

**SENATE BILL NO. 2080**

Introduced by

Finance and Taxation Committee

(At the request of the Tax Commissioner)

1 A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 57-38-45 of the  
2 North Dakota Century Code, relating to the penalty for the late filing of income tax returns; and  
3 to provide an effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subdivision b of subsection 2 of section 57-38-45 of the  
6 North Dakota Century Code is amended and reenacted as follows:

7 b. If any taxpayer, without intent to evade any tax imposed by this chapter, shall  
8 fail to file a return, including the employer's withheld tax return, on or before  
9 the due date or extended due date prescribed therefor, there shall be added a  
10 penalty equal to five percent of the tax required to be reported, or five dollars,  
11 whichever is greater, if the failure is for not more than one month, counting  
12 each fraction of a month as an entire month, with an additional five percent for  
13 each additional month or fraction thereof during which the failure continues,  
14 not exceeding twenty-five percent in the aggregate. This subdivision does not  
15 apply to an individual, estate, trust, partnership, or corporate taxpayer to the  
16 extent it has been determined the taxpayer is entitled to a refund or there is  
17 no tax due.

18 **SECTION 2. EFFECTIVE DATE.** This Act is effective for returns filed after  
19 December 31, 2006.