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CHAPTER 232

1969 Assembly Bill 218

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CHAPTER 232, LAWS OF 1969

AN ACT to amend 71.11 (47) and 71.20 (5) (b); to repeal and recreate 71.11 (46); and to create 71.20 (5) (d) of the statutes, relating to penalties for failure to file certain tax returns and reports.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 71.11 (46) of the statutes is repealed and recreated to read:

71.11 (46) FAILURE TO FILE, ASSESSMENT. In case of failure to file any return required under s. 71.10 (1), (2), (3) (c), (d) or (e) on the due date prescribed therefor, including any extension of time for filing, unless it is shown that the failure is due to reasonable cause and not due to wilful neglect, there shall be added to the amount required to be shown as tax on the return 5% of the amount of the tax if the failure is for not more than one month, with an additional 5% for each additional month or fraction thereof during which the failure continues, not exceeding 25% in the aggregate. For purposes of this subsection, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the due date prescribed for payment and by the amount of any credit against the tax which may be claimed upon the return.

SECTION 2. 71.11 (47) of the statutes is amended to read:

71.11 (47) INCOMPLETE OR INCORRECT RETURN, ASSESSMENT. If any person required under this chapter to file an income or franchise tax return, ~~fails to file a return or~~ files an incomplete or incorrect return, unless it is shown that such ~~failure or~~ filing was due to good cause and not due to neglect, there shall be added to such person's tax for the income year 25% of the amount otherwise payable on any income subsequently discovered or reported. The amount so added shall be assessed, levied and collected in the same manner as additional normal income or franchise taxes, and shall be in addition to any other penalties imposed by this chapter.

SECTION 3. 71.20 (5) (b) of the statutes is amended to read:

71.20 (5) (b) If any person required under this section to file a deposit report or withholding report ~~fails to file same or~~ files an incomplete or incorrect report, ~~or fails to properly withhold or fails to properly deposit or pay over withheld funds,~~ unless it can be shown that such ~~failure or the filing or failure~~ was due to good cause and not due to neglect, there shall be added to the tax due 25% of the amount not ~~reported or not withheld,~~ deposited or ~~subsequently discovered or reported paid over.~~ The amount so added shall be assessed, levied and collected in the same manner as additional income taxes, and shall be in addition to any other penalties imposed in this section.

SECTION 4. 71.20 (5) (d) of the statutes is created to read:

71.20 (5) (d) In case of failure to file any withholding deposit or payment report required under s. 71.20 (4) on the due date prescribed therefor, unless it is shown that the failure is due to reasonable cause and not due to wilful neglect, there shall be added to the amount required to be shown as withheld taxes on the report 5% of the amount if the failure is not for more than one month, with an additional 5% for each additional month or fraction thereof during which the failure continues, not exceeding 25% in the aggregate.

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SECTION 8. SECTIONS 1 and 2 of this bill shall apply to calendar year 1969 and corresponding fiscal years and thereafter. SECTIONS 3 and 4 of this bill shall apply to all withholding and payment periods beginning on January 1, 1970 and thereafter.

Approved November 13, 1969.
