

HB 608 INTRODUCED BY THOMAS
RELIANCE ON TAX COUNSEL AS BASIS FOR WAIVER OF TAX
PENALTY

2/04 INTRODUCED
2/04 REFERRED TO TAXATION
2/20 HEARING
2/20 TABLED IN COMMITTEE

1 House BILL NO. 608
2 INTRODUCED BY WALSH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT RELIANCE
5 BY A TAXPAYER ON RELIABLE TAX COUNSEL CONSTITUTES REASONABLE
6 CAUSE FOR WAIVER OF PENALTIES UNDER TITLE 15; AND AMENDING
7 SECTION 15-1-206, MCA."

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

10 Section 1. Section 15-1-206, MCA, is amended to read:

11 "15-1-206. Waiver and abatement of penalties --
12 interest. (1) The department may, in its discretion, waive
13 the assessment of penalty for the late filing of any tax
14 statement or return required to be filed with the department
15 when the filing is done within 5 days of the date specified
16 for filing the return or statement and for the late payment
17 of any tax collected by the department when the payment is
18 made within 5 days of the date specified for payment of the
19 tax.

20 (2) Whenever the department waives or abates a penalty
21 provided for in this title, it also may, in its discretion,
22 waive or abate interest not to exceed \$100 due upon the tax.

23 (3) Whenever the department is notified of a change in
24 federal taxable income as the result of a federal adjustment
25 or upon filing an amended federal return, as provided for in

1 15-30-304, the department shall abate the interest on the
2 additional tax liability from the date the department is
3 notified until the department sends the statement of
4 increased tax liability to the taxpayer.

5 (4) Reliance by a taxpayer on reliable tax counsel
6 constitutes reasonable cause for the department to waive all
7 penalties that might be assessed under this title."

8 NEW SECTION. Section 2. Extension of authority. Any
9 existing authority of the department of revenue to make
10 rules on the subject of the provisions of this act is
11 extended to the provisions of this act.

-End-



-2- INTRODUCED BILL
HB-608