

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 688 OF 1991
SENATE BILL 617

4 **By: Senators Canada, Scott, Gibson,**
5 **Yates, Cassady, and Fitch**

6
7 **For An Act To Be Entitled**

8 "AN ACT TO IMPOSE A PENALTY FOR FAILURE TO TIMELY FILE
9 CORRECT RETURNS; AND FOR OTHER PURPOSES."

10

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

12

13 SECTION 1. Arkansas Code 26-55-229(b) is hereby amended to read as
14 follows:

15 "(b) The reports shall be filed on forms prescribed by the director and
16 shall be filed with the director on or before the twenty-fifth day of each
17 calendar month following the reporting month in question. Once a distributor
18 has become liable to file a monthly report with the Director of the Department
19 of Finance and Administration, he must continue to file a monthly report, even
20 though no tax is due, until such time as he notifies the Director, in writing,
21 that he is no longer liable for monthly reports."

22

23 SECTION 2. Arkansas Code 26-52-501(a) is hereby amended to read as
24 follows:

25 "(a) The tax levied hereunder shall be due and payable on the first day
26 of each month, except as provided in this subchapter, by any person liable for
27 the payment of any tax due under this act, as amended. Once a taxpayer has
28 become liable to file a report with the Director of the Department of Finance
29 and Administration, he must continue to file a report, even though no tax is
30 due, until such time as he notifies the Director, in writing, that he is no
31 longer liable for those reports."

32

33 SECTION 3. Arkansas Code 26-53-125(a)(1) is hereby amended to read as
34 follows:

35 "(a)(1) The tax imposed by this subchapter shall be due and payable to

1 the director monthly on or before the twentieth day of each month. Once a
2 taxpayer has become liable to file a report with the Director of the
3 Department of Finance and Administration, he must continue to file a report,
4 even though no tax is due, until such time as he notifies the Director, in
5 writing, that he is no longer liable for those reports."

6

7 SECTION 4. Arkansas Code 26-56-106(a) is hereby amended to read as
8 follows:

9 "(a) Once a supplier, dealer, or user of distillate special fuel or
10 liquefied gas special fuel has become liable to file a report with the
11 Director of the Department of Finance and Administration, he must continue to
12 file a report, even though no tax is due, until such time as he notifies the
13 Director, in writing, that he is no longer liable for reports. Any supplier,
14 dealer, or user of distillate special fuel or liquefied gas special fuel who
15 fails, neglects, or refuses to make any report required by this chapter or to
16 pay any tax levied at the time and in the manner required in this chapter
17 shall, in addition to any other penalty provided in this chapter, be liable
18 for the amount of the tax due, plus any penalties allowed by law."

19

20 SECTION 5. If a taxpayer has been previously advised that he has failed
21 to comply with the provisions of the Arkansas Code or the rules and
22 regulations as promulgated by the Director of the Department of Finance and
23 Administration by his failure to include all of the information required to be
24 shown on the return or the inclusion of incorrect information and he continues
25 to disregard those provisions, there shall be assessed a penalty of fifty
26 dollars (\$50) per return, unless the failure is due to reasonable cause and
27 not due to wilful neglect.

28

29 SECTION 6. If a taxpayer has previously been advised that he has not
30 complied with the provisions of Arkansas Code sections 26-51-908(g)(2), 26-55-
31 229(b), 26-56-106(a), 26-52-501(a), or 26-53-125(a)(1) because he has not
32 filed a return or notified the Director of the Department of Finance and
33 Administration that he is no longer required to file a return, even though no
34 tax is due, and he continues to disregard those provisions, there shall be
35 assessed a penalty of fifty dollars (\$50) per return, unless the failure is

1 due to reasonable cause and not due to wilful neglect.

2

3 SECTION 7. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

6

7 SECTION 8. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

12

13 SECTION 9. All laws and parts of laws in conflict with this act are
14 hereby repealed.

15

16 SECTION 10. EMERGENCY. It is hereby found and determined by the
17 General Assembly that some taxpayers are not properly completing and timely
18 filing tax returns; that these failures create an administrative burden upon
19 the Department of Finance and Administration; and that this act is designed to
20 impose a fifty dollar (\$50) penalty for failure to timely file returns, even
21 if no tax is due, or if returns are not properly completed. Therefore, an
22 emergency is hereby declared to exist and this act being necessary for the
23 public peace, health and safety shall be in full force and effect from and
24 after its passage and approval.

25

26

27

APPROVED: 3-21-91

28

29

30