

1                    HOUSE    BILL NO. 18  
2    INTRODUCED BY MARKS

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A UNIFORM  
5    COLLECTION PROCEDURE FOR THE LICENSE TAXES ON EXPRESS  
6    COMPANIES, FREIGHT LINE COMPANIES, SLEEPING CAR COMPANIES,  
7    TELEGRAPH COMPANIES, AND TELEPHONE COMPANIES; AMENDING  
8    SECTION 84-4821; AND REPEALING SECTIONS 84-1704, 84-1705,  
9    84-1706, 84-1708, 84-2307, 84-2308, 84-2309, 84-2504,  
10    84-2506, 84-2507, 84-2508, 84-2604, 84-2606, 84-2607,  
11    84-2608, 84-4823, 84-4825, AND 84-4826, R.C.M. 1947."

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

14            Section 1. Estimation of tax upon failure to file  
15    return. If any person subject to a license tax under Title  
16    84, chapters 17, 23, 25, 26, or 48, R.C.M. 1947, fails to  
17    file a statement required in connection with that tax or  
18    fails to pay the tax within the time provided by law, the  
19    department shall proceed to investigate and inform itself as  
20    best it may regarding the matters required by the statement  
21    and to fix the amount of license tax due from the person.  
22    The department's estimate of the tax due is subject to a  
23    hearing under 84-711 and a subsequent revision if warranted  
24    by the evidence, but the person objecting to the estimate  
25    bears the burden of proving the estimate incorrect.

1            Section 2. Penalty for delinquency — notice —  
2    waiver. (1) Any license tax imposed under Title 84, chapters  
3    17, 23, 25, 26, or 48, R.C.M. 1947, is delinquent if not  
4    paid when due. The department shall assess a penalty equal  
5    to 10% of the amount delinquent, and the whole thereof shall  
6    bear interest at the rate of 1% per month from the date of  
7    delinquency until paid.

8            (2) The department shall mail to the delinquent  
9    taxpayer a letter setting forth the amount of tax, penalty,  
10    and interest due, and the letter shall further advise that  
11    if payment is not received within 15 days of receipt of the  
12    letter, a lien may be filed under [section 3 of this act].  
13    The department may waive the 10% penalty if the person  
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22    recorder of the county where such property is situated.  
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25    in the name of the state of Montana as judgment liens are

1 enforced.

2 Section 4. Section 84-4821, R.C.M. 1947, is amended to  
3 read as follows:

4 ~~"84-4821. Notice of incorrectness or insufficiency--~~  
5 ~~procedures upon failure to file report~~ Computation of tax.

6 Upon the filing of the reports herein provided for, the  
7 department shall compute and determine the amount of the  
8 tax, and, on or before May 1st ], notify such railroad  
9 company and freight line company if such report or payment  
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-End-

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OSCAR KVAALEN

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ROBERT PERSON  
DIRECTOR, RESEARCH

LC0014

1977 Legislature  
Code Commissioner Bill - Summary

House Bill No. 18

TO PROVIDE A UNIFORM COLLECTION PROCEDURE FOR LICENSE TAXES ON EXPRESS COMPANIES, FREIGHT LINE COMPANIES, SLEEPING CAR COMPANIES, TELEGRAPH COMPANIES, AND TELEPHONE COMPANIES.

(This summary does not include discussion of routine form or grammatical changes.)

The license taxes which the state imposes on railroads, telephone, telegraph, and express companies are quite similar to one another in administrative provisions. Only the rates, definitions, and reporting periods differ; the sanctions for delinquency and lien provisions are virtually identical.

Of the nineteen sections listed for repeal in the bill, eleven would be replaced by new sections 1, 2 or 3 enacted by the bill. The other eight are redundant with other sections in the code. The breakdown is as follows:

84-1704. Procedure in case of failure to make statement. Replaced by Section 1.

84-1705. Penalty for failure to make statement--duty of attorney general to institute action. Replaced by Section 2 and redundant with 84-708.1(6).

84-1706. State department of revenue authorized to require production of books. Redundant with Section 84-708.1(11).

84-1708. Collection of license fee by suit on failure of company to pay. Redundant with 84-708.1(6).

84-2307. Failure to report--nonpayment--action for collection. Replaced by Section 1.

84-2308. Estoppel--failure to file report. Replaced by Section 1.

84-2309. First imposition of tax. Temporary, applied only to 1923 tax.

84-2504. Penalty for delinquency. Replaced by Section 2.

84-2506. Penalty for failure to file statement and for false statements. Replaced by Section 2.

84-2507. Department to determine tax in case no statement filed--penalty and interest--collection of tax--perfection and enforcement of tax lien. Replaced by Sections 1, 2, 3.

84-2508. Books and records to be open to inspection by department. Redundant with 84-708.1(11).

84-2605. Taxpayer to keep records. Redundant with 84-2603.

84-2606. Penalties. Replaced by Section 2.

84-2607. Department to levy tax on failure of taxpayer to make statement. Replaced by Section 1.

84-4821. (last sentence). Replaced by Section 1.

84-4823. Penalty for nonpayment by railroad company. Replaced by Section 2.

84-4825. Disposition of moneys--limitation of actions. Redundant with 84-4502.

84-4826. Failure to file report--estoppel to impeach department of revenue's determination. Replaced by Section 3.

Approved by Committee  
on Taxation

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There are no changes in HB 18, & will not be re-run.

Please refer to white copy for complete text.    SECOND READING

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