

Enrolled
Senate Bill 252

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CHAPTER

AN ACT

Relating to late filing penalties; amending ORS 657.663; limiting expenditures; and prescribing an effective date.

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

SECTION 1. ORS 657.663 is amended to read:

657.663. (1) If an employer fails to file a [required] quarterly tax report or quarterly [detail] **report** of employees' wages and hours of work by the 10th day of the second month following the end of the calendar quarter, the Director of the Employment Department, for the first such failure, shall send to the employer at the employer's last-known address a written notice warning the employer that a subsequent failure to file a [required] report could result in the imposition of a late filing penalty.

(2) If an employer, without good cause, fails to file a [required] **timely** report within the three-year period immediately following a written warning **sent pursuant to subsection (1) of this section**, the employer may be assessed a late filing penalty in addition to other amounts due.

(3)(a) [The penalty] **Except as provided in subsection (4) of this section, a penalty assessed under subsection (2) of this section shall be 0.0002 of the taxable wage base in effect for the year against which the penalty is being assessed for each employee listed each quarter on the late filed reports. The penalty per employee shall be rounded to the nearest dollar.**

(b) [However] **Notwithstanding paragraph (a) of this subsection, the minimum penalty for any calendar quarter [shall] may not be less than [0.0025 nor] \$100 and the maximum penalty may not be more than 0.05 of the taxable wage base in effect for the year. The maximum penalty shall be rounded to the nearest \$100 interval.**

[2] *The penalty per employee shall be rounded to the nearest dollar. The minimum penalty shall be rounded to the nearest five-dollar interval and the maximum penalty shall be rounded to the nearest \$100 interval.*

[3] (4) [Notwithstanding the provisions of subsection (1) of this section,] **A penalty assessed under subsection (2) of this section for an employer who has no payroll during [a] the calendar quarter to which a quarterly report relates shall [not be assessed a penalty for the first quarter in which that employer's report is filed late. Thereafter, the director may assess a \$5 penalty when such employer's reports continue to be filed late.] be as follows:**

(a) **\$10 for the first report filed late within the three-year period immediately following a written warning sent pursuant to subsection (1) of this section.**

(b) \$25 for the first report filed late within the three-year period immediately following the assessment of a penalty under subsection (2) of this section.

(c) \$50 for the second report filed late within the three-year period immediately following the assessment of a penalty under subsection (2) of this section.

(d) \$100 for the third or subsequent report filed late within the three-year period immediately following the assessment of a penalty under subsection (2) of this section.

[4] (5)(a) [The] A penalty assessed under this section [shall be] is final unless, within 20 days [from] after the date [of mailing of] the assessment is mailed to the last-known address of the employer, the employer requests the penalty be deleted. The request must be in writing and state the reason why the report was filed late.

(b) If the director determines the employer had good cause for filing the report late, the penalty shall be deleted. If it is determined there was not good cause for filing the report late, the request for deletion shall be denied.

[5] (6)(a) A [decision] determination denying the request [shall become] for deletion is final[,] unless, within 20 days [from] after the date [of mailing the decision] the determination is mailed to the last-known address of the employer, the employer files a request for hearing. The request for a hearing must be in writing and state the reasons [therefor] why the determination should not be affirmed.

(b) Judicial review of the determination of denial shall be as provided for review of orders in contested cases in ORS chapter 183, except that the [petition] request for hearing shall be filed within 20 days after the issuance of the [order] determination of the director or a designated representative.

SECTION 2. Notwithstanding any other law limiting expenditures, the amount of \$162,254 is established for the biennium beginning July 1, 2013, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and moneys appropriated to the Employment Department by sections 2 and 3, chapter _____, Oregon Laws 2013 (Enrolled House Bill 5009), but excluding lottery funds and federal funds other than those described in section 2, chapter _____, Oregon Laws 2013 (Enrolled House Bill 5009), collected or received by the Employment Department for the administration of the provisions of this 2013 Act.

SECTION 3. This 2013 Act takes effect on the 91st day after the date on which the 2013 regular session of the Seventy-seventh Legislative Assembly adjourns sine die.

Passed by Senate March 26, 2013

Repassed by Senate June 25, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 21, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State