
SUBSTITUTE SENATE BILL 6508

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators McDonald, Niemi and Craswell)

Read first time 03/06/92.

1 AN ACT Relating to excise tax penalties; adding a new section to
2 chapter 82.32 RCW; adding a new chapter to Title 82 RCW; and providing
3 an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The purpose of this chapter is to
6 encourage delinquent taxpayers to comply with the state's tax laws and
7 to enable the department of revenue to identify and collect previously
8 unreported taxes or accelerate collection of certain delinquent tax
9 liabilities.

10 NEW SECTION. **Sec. 2.** Unless the context clearly requires
11 otherwise, the definitions in this section apply throughout this
12 chapter.

13 (1) "Department" means the department of revenue.

1 (2) "Taxpayer" means any person, as defined in RCW 82.04.030,
2 required to file a tax return under Title 82 RCW or to pay or to
3 collect and pay any tax imposed under Title 82 RCW.

4 NEW SECTION. **Sec. 3.** (1) A taxpayer who pays to the
5 department during the period July 1, 1992, through September 30, 1992,
6 deficient, delinquent, unreported, or otherwise unpaid taxes for which
7 liability accrued under this title prior to January 1, 1992, is not
8 subject to any civil or criminal penalties under this title for the
9 taxes paid or for failure to register with the department before the
10 date of payment, subject to the following conditions:

11 (a) The taxpayer completes and files an amnesty tax return with the
12 department as required by the department;

13 (b) The taxpayer pays all tax and interest as determined on the
14 amnesty tax return; and

15 (c) The taxpayer agrees not to contest any taxes paid with the
16 amnesty return and agrees not to pursue any administrative or judicial
17 proceeding for a refund or correction of the tax.

18 (2) This chapter applies to all taxpayers whether or not the
19 taxpayer is under audit and whether or not the amount due is subject to
20 a pending administrative or judicial proceeding, other than a criminal
21 proceeding.

22 NEW SECTION. **Sec. 4.** This chapter does not prevent the
23 department from auditing a taxpayer to determine the accuracy of any
24 unpaid tax liability and does not apply to any additional tax liability
25 resulting from such an audit.

1 NEW SECTION. **Sec. 5.** The department shall report on the
2 effectiveness of the amnesty program under this chapter. The report
3 shall at least include:

4 (1) The number of taxpayers participating in the program;

5 (2) The amount of money generated by the program;

6 (3) The amnesty-related expenses incurred by the department;

7 (4) The effectiveness of the compliance efforts of the department
8 for the six-month period before the amnesty period, during the amnesty
9 period, and for the twelve-month period after the amnesty period;

10 (5) The effectiveness of the increased penalties under RCW
11 82.32.090;

12 (6) Recommendations for changes to the tax compliance enforcement
13 procedures; and

14 (7) Any other information the department considers necessary.

15 The report shall be presented to the fiscal committees of the
16 senate and house of representatives by January 1, 1994.

17 NEW SECTION. **Sec. 6.** This chapter may be known and cited as
18 "the tax amnesty act."

19 NEW SECTION. **Sec. 7.** This chapter expires January 1, 1994.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 82.32 RCW
21 to read as follows:

22 An additional penalty is imposed on tax liabilities which accrued
23 prior to January 1, 1992, which could have been paid without penalty
24 under section 3 of this act, and which remain outstanding on October 1,
25 1992, in the amount of thirty percent of the amount of tax due.

26 This section does not apply to liabilities subject to
27 administrative or judicial appeal.

1 The department may waive the penalties under this section for good
2 cause.

3 NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act shall
4 constitute a new chapter in Title 82 RCW.