

59-10-407 Withholding tax prepayments.

- (1) This section does not apply to an employer filing a withholding tax return for a period under this part other than a quarterly period.
- (2)
 - (a) Any employer whose withholding tax liability under Section 59-10-402 is estimated to average an amount designated by the commission by rule shall make a monthly prepayment of the amount required to be paid by Section 59-10-406 for each monthly period of each quarterly period.
 - (b) An employer that makes a monthly prepayment described in this Subsection (2) shall make the monthly prepayment as provided in this section until the commission notifies the employer in writing.
 - (c)
 - (i) An employer shall file a form with a monthly prepayment.
 - (ii) The commission shall prescribe and furnish the form described in Subsection (2)(c)(i).
 - (iii) An employer shall make a monthly prepayment and file the form described in Subsection (2)(c)(i) on or before the last day of the month after the end of each monthly period of each quarterly period.
- (3) In determining whether an employer's estimated withholding tax liability will average an amount that requires a monthly prepayment, the commission may consider:
 - (a) a return filed pursuant to Section 59-10-406; or
 - (b) information in the commission's possession or that may come into the commission's possession.
- (4) The penalties and interest for failure to make a monthly prepayment and file the form described in Subsection (2)(c)(i) by the due date described in Subsection (2)(c)(iii) are the same as the penalties and interest under Sections 59-1-401 and 59-1-402 relating to payment of a tax, fee, or charge or filing a return.

Amended by Chapter 33, 2009 General Session