

House Bill 3083

Sponsored by Representative KENNEMER (at the request of Daniel O. Stearns, USTPC, EA, LTC)

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**.

Reduces, for tax year or reporting period for which taxpayer files return prior to Department of Revenue's issuance of notice of assessment, penalty otherwise applicable for failure to file tax return for three consecutive years.

Applies to penalties imposed by Department of Revenue on or after January 1, 2014.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to penalties for tax deficiencies; creating new provisions; amending ORS 305.992; and pre-
3 scribing an effective date.

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

5 **SECTION 1.** ORS 305.992 is amended to read:

6 305.992. (1) **Except as provided in subsection (2) of this section**, if any returns required to
7 be filed under ORS chapter 118, 314, 316, 317, 318, 321 or 323 or under a local tax administered by
8 the Department of Revenue under ORS 305.620 are not filed for three consecutive years by the due
9 date (including extensions) of the return required for the third consecutive year, there shall be a
10 penalty for each year of 100 percent of the tax liability determined after credits and prepayments
11 for each [*such*] year.

12 **(2) For any tax year or reporting period for which the taxpayer files a return prior to the**
13 **department's issuance of a notice of assessment, the penalty under this section shall be 25**
14 **percent of the tax liability determined after credits and prepayments for the tax year.**

15 [(2)] (3) The penalty imposed under this section is in addition to any other penalty imposed by
16 law. However, the total amount of penalties imposed for any taxable year under this section, ORS
17 305.265 (13), 314.400, 323.403 or 323.585 shall not exceed 100 percent of the tax liability.

18 **SECTION 2. The amendments to ORS 305.992 by section 1 of this 2013 Act apply to pen-**
19 **alties imposed by the Department of Revenue on or after January 1, 2014.**

20 **SECTION 3. This 2013 Act takes effect on the 91st day after the date on which the 2013**
21 **regular session of the Seventy-seventh 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.