

SENATE AMENDMENTS TO B-ENGROSSED HOUSE BILL 2464

By COMMITTEE ON RULES

July 3

1 On page 1 of the printed B-engrossed bill, line 2, after “provisions;” delete the rest of the line
2 and insert “amending ORS 314.360 and 316.202;”.

3 Delete lines 5 through 25 and delete page 2 and insert:

4 “**SECTION 1.** ORS 314.360 is amended to read:

5 “314.360. (1) Fiduciaries required to make returns under laws imposing tax upon or measured
6 by net income, proprietorships, partnerships, corporations, joint stock companies or associations or
7 insurance companies, having places of business in this state, in whatever capacity acting, including
8 lessees or mortgagors of real or personal property, fiduciaries, employers, purchasers of stumpage
9 and all officers and employees of the state or of any political subdivisions of the state, having the
10 control, custody, disposal or payment of interest (other than interest coupons payable to bearer),
11 rent, dividends, salaries, fees, wages, the purchase price of stumpage, emoluments or other fixed or
12 determinable annual or periodical gains, profits and income, paid or payable, during any year to any
13 taxpayer, shall make return thereof, under oath, to the Department of Revenue, under such regu-
14 lations and in such form and manner and to such extent as it may prescribe.

15 “(2)(a) Every person doing business as a broker shall, when required by the department, render
16 a correct return duly verified under oath, under such rules and regulations as the department may
17 prescribe, showing the names of customers for whom such person has transacted any business, with
18 such details as to the profits, losses, or other information which the department may require, as to
19 each of such customers, as will enable the department to determine whether all income tax due on
20 profits or gains of such customers has been paid.

21 “(b) Every person who is required to file a return with respect to a real estate transaction under
22 section 6045(e) of the Internal Revenue Code shall file a copy of that return with the department.

23 “(3) The department may prescribe circumstances under which the filing requirements under this
24 section are waived.

25 “(4) **In addition to any other penalty provided by law:**

26 “(a) **A person who fails to file a return required under this section, or who files an in-**
27 **complete or incorrect return, shall be subject to a penalty of \$50 per information return after**
28 **the date on which the return is due, up to a maximum penalty of \$2,500.**

29 “(b) **A person who knowingly fails to file a return required under this section, or who**
30 **knowingly files an incomplete, false or misleading return, shall be subject to a penalty of \$250**
31 **per information return after the date on which the return is due, up to a maximum penalty**
32 **of \$25,000.**

33 “**SECTION 2.** ORS 316.202 is amended to read:

34 “316.202. (1) With each payment made to the Department of Revenue, every employer shall de-
35 liver to the department, on a form prescribed by the department showing the total amount of with-

1 held taxes in accordance with ORS 316.167 and 316.172, and supply such other information as the
2 department may require. The employer is charged with the duty of advising the employee of the
3 amount of moneys withheld, in accordance with such regulations as the department may prescribe,
4 using printed forms furnished or approved by the department for such purpose.

5 “(2) Except as provided in subsection (4) of this section, every employer shall submit a combined
6 quarterly return to the department on a form provided by it showing the number of payments made,
7 the withheld taxes paid during the quarter and an explanation of federal withholding taxes as com-
8 puted by the employer. The report shall be filed with the department on or before the last day of
9 the month following the end of the quarter.

10 “(3) The employer shall make an annual return to the department on forms provided or approved
11 by it, summarizing the total compensation paid and the taxes withheld for all employees during the
12 calendar year and shall file the same with the department on or before the due date of the corre-
13 sponding federal return for the year for which report is made. Failure to file the annual report
14 without reasonable excuse on or before the 30th day after notice has been given to the employer
15 of failure subjects the employer to a penalty of \$100. The department may by rule require additional
16 information the department finds necessary to substantiate the annual return, including but not
17 limited to copies of federal form W-2 for individual employees, and may prescribe circumstances
18 under which the filing requirement imposed by this subsection is waived.

19 “(4) Notwithstanding the provisions of subsection (2) of this section, employers of agricultural
20 employees may submit returns annually showing the number of payments made and the withheld
21 taxes paid. However, such employers shall make and file a combined quarterly tax report with re-
22 spect to other tax programs, as required by ORS 316.168.

23 “(5) **In addition to the penalty required under subsection (3) of this section and any other
24 penalty required by law:**

25 “(a) **A person who fails to file a report required under this section, or who files an in-
26 complete or incorrect report, shall be subject to a penalty of \$50 per report after the date
27 on which the report is due, up to a maximum penalty of \$2,500.**

28 “(b) **A person who knowingly fails to file a report required under this section, or who
29 knowingly files an incomplete, false or misleading report, shall be subject to a penalty of \$250
30 per report after the date on which the report is due, up to a maximum penalty of \$25,000.**

31 “**SECTION 3. The amendments to ORS 314.360 and 316.202 by sections 1 and 2 of this 2013
32 Act apply to payments made in tax years beginning on or after January 1, 2013.**

33 “**SECTION 4. This 2013 Act takes effect on the 91st day after the date on which the 2013
34 regular session of the Seventy-seventh Legislative Assembly adjourns sine die.”.**