
168 in this Subsection (7)(a).
- 169 (i) Except as provided in Subsection (7)(c), if any portion of an underpayment of a
170 tax, fee, or charge is due to negligence, the penalty is 10% of the portion of the
171 underpayment that is due to negligence.
- 172 (ii) Except as provided in Subsection (7)(d), if any portion of an underpayment of a
173 tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15%
174 of the entire underpayment.
- 175 (iii) If any portion of an underpayment is due to an intent to evade a tax, fee, or
176 charge, the penalty is the greater of \$500 per period or 50% of the entire
177 underpayment.
- 178 (iv) If any portion of an underpayment is due to fraud with intent to evade a tax, fee,
179 or charge, the penalty is the greater of \$500 per period or 100% of the entire
180 underpayment.
- 181 (b) If the commission determines that a person is liable for a penalty imposed under
182 Subsection (7)(a)(ii), (iii), or (iv), the commission shall notify the person of the
183 proposed penalty.
- 184 (i) The notice of proposed penalty shall:
- 185 (A) set forth the basis of the assessment; and
186 (B) be mailed by certified mail, postage prepaid, to the person's last-known
187 address.
- 188 (ii) Upon receipt of the notice of proposed penalty, the person against whom the
189 penalty is proposed may:
- 190 (A) pay the amount of the proposed penalty at the place and time stated in the
191 notice; or
192 (B) proceed in accordance with the review procedures of Subsection (7)(b)(iii).
- 193 (iii) A person against whom a penalty is proposed in accordance with this Subsection
194 (7) may contest the proposed penalty by filing a petition for an adjudicative
195 proceeding with the commission.
- 196 (iv)(A) If the commission determines that a person is liable for a penalty under
197 this Subsection (7), the commission shall assess the penalty and give notice and
198 demand for payment.
- 199 (B) The commission shall mail the notice and demand for payment described in
200 Subsection (7)(b)(iv)(A):

- 201 (I) to the person's last-known address; and
- 202 (II) in accordance with Section 59-1-1404.
- 203 (c) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not
- 204 subject to the penalty under Subsection (7)(a)(i) if on or after July 1, 2001:
- 205 (i) a court of competent jurisdiction issues a final unappealable judgment or order
- 206 determining that:
- 207 (A) the seller meets one or more of the criteria described in Subsection 59-12-107
- 208 (2)(a) or is a seller required to pay or collect and remit sales and use taxes
- 209 under Subsection 59-12-107(2)(b) or (2)(c); and
- 210 (B) the commission or a county, city, or town may require the seller to collect a
- 211 tax under Subsections 59-12-103(2)(a) through (e); or
- 212 (ii) the commission issues a final unappealable administrative order determining that:
- 213 (A) the seller meets one or more of the criteria described in Subsection 59-12-107
- 214 (2)(a) or is a seller required to pay or collect and remit sales and use taxes
- 215 under Subsection 59-12-107(2)(b) or (2)(c); and
- 216 (B) the commission or a county, city, or town may require the seller to collect a
- 217 tax under Subsections 59-12-103(2)(a) through (e).
- 218 (d) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not
- 219 subject to the penalty under Subsection (7)(a)(ii) if:
- 220 (i)(A) a court of competent jurisdiction issues a final unappealable judgment or
- 221 order determining that:
- 222 (I) the seller meets one or more of the criteria described in Subsection
- 223 59-12-107(2)(a) or is a seller required to pay or collect and remit sales and
- 224 use taxes under Subsection 59-12-107(2)(b) or (2)(c); and
- 225 (II) the commission or a county, city, or town may require the seller to collect a
- 226 tax under Subsections 59-12-103(2)(a) through (e); or
- 227 (B) the commission issues a final unappealable administrative order determining
- 228 that:
- 229 (I) the seller meets one or more of the criteria described in Subsection
- 230 59-12-107(2)(a) or is a seller required to pay or collect and remit sales and
- 231 use taxes under Subsection 59-12-107(2)(b) or (2)(c); and
- 232 (II) the commission or a county, city, or town may require the seller to collect a
- 233 tax under Subsections 59-12-103(2)(a) through (e); and
- 234 (ii) the seller's intentional disregard of law or rule is warranted by existing law or by

