

1st Sub. S.B. 74

PENALTIES RELATING TO TAXES, FEES, OR CHARGES

Representative John Dougall proposes the following amendments:

1. Page 10, Line 288 through Page 11, Line 316

Senate 2nd Reading Amendments

2-12-2007:

288 (b) For purposes of Subsection (5)(a), the penalty per month during the period of the
289 extension of time for filing the return is an amount equal to ~~{1%}~~ 2% of the unpaid tax due on the
290 return.

291 (6) ~~{(a)}~~ If a person does not file a return within an extension of time allowed by Section
292 59-7-505 or 59-10-516 ~~§→~~, the person ~~←§~~ ;
293 ~~{(i)}~~ (a) ~~§→~~ ~~[the person]~~ ~~←§~~ is not subject to a penalty in the amount described in Subsection
293a (5)(b);
294 and
295 ~~{(ii)}~~ (b) is subject to a penalty in ~~{the amount described in Subsection (6)(b).}~~ an
amount equal to the sum of:

(i) a late file penalty in an amount equal to the greater of:
(A) \$20; or
(B) 10% of the unpaid tax due on the return; and
(ii) a late pay penalty in an amount equal to the greater of:
(A) \$20; or
(B) 10% of the unpaid tax due on the return.

296 ~~{(b) For purposes of Subsection (6)(a), the penalty is an amount equal to:~~
297 ~~(i) for a penalty imposed with respect to a nonqualifying obligation, the sum of the~~
298 ~~penalties prescribed in:~~
299 ~~(A) Subsection (2)(b)(ii) for filing a return after the due date as described in Subsection~~
300 ~~(2)(b)(i); and~~
301 ~~(B) Subsection (3)(b)(ii) for the failure to pay described in Subsection (3)(b)(i)(B);~~
302 ~~(ii) for a penalty imposed on or after the phase I activation date, with respect to a return~~
303 ~~filed under Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information,~~
304 ~~Part 2, Trusts and Estates, or Part 12, Single Rate Individual Income Tax Act, the sum of the~~
305 ~~penalties prescribed in:~~
306 ~~(A) Subsection (2)(c)(ii) for filing a return after the due date as described in Subsection~~
307 ~~(2)(c)(i); and~~
308 ~~(B) Subsection (3)(c)(iii)(B) for the failure to pay described in Subsection~~

309 ~~(3)(c)(iii)(A); or~~
310 ~~—— (iii) for a penalty imposed on or after the phase II activation date, with respect to a~~
311 ~~corporate franchise or income tax return filed under Chapter 7, Corporate Franchise and~~
312 ~~Income Taxes, the sum of the penalties prescribed in:~~
313 ~~—— (A) Subsection (2)(c)(ii) for filing a return after the due date as described in Subsection~~
314 ~~(2)(c)(i); and~~
315 ~~—— (B) Subsection (3)(c)(iii)(B) for the failure to pay described in Subsection~~
316 ~~(3)(c)(iii)(A).~~

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