

Senate Bill 498

Sponsored by COMMITTEE ON FINANCE AND REVENUE (at the request of Oregon Bankers Association, Oregon Business Association, Portland Business Alliance, Associated Oregon Industries, Technology Association of America, Smart Growth Coalition, Motion Picture Association of America, Oregon Financial Services Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits Department of Revenue from applying or interpreting any law retroactively unless expressly provided by statute, if retroactive application would impose additional liability, interest or penalties on taxpayer. Allows department to apply law retroactively to achieve result favorable to taxpayer.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to retroactivity of laws applied by Department of Revenue; and prescribing an effective
3 date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 305.**

6 **SECTION 2. Unless otherwise expressly provided by statute, the Department of Revenue**
7 **may not apply or interpret any law retroactively, if retroactive application would impose**
8 **additional liability, interest or penalties on a taxpayer who has complied with the law as in**
9 **effect at the time the taxpayer filed the return. The department may apply a law**
10 **retroactively to achieve a result favorable to a taxpayer.**

11 **SECTION 3. This 2009 Act takes effect on the 91st day after the date on which the reg-**
12 **ular session of the Seventy-fifth Legislative Assembly adjourns sine die.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.