- 235 a nonfrivolous argument for the extension, modification, or reversal of existing
236 law or the establishment of new law.
- 237 (8)(a) Subject to Subsections (8)(b) and (c), the penalty for failure to file an information
238 return, information report, or a complete supporting schedule is \$50 for each
239 information return, information report, or supporting schedule up to a maximum of
240 \$1,000.
- 241 (b) If an employer is subject to a penalty under Subsection (13), the employer may not
242 be subject to a penalty under Subsection (8)(a).
- 243 (c) If an employer is subject to a penalty under this Subsection (8) for failure to file a
244 return in accordance with Subsection 59-10-406(3) on or before the due date
245 described in Subsection 59-10-406(3)(b)(ii), the commission may not impose a
246 penalty under this Subsection (8) unless the return is filed more than 14 days after the
247 due date described in Subsection 59-10-406(3)(b)(ii).
- 248 (9) If a person, in furtherance of a frivolous position, has a prima facie intent to delay or
249 impede administration of a law relating to a tax, fee, or charge and files a purported
250 return that fails to contain information from which the correctness of reported tax, fee, or
251 charge liability can be determined or that clearly indicates that the tax, fee, or charge
252 liability shown is substantially incorrect, the penalty is \$500.
- 253 (10)(a) A seller that fails to remit a tax, fee, or charge monthly as required by
254 Subsection 59-12-108(1)(a):
- 255 (i) is subject to a penalty described in Subsection (2); and
256 (ii) may not retain the percentage of sales and use taxes that would otherwise be
257 allowable under Subsection 59-12-108(2).
- 258 (b) A seller that fails to remit a tax, fee, or charge by electronic funds transfer as
259 required by Subsection 59-12-108(1)(a)(ii)(B):
- 260 (i) is subject to a penalty described in Subsection (2); and
261 (ii) may not retain the percentage of sales and use taxes that would otherwise be
262 allowable under Subsection 59-12-108(2).
- 263 (11)(a) A person is subject to the penalty provided in Subsection (11)(c) if that person:
- 264 (i) commits an act described in Subsection (11)(b) with respect to one or more of the
265 following documents:
- 266 (A) a return;
267 (B) an affidavit;
268 (C) a claim; or

- 269 (D) a document similar to Subsections (11)(a)(i)(A) through (C);
- 270 (ii) knows or has reason to believe that the document described in Subsection
- 271 (11)(a)(i) will be used in connection with any material matter administered by the
- 272 commission; and
- 273 (iii) knows that the document described in Subsection (11)(a)(i), if used in connection
- 274 with any material matter administered by the commission, would result in an
- 275 understatement of another person's liability for a tax, fee, or charge.
- 276 (b) The following acts apply to Subsection (11)(a)(i):
- 277 (i) preparing any portion of a document described in Subsection (11)(a)(i);
- 278 (ii) presenting any portion of a document described in Subsection (11)(a)(i);
- 279 (iii) procuring any portion of a document described in Subsection (11)(a)(i);
- 280 (iv) advising in the preparation or presentation of any portion of a document
- 281 described in Subsection (11)(a)(i);
- 282 (v) aiding in the preparation or presentation of any portion of a document described
- 283 in Subsection (11)(a)(i);
- 284 (vi) assisting in the preparation or presentation of any portion of a document
- 285 described in Subsection (11)(a)(i); or
- 286 (vii) counseling in the preparation or presentation of any portion of a document
- 287 described in Subsection (11)(a)(i).
- 288 (c) For purposes of Subsection (11)(a), the penalty:
- 289 (i) shall be imposed by the commission;
- 290 (ii) is \$500 for each document described in Subsection (11)(a)(i) with respect to
- 291 which the person described in Subsection (11)(a) meets the requirements of
- 292 Subsection (11)(a); and
- 293 (iii) is in addition to any other penalty provided by law.
- 294 (d) The commission may seek a court order to enjoin a person from engaging in conduct
- 295 that is subject to a penalty under this Subsection (11).
- 296 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 297 commission may make rules prescribing the documents that are similar to
- 298 Subsections (11)(a)(i)(A) through (C).
- 299 (12)(a) Criminal offenses and penalties are provided in Subsections (12)(b) through (e).
- 300 (b)(i) A person who is required by this title or any laws the commission administers
- 301 or regulates to register with or obtain a license or permit from the commission,
- 302 who operates without having registered or secured a license or permit, or who

