

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1094

Short Title: Revise Failure to Pay Penalty.

(Public)

Sponsors: Representatives Cansler, Blue, Capps, Church, Neely, G. Robinson, Shaw, Shubert; and McComas.

Referred to: Finance.

May 14, 1996

A BILL TO BE ENTITLED

1 AN ACT TO PROHIBIT THE IMPOSITION OF A FAILURE TO PAY PENALTY
2 WHEN ADDITIONAL TAX DUE IS PAID AT THE TIME AN AMENDED
3 RETURN IS FILED OR WITHIN THIRTY DAYS AFTER THE ADDITIONAL
4 TAX WAS ASSESSED.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 105-236(4) reads as rewritten:

8 "(4) Failure to Pay Tax When Due. – In the case of failure to pay any tax
9 when due, without intent to evade the tax, there shall be an additional
10 tax, as a penalty, of ten percent (10%) of the tax; provided, that such
11 penalty shall in no event be less than five dollars (\$5.00). This penalty
12 does not apply in any of the following circumstances:

13 a. When the amount of tax shown as due on an amended return is
14 paid when the return is filed.

15 b. When a tax due but not shown on a return is assessed by the
16 Secretary and is paid within 30 days after the date of the
17 proposed notice of assessment of the tax."

18 Sec. 2. This act becomes effective January 1, 1997, and applies to taxes due on
19 or after that date.