
HOUSE BILL 2149

State of Washington 62nd Legislature 2011 2nd Special Session

By Representatives Eddy and Kenney

Read first time 12/06/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to personal property tax assessment administration,
2 authorizing waiver of penalties and interest under specified
3 circumstances; and amending RCW 84.40.130.

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

5 **Sec. 1.** RCW 84.40.130 and 2004 c 79 s 5 are each amended to read
6 as follows:

7 (1) If any person or corporation (~~shall~~) fails or refuses to
8 deliver to the assessor, on or before the date specified in RCW
9 84.40.040, a list of the taxable personal property which is required to
10 be listed under this chapter, unless it is shown that such failure is
11 due to reasonable cause and not due to (~~wilful~~) willful neglect,
12 there (~~shall~~) must be added to the amount of tax assessed against the
13 taxpayer on account of such personal property five percent of the
14 amount of such tax, not to exceed fifty dollars per calendar day, if
15 the failure is for not more than one month, with an additional five
16 percent for each additional month or fraction thereof during which such
17 failure continues not exceeding twenty-five percent in the aggregate.
18 Such penalty (~~shall~~) must be collected in the same manner as the tax

1 to which it is added and distributed in the same manner as other
2 property tax interest and penalties.

3 (2) If any person or corporation (~~shall wilfully~~) willfully gives
4 a false or fraudulent list, schedule or statement required by this
5 chapter, or (~~shall~~), with intent to defraud, fails or refuses to
6 deliver any list, schedule or statement required by this chapter, such
7 person or corporation (~~shall be~~) is liable for the additional tax
8 properly due or, in the case of (~~wilful~~) willful failure or refusal
9 to deliver such list, schedule or statement, the total tax properly
10 due; and in addition such person or corporation (~~shall be~~) is liable
11 for a penalty of one hundred percent of such additional tax or total
12 tax as the case may be. Such penalty (~~shall be~~) is in lieu of the
13 penalty provided for in subsection (1) of this section. A person or
14 corporation giving a false list, schedule or statement (~~shall~~) is not
15 (~~be~~) subject to this penalty if it is shown that the
16 misrepresentations contained therein are entirely attributable to
17 reasonable cause. The taxes and penalties provided for in this
18 subsection (~~shall~~) must be recovered in an action in the name of the
19 state of Washington on the complaint of the county assessor or the
20 county legislative authority and (~~shall~~) must, when collected, be
21 paid into the county treasury to the credit of the current expense
22 fund. The provisions of this subsection (~~shall be~~) are additional
23 and supplementary to any other provisions of law relating to recovery
24 of property taxes.

25 (3)(a) The assessor may waive penalties otherwise due under this
26 section for assessment years 2011 and prior for a person or corporation
27 failing or refusing to deliver to the assessor a list of taxable
28 personal property, if all of the following circumstances are met:

29 (i) On or before July 1, 2012, the taxpayer files with the
30 assessor:

31 (A) A correct list and statement of the taxable personal property
32 required to be listed under this chapter; and

33 (B) A completed application for penalty waiver in the form and
34 manner prescribed by the assessor; and

35 (ii) On or before September 1, 2012, the taxpayer remits full
36 payment to the county of the entire balance due on all tax liabilities
37 for which a penalty waiver under this section is requested, other than
38 the penalty amount eligible for waiver under this section.

1 (b) A taxpayer receiving penalty relief under this subsection (3)
2 may not seek a refund or otherwise challenge the amount of any tax
3 liability paid under (a)(ii) of this subsection (3). Personal property
4 listed under (a)(i) of this subsection (3) is subject to verification
5 by the assessor, and any unreported or misreported property discovered
6 by the assessor remains subject to taxes, penalties, and interest.

7 (c) The assessor may, in his or her discretion, establish a process
8 for waiving penalties otherwise due under this section, at a time or
9 times other than specified in this subsection (3). Such a process
10 must:

11 (i) Generally follow the filing and payment requirements in (a) of
12 this subsection (3), except as to timing; and

13 (ii) Is subject to the provisions of (b) of this subsection (3).

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