- 303 operates when the registration, license, or permit is expired or not current, is guilty
304 of a class B misdemeanor.
- 305 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(b)(i), the
306 penalty may not:
307 (A) be less than \$500; or
308 (B) exceed \$1,000.
- 309 (c)(i) With respect to a tax, fee, or charge, a person who knowingly and
310 intentionally, and without a reasonable good faith basis, fails to make, render,
311 sign, or verify a return within the time required by law or to supply information
312 within the time required by law, or who makes, renders, signs, or verifies a false
313 or fraudulent return or statement, or who supplies false or fraudulent information,
314 is guilty of a third degree felony.
- 315 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(c)(i), the
316 penalty may not:
317 (A) be less than \$1,000; or
318 (B) exceed \$5,000.
- 319 (d)(i) A person who intentionally or willfully attempts to evade or defeat a tax, fee,
320 or charge or the payment of a tax, fee, or charge is, in addition to other penalties
321 provided by law, guilty of a second degree felony.
- 322 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(d)(i), the
323 penalty may not:
324 (A) be less than \$1,500; or
325 (B) exceed \$25,000.
- 326 (e)(i) A person is guilty of a second degree felony if that person commits an act:
327 (A) described in Subsection (12)(e)(ii) with respect to one or more of the
328 following documents:
329 (I) a return;
330 (II) an affidavit;
331 (III) a claim; or
332 (IV) a document similar to Subsections (12)(e)(i)(A)(I) through (III); and
333 (B) subject to Subsection (12)(e)(iii), with knowledge that the document described
334 in Subsection (12)(e)(i)(A):
335 (I) is false or fraudulent as to any material matter; and
336 (II) could be used in connection with any material matter administered by the

- 337 commission.
- 338 (ii) The following acts apply to Subsection (12)(e)(i):
- 339 (A) preparing any portion of a document described in Subsection (12)(e)(i)(A);
- 340 (B) presenting any portion of a document described in Subsection (12)(e)(i)(A);
- 341 (C) procuring any portion of a document described in Subsection (12)(e)(i)(A);
- 342 (D) advising in the preparation or presentation of any portion of a document
- 343 described in Subsection (12)(e)(i)(A);
- 344 (E) aiding in the preparation or presentation of any portion of a document
- 345 described in Subsection (12)(e)(i)(A);
- 346 (F) assisting in the preparation or presentation of any portion of a document
- 347 described in Subsection (12)(e)(i)(A); or
- 348 (G) counseling in the preparation or presentation of any portion of a document
- 349 described in Subsection (12)(e)(i)(A).
- 350 (iii) This Subsection (12)(e) applies:
- 351 (A) regardless of whether the person for which the document described in
- 352 Subsection (12)(e)(i)(A) is prepared or presented:
- 353 (I) knew of the falsity of the document described in Subsection (12)(e)(i)(A); or
- 354 (II) consented to the falsity of the document described in Subsection
- 355 (12)(e)(i)(A); and
- 356 (B) in addition to any other penalty provided by law.
- 357 (iv) Notwithstanding Section 76-3-301, for purposes of this Subsection (12)(e), the
- 358 penalty may not:
- 359 (A) be less than \$1,500; or
- 360 (B) exceed \$25,000.
- 361 (v) The commission may seek a court order to enjoin a person from engaging in
- 362 conduct that is subject to a penalty under this Subsection (12)(e).
- 363 (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 364 the commission may make rules prescribing the documents that are similar to
- 365 Subsections (12)(e)(i)(A)(I) through (III).
- 366 (f) The statute of limitations for prosecution for a violation of this Subsection (12) is the
- 367 later of six years:
- 368 (i) from the date the tax should have been remitted; or
- 369 (ii) after the day on which the person commits the criminal offense.
- 370 (13)(a) Subject to Subsection (13)(b), an employer that is required to file a form with

