

Senate File 2363

H-8636

1 Amend Senate File 2363, as passed by the Senate, as  
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I  
5 TECHNICAL ADMINISTRATION>

6 2. Page 12, line 7, before <Act> by inserting  
7 <division of this>

8 3. Page 12, before line 9 by inserting:

9 <DIVISION II  
10 WAIVER OF USE TAX PENALTIES AND INTEREST

11 Sec. \_\_\_\_ . Section 421.27, Code 2009, is amended by  
12 adding the following new subsections:

13 NEW SUBSECTION. 1A. *Waiver of penalty and interest*  
14 *for failure to file sales or use tax return or deposit*  
15 *form.*

16 a. The penalty described in subsection 1, or a  
17 portion thereof, if assessed against a taxpayer, and  
18 any interest assessed pursuant to section 423.40, or a  
19 portion thereof, may be waived by the department if all  
20 of the following conditions are met:

21 (1) The taxpayer is a purchaser of tangible  
22 personal property or services which are subject to the  
23 sales and use taxes imposed under chapter 423.

24 (2) The purchaser is subject to the penalties and  
25 interest pursuant to section 423.40 as a result of a  
26 failure to file a sales or use tax return pursuant to  
27 section 423.37.

28 (3) The return the purchaser failed to file was  
29 required because of the failure of another taxpayer to  
30 pay or collect the taxes due under chapter 423.

31 (4) The purchaser did not know of the other  
32 taxpayer's failure to pay or collect the taxes due  
33 under chapter 423.

34 b. A waiver granted to a purchaser under this  
35 subsection does not apply to the taxpayer described in  
36 subparagraph (3).

37 NEW SUBSECTION. 2A. *Waiver of penalty and interest*  
38 *for failure to timely pay the tax shown due, or the tax*  
39 *required to be shown due, with the filing of a return or*  
40 *deposit form.*

41 a. The penalty described in subsection 2, or a  
42 portion thereof, if assessed against a taxpayer, and  
43 any interest assessed pursuant to section 423.40, or a  
44 portion thereof, may be waived by the department if all  
45 of the following conditions are met:

46 (1) The taxpayer is a purchaser of tangible  
47 personal property or services which are subject to the  
48 sales and use taxes imposed under chapter 423.

49 (2) The purchaser is subject to the penalties and  
50 interest pursuant to section 423.40 as a result of a

1 failure to pay the amount shown due or required to be  
2 shown due on a sales or use tax return pursuant to  
3 section 423.37.

4 (3) The failure to pay the amount shown due or  
5 required to be shown due was the result of the failure  
6 of another taxpayer to pay or collect the taxes due  
7 under chapter 423.

8 (4) The purchaser did not know of the other  
9 taxpayer's failure to pay or collect the taxes due  
10 under chapter 423.

11 b. A waiver granted to a purchaser under this  
12 subsection does not apply to the taxpayer described in  
13 subparagraph (3).

14 Sec. \_\_\_\_\_. REFUNDS. Refunds of interest or  
15 penalties which arise from claims resulting from the  
16 enactment of section 421.27, subsections 1A and 2A,  
17 in this division of this Act, for the assessment of  
18 interest or penalties occurring between January 1,  
19 2009, and the effective date of this division of this  
20 Act, shall be limited to fifty thousand dollars in the  
21 aggregate and shall not be allowed unless refund claims  
22 are filed prior to October 1, 2010, notwithstanding any  
23 other provision of law. If the amount of claims totals  
24 more than fifty thousand dollars in the aggregate, the  
25 department of revenue and finance shall prorate the  
26 fifty thousand dollars among all claimants in relation  
27 to the amounts of the claimants' valid claims.

28 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
29 APPLICABILITY. This division of this Act, being deemed  
30 of immediate importance, takes effect upon enactment  
31 and applies retroactively to January 1, 2009, for the  
32 assessment of interest or penalties on or after that  
33 date.>

34 4. By renumbering as necessary.

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ISENHART of Dubuque