

# Senate Bill 252

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## 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**.

Increases to \$100 minimum penalty for late filings of payroll and tax reports, and penalty for continued late filings of zero payroll reports, by employers.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

Relating to late filing penalties; amending ORS 657.663; 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)(a)** If an employer, without good cause, fails to file a required 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.

**(b)** *[The penalty]* **A penalty assessed under this subsection** 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.**

**(c)** *[However]* **Notwithstanding paragraph (b) 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)** *[Notwithstanding the provisions of subsection (1) of this section,]* An employer who has no payroll during a calendar quarter *[shall]* **may** 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]* **the minimum penalty assessable under subsection (2)(c) of this section for each subsequent late filing.**

**(4)(a)** *[The]* **A penalty assessed under this section** *[shall be]* **is** final unless, within 20 days

**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.

1 [from] **after** the date [of mailing of] the assessment **is mailed** to the last-known address of the em-  
2 ployer, the employer requests the penalty be deleted. The request must be in writing and state the  
3 reason why the report was filed late.

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

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

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

16 **SECTION 2. This 2013 Act takes effect on the 91st day after the date on which the 2013**  
17 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.**

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