- 371 the commission in accordance with Subsection 59-10-406(8) or (9) is subject to a
372 penalty described in Subsection (13)(b) if the employer:
- 373 (i) fails to file the form with the commission in an electronic format approved by the
374 commission as required by Subsection 59-10-406(8) or (9);
 - 375 (ii) fails to file the form on or before the due date provided in Subsection 59-10-406
376 (8) or (9);
 - 377 (iii) fails to provide accurate information on the form; or
 - 378 (iv) fails to provide all of the information required by the Internal Revenue Service to
379 be contained on the form.
- 380 (b) For purposes of Subsection (13)(a), the penalty is:
- 381 (i) \$30 per form, not to exceed \$75,000 in a calendar year, if the employer files the
382 form in accordance with Subsection 59-10-406(8) or (9), more than 14 days after
383 the due date provided in Subsection 59-10-406(8) or (9) but no later than 30 days
384 after the due date provided in Subsection 59-10-406(8) or (9);
 - 385 (ii) \$60 per form, not to exceed \$200,000 in a calendar year, if the employer files the
386 form in accordance with Subsection 59-10-406(8) or (9), more than 30 days after
387 the due date provided in Subsection 59-10-406(8) or (9) but on or before June 1; or
 - 388 (iii) \$100 per form, not to exceed \$500,000 in a calendar year, if the employer:
389 (A) files the form in accordance with Subsection 59-10-406(8) or (9) after June 1;
390 or
391 (B) fails to file the form.
- 392 (c) A producer that is required to file a form with the commission in accordance with
393 Subsection 59-6-103(3) is subject to a penalty described in Subsection (13)(d) if the
394 producer:
- 395 (i) fails to file the form with the commission in the format approved by the
396 commission as required by Subsection 59-6-103(3);
 - 397 (ii) fails to file the form on or before the due date provided in Subsection 59-6-103(3);
 - 398 (iii) fails to provide accurate information on the form; or
 - 399 (iv) fails to provide all of the information required by the Internal Revenue Service to
400 be contained on the form.
- 401 (d) For purposes of Subsection (13)(c), the penalty is:
- 402 (i) \$30 per form, not to exceed \$75,000 in a calendar year, if the producer files the
403 form in accordance with Subsection 59-6-103(3), more than 14 days, but no later
404 than 60 days, after the due date provided in Subsection 59-6-103(3);

- 405 (ii) \$60 per form, not to exceed \$200,000 in a calendar year, if the producer files the
 406 form in accordance with Subsection 59-6-103(3), more than 60 days after the due
 407 date provided in Subsection 59-6-103(3) but on or before June 1; or
 408 (iii) \$100 per form, not to exceed \$500,000 in a calendar year, if the producer:
 409 (A) files the form in accordance with Subsection 59-6-103(3) after June 1; or
 410 (B) fails to file the form.

411 (14) Upon making a record of the commission's actions, and upon reasonable cause shown,
 412 the commission may waive, reduce, or compromise any of the penalties or interest
 413 imposed under this part.

- 414 (15) Failure to pay a tax described in Subsection 59-10-1403.2(2) shall be subject to a
 415 penalty as described in Subsection (3) except that the penalty shall be:
 416 (a) assessed only if the pass-through entity reports tax paid on a Utah Schedule K-1 but
 417 does not pay some or all of the tax reported; and
 418 (b) calculated based on the difference between the amount of tax reported and the
 419 amount of tax paid.

420 Section 2. Section **59-6-102** is amended to read:

421 **59-6-102 . Producer's obligation to deduct and withhold payments -- Amount --**
 422 **Exempt payments -- Credit against tax.**

- 423 (1) Except as provided in Subsection (2), each producer shall deduct and withhold from
 424 each payment being made to any person in respect to production of minerals in this state,
 425 but not including that to which the producer is entitled, an amount equal to ~~[5% of]~~ the
 426 product of:
 427 (a) the amount [which] that would have otherwise been payable to the person entitled to
 428 the payment; and
 429 (b) the percentage listed in Subsection 59-10-104(2)(b).
- 430 (2) The obligation to deduct and withhold from payments as provided in Subsection (1)
 431 does not apply to those payments ~~[which]~~ that are payable to:
 432 (a) the United States, this state, or an agency or political subdivision of the United States
 433 or this state;
 434 (b) an organization that is exempt from the taxes imposed by Chapter 7, Corporate
 435 Franchise and Income Taxes, in accordance with Subsection 59-7-102(1)(a);
 436 (c) an Indian or Indian tribe if the amounts accruing are subject to the supervision of the
 437 United States or an agency of the United States; or
 438 (d) a business entity that files an exemption certificate in accordance with Section

439 59-6-102.1.

440 (3) A claimant, estate, or trust that files a tax return with the commission may claim a
441 refundable tax credit against the tax reflected on the tax return for the amount withheld
442 by the producer under Subsection (1).

443 Section 3. Section **59-6-103** is amended to read:

444 **59-6-103 . Returns and payments required of producers.**

445 (1)(a) Subject to Subsection (1)(b), a producer required to deduct and withhold an
446 amount under this chapter shall file a withholding return with the commission:

447 (i) for the amounts required to be deducted and withheld under this chapter during the
448 preceding calendar quarter; [~~and~~]

449 (ii) in an electronic format [~~prescribed~~] approved by the commission[~~;~~] ; and

450 (iii) that contains any information the commission requires.

