

IN THE SENATE

FEBRUARY 11, 1991

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 ~~SENATE~~ BILL NO. 70
 2 INTRODUCED BY Rep.
 3 BY REQUEST OF THE DEPARTMENT OF REVENUE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE
 6 PERSON RESPONSIBLE FOR COLLECTING, TRUTHFULLY ACCOUNTING
 7 FOR, AND PAYING WITHHOLDING TAX WHO FAILS TO COLLECT,
 8 TRUTHFULLY ACCOUNT FOR, AND PAY THE TAX IS LIABLE TO THE
 9 STATE FOR THE TAX, INCLUDING PENALTY AND INTEREST; AMENDING
 10 SECTION 15-30-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 11 DATE AND A RETROACTIVE APPLICABILITY DATE."
 12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 15-30-203, MCA, is amended to read:

15 "15-30-203. **Employer liable for withholding.** (1) Every
 16 ~~Each~~ employer ~~shall--be~~ is liable for the amounts
 17 ~~hereinbefore~~ required to be deducted and withheld under this
 18 ~~part,~~ and ~~such the~~ amounts plus interest due ~~thereon--shall~~
 19 ~~be-considered-as~~ on the amounts are a tax, ~~--and--with.~~ With
 20 respect ~~thereto~~ to the tax, the employer ~~shall--be~~ is
 21 ~~considered-a~~ the taxpayer.

22 (2) ~~The officer or employee of a corporation whose duty~~
 23 ~~it is~~ A person required to collect, truthfully account for,
 24 and pay over to the state the amounts withheld from the
 25 corporation's employer's employees and who ~~willfully~~ fails

1 to pay over the withholdings is liable to the state for the
 2 amounts ~~so~~ withheld and the ~~amount-of~~ penalty and interest
 3 due ~~thereon~~ on the amounts.

4 (3) If the employer fails to deduct and withhold the
 5 amounts specified in 15-30-202 and thereafter the tax
 6 against which ~~such the~~ deducted and withheld amounts would
 7 have been credited is paid, the amounts ~~so~~ required to be
 8 deducted and withheld ~~shall~~ may not be collected from the
 9 employer."

10 NEW SECTION. **Section 2.** Effective date. [This act] is
 11 effective on passage and approval.

12 NEW SECTION. **Section 3.** Retroactive applicability.
 13 [Section 1] applies retroactively, within the meaning of
 14 1-2-109, to taxable years beginning after December 31, 1990.

-End-



-2- INTRODUCED BILL
 SB 70

APPROVED BY COMMITTEE
ON TAXATION

1 SENATE BILL NO. 70

2 INTRODUCED BY GAGE

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THIRD READING

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REFERENCE BILL

