

59-2-202 Statement of taxpayer -- Extension of time for filing -- Assessment without statement -- Penalty for failure to file statement or information -- Waiver, reduction, or compromise of penalty -- Appeals.

- (1)
 - (a) A person, or an officer or agent of that person, owning or operating property described in Subsection (1)(b) shall, on or before March 1 of each year, file with the commission a statement:
 - (i) signed and sworn to by the person, officer, or agent;
 - (ii) showing in detail all real property and tangible personal property located in the state that the person owns or operates;
 - (iii) containing the number of miles of taxable tangible personal property in each county:
 - (A) that the person owns or operates; and
 - (B) as valued on January 1 of the year for which the person, officer, or agent is furnishing the statement; and
 - (iv) containing any other information the commission requires.
 - (b) Subsection (1)(a) applies to:
 - (i) the following property located in the state:
 - (A) a public utility;
 - (B) an airline;
 - (C) an air charter service; or
 - (D) an air contract service; or
 - (ii) the following property located in more than one county in the state:
 - (A) a pipeline company;
 - (B) a power company;
 - (C) a canal company;
 - (D) an irrigation company; or
 - (E) a telephone company.
 - (c)
 - (i) The commission may allow an extension for filing the statement under Subsection (1)(a) for a time period not exceeding 30 days, unless the commission determines that extraordinary circumstances require a longer period of extension.
 - (ii) The commission shall grant a person, or an officer or agent of that person, an extension for filing the statement under Subsection (1)(a) for a time period not exceeding 15 days if:
 - (A) a federal regulatory agency requires the taxpayer to file a statement that contains the same information as the statement under Subsection (1)(a); and
 - (B) the person, or an officer or agent of that person, requests the commission to grant the extension.
- (2) The commission shall assess and list the property described in Subsection (1)(b) using the best information obtainable by the commission if a person, or an officer or agent of that person, fails to file the statement required under Subsection (1)(a) on or before the later of:
 - (a) March 1; or
 - (b) if the commission allows an extension under Subsection (1)(c) for filing the statement, the day after the last day of the extension period.
- (3)
 - (a) Except as provided in Subsection (3)(c), the commission shall assess a person a penalty as provided in Subsection (3)(b), if the person, or an officer or agent of that person, fails to file:
 - (i) the statement required under Subsection (1)(a) on or before the later of:
 - (A) March 1; or

- (B) if the commission allows an extension under Subsection (1)(c) for filing the statement, the day after the last day of the extension period; or
- (ii) any other information the commission determines to be necessary to:
 - (A) establish valuations for assessment purposes; or
 - (B) apportion an assessment.
- (b) The penalty described in Subsection (3)(a) is an amount equal to the greater of:
 - (i) 10% of the person's estimated tax liability under this chapter for the current calendar year not to exceed \$50,000; or
 - (ii) \$100.
- (c)
 - (i) Notwithstanding Subsections (3)(a) and (4), the commission may waive, reduce, or compromise a penalty imposed under this section if the commission finds there are reasonable grounds for the waiver, reduction, or compromise.
 - (ii) If the commission waives, reduces, or compromises a penalty under Subsection (3)(c)(i), the commission shall make a record of the grounds for waiving, reducing, or compromising the penalty.
- (4) The county treasurer shall collect the penalty imposed under Subsection (3) as provided in Section 59-2-1308.
- (5) A person subject to a penalty under Subsection (3) may appeal the penalty according to procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session