451 (b) A withholding return described in Subsection (1)(a) is due on or before the last day
452 of April, July, October, and January.

453 (c)(i) Each producer shall file an annual return containing the information that the
454 commission requires.

455 (ii) The producer shall file the annual return:

456 (A) in an electronic format the commission approves; and

457 (B) on or before January 31 of the year following that for which the return is made.

458 ~~[(e) A withholding return described in Subsection (1)(a) shall contain:]~~

459 ~~[(i) the name and address of each person receiving a payment subject to the deduction~~
460 ~~and withholding requirements of this chapter for the calendar quarter for which the~~
461 ~~withholding return is filed;]~~

462 ~~[(ii) for each person described in Subsection (1)(c)(i), the amount of payment the~~
463 ~~person would have received from the production of minerals by the producer had the~~
464 ~~deduction and withholding required by this chapter not been made for the calendar~~
465 ~~quarter for which the withholding return is filed;]~~

466 ~~[(iii) for each person described in Subsection (1)(c)(i), the amount of deduction and~~
467 ~~withholding under this chapter for the calendar quarter for which the withholding~~
468 ~~return is filed;]~~

469 ~~[(iv) the name or description of the property from which the production of minerals~~
470 ~~occurs that results in a payment subject to deduction and withholding under this~~
471 ~~chapter; and]~~

472 ~~[(v) for each person described in Subsection (1)(c)(i), the interest of the person in the~~

473 production of minerals that results in a payment subject to deduction and withholding
474 under this chapter.]

475 (2)(a) If a producer receives an exemption certificate filed in accordance with Section
476 59-6-102.1 from a business entity, the producer shall file a withholding return with
477 the commission:

478 (i) ~~[on a form prescribed by the commission]~~ in a format the commission approves;
479 and

480 (ii) on or before the January 31 following the last day of the taxable year for which
481 the producer receives the exemption certificate from the business entity.

482 (b) The withholding return required by Subsection (2)(a) shall contain:

483 (i) the name and address of the business entity that files the exemption certificate in
484 accordance with Section 59-6-102.1;

485 (ii) the amount of the payment made by the producer to the business entity that would
486 have been subject to deduction and withholding under this chapter had the
487 business entity not filed the exemption certificate in accordance with Section
488 59-6-102.1;

489 (iii) the name or description of the property from which the production of minerals
490 occurs that would have resulted in a payment subject to deduction and
491 withholding under this chapter had the business entity not filed the exemption
492 certificate in accordance with Section 59-6-102.1; and

493 (iv) the interest of the business entity in the production of minerals that would have
494 resulted in a payment subject to deduction and withholding under this chapter had
495 the business entity not filed the exemption certificate in accordance with Section
496 59-6-102.1.

497 (3)(a) Subject to Subsections (3)(b) and (c), the commission shall require a producer
498 that issues the following forms for a taxable year to file the forms with the
499 commission in an electronic format approved by the commission:

500 (i) a federal Form 1099 filed for purposes of withholding under Section 59-6-103; or

501 (ii) a federal form substantially similar to a form described in Subsection (3)(a)(i) if
502 designated by the commission in accordance with Subsection (3)(d).

503 (b) A producer that is required to file a form with the commission in accordance with
504 Subsection (3)(a) shall file the form on or before January 31.

505 (c) A producer that is required to file a form with the commission in accordance with
506 Subsection (3)(a) shall provide:

- 507 (i) accurate information on the form; and
508 (ii) all of the information required by the Internal Revenue Service to be contained on
509 the form.
- 510 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
511 purposes of Subsection (3)(a), the commission may designate a federal form as being
512 substantially similar to a form described in Subsection (3)(a)(i) if:
- 513 (i) for purposes of federal individual income taxes, a different federal form contains
514 substantially similar information to a form described in Subsection (3)(a)(i); or
515 (ii) the Internal Revenue Service replaces a form described in Subsection (3)(a)(i)
516 with a different federal form.

517 Section 4. **Effective date.**

- 518 (1) Except as provided in Subsection (2), this bill takes effect on January 1, 2026.
- 519 (2) The actions affecting Section 59-6-102 take effect for a taxable year beginning on or
520 after January 1, 2026.