

**ARTICLE 1.12**  
**TAX PENALTY AMNESTY**

**SEC. 21.12.1. DEVELOPMENT AND ADMINISTRATION OF PROGRAM.**

The Director of Finance shall develop and administer a tax penalty amnesty program as authorized and provided in this article.

**SEC. 21.12.2. DURATION AND APPLICATION OF PROGRAM.**

The tax penalty amnesty program shall be conducted during the period of May 1, 2009, through July 31, 2009. The program shall apply to penalties for delinquent tax liabilities for tax periods ending on or before July 31, 2009, with respect to Business Taxes (Article I), Telephone, Electricity, and Gas Users Taxes (Article 1.1), Commercial Tenant's Occupancy Taxes (Article 1.3), Transient Occupancy Taxes (Article 1.7), and Parking Occupancy Taxes (Article 1.15).

**SEC. 21.12.3. ELEMENTS OF PROGRAM.**

For any taxpayer who meets the requirements of Section 21.12.5 of this article:

(a) The tax penalties imposed under Article I (Business Taxes), Article 1.1 (Telephone, Electricity, and Gas Users Taxes), Article 1.3 (Commercial Tenant's Occupancy Tax), Article 1.7 (Transient Occupancy Tax), and Article 1.15 (Parking Occupancy Tax) of this chapter shall not apply to any taxes for the tax periods for which tax penalty amnesty is requested, which are owed as a result of the nonreporting or underreporting of tax liabilities or the nonpayment of any taxes.

(b) No criminal action shall be brought against the taxpayer for any tax period for which the taxpayer has complied with the provisions of Section 21.12.5 of this article based upon the nonreporting or underreporting of tax liabilities or the nonpayment of any taxes.

**SEC. 21.12.4. PREVIOUS ASSESSMENTS, PAYMENTS, AND LITIGATION.**

The tax penalty shall apply and no refund or credit shall be granted of any penalty if, prior to the time the taxpayer makes a request for tax penalty amnesty pursuant to Section 21.12.5 of this article, the penalty has been paid by the taxpayer.

**SEC. 21.12.5. REQUISITES FOR COMPLIANCE WITH PROGRAM.**

(a) The provisions of this Article shall apply to any taxpayer who, on or after May 1, 2009, and on or before July 31, 2009, files an application for tax penalty amnesty and complies with the following conditions:

1. Files completed tax statements or returns for all periods and taxes for which the taxpayer has not previously filed a tax statement or return and files completed amended tax statements or returns for all periods for which the taxpayer underreported the taxes due;

2. Pays in full all taxes and interest due; and

3. Pays all costs and fees incurred and due with respect to the collection of any delinquent taxes.

(b) For Business Taxes imposed under Article I of this chapter, the Director of Finance may enter into an installment payment agreement, as provided for in Section 21.18 of Article I of this chapter, in lieu of the complete payment required under Subdivision 2 of Subsection (a) of this section. Failure of the taxpayer to fully comply with the terms of the installment payment agreement shall render the waiver of any penalty applicable thereto null and void, unless the Director of Finance determines that the failure was due to reasonable cause, and the total amount of tax, interest and all penalties shall be immediately due and payable.

#### **SEC. 21.12.6. SUBSEQUENT DEFICIENCIES.**

If, subsequent to July 31, 2009, the Director of Finance issues a billing, deficiency determination or assessment based upon a statement or return filed pursuant to Section 21.12.5 of this article, penalties shall be imposed only with respect to the difference between the amount paid and the correct amount of tax. This section shall not invalidate any waiver granted under Section 21.12.3 of this article.

#### **SEC. 21.12.7. IMPLEMENTATION OF ARTICLE.**

The Director of Finance shall adequately publicize the tax penalty amnesty program, issue forms and instructions and take other actions needed to implement this article. No later than November 30, 2009, the Director of Finance shall report to Council the number of taxpayers for whom penalties were waived and the total amount of penalties waived pursuant to this article.