



General Assembly

January Session, 2011

Amendment

LCO No. 5874

SB0121505874SD0

Offered by:

SEN. DAILY, 33rd Dist.

REP. WIDLITZ, 98th Dist.

To: Subst. Senate Bill No. 1215

File No. 611

Cal. No. 364

**"AN ACT CONCERNING CERTAIN CIGARETTE TAX VIOLATIONS
AND OTHER CHANGES."**

1 Strike section 4 in its entirety and insert the following in lieu thereof:

2 "Sec. 4. Section 12-687 of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective from passage and*
4 *applicable to tax periods commencing on or after January 1, 2012*):

5 [(a) Any electronic funds transfer shall be initiated in a timely
6 fashion in order to ensure that the bank account designated by the
7 department is credited by electronic funds transfer for the amount of
8 the tax payment required to be made by such method on or before the
9 due date thereof, or, in the case of the payment over by an employer of
10 income tax deducted and withheld from employee wages, the next
11 succeeding day that is not a Saturday, Sunday or legal holiday, as
12 defined in section 12-39a.]

13 [(b) (1)] (a) Where a tax payment is required to be made by

14 electronic funds transfer, any payment made by other than electronic
15 funds transfer shall be treated as a tax payment not made in a timely
16 manner, and [any payment made by electronic funds transfer, where
17 the bank account designated by the department is not credited for the
18 amount of the tax payment on or before the due date thereof, or in the
19 case of the payment over by an employer of income tax deducted and
20 withheld from employee wages, the next succeeding day that is not a
21 Saturday, Sunday or legal holiday, as defined in section 12-39a, shall
22 be treated as a tax payment not made in a timely manner. Any tax
23 payment treated under this subsection as a tax payment not made in a
24 timely manner] shall be subject to penalty and interest in accordance
25 with the applicable provisions of the general statutes, except that (1)
26 for the first imposition of a penalty under this section relating to a tax
27 period beginning on or after January 1, 2012, the penalty shall be equal
28 to ten per cent of the tax payment required to be made by electronic
29 funds transfer or five thousand dollars, whichever is less; (2) for the
30 second imposition of a penalty under this section relating to a tax
31 period beginning on or after January 1, 2012, the penalty shall be equal
32 to ten per cent of the tax payment required to be made by electronic
33 funds transfer or ten thousand dollars, whichever is less; and (3) for
34 the third or any subsequent imposition of a penalty under this section
35 relating to a tax period beginning on or after January 1, 2012, the
36 penalty shall be equal to ten per cent of the tax payment required to be
37 made by electronic funds transfer.

38 [(2)] (b) Where any tax payment is required to be made by electronic
39 funds transfer, such payment shall be treated as a tax payment not
40 made in a timely manner if the electronic funds transfer for the amount
41 of the tax payment is not initiated on or before the due date thereof.
42 Any tax payment treated under this subsection as a tax payment not
43 made in a timely manner [because it is made by other than electronic
44 funds transfer, there shall be imposed a penalty equal to ten per cent of
45 the tax payment required to be made by electronic funds transfer.
46 Where any tax payment made by electronic funds transfer is treated
47 under this subsection as a tax payment not made in a timely manner

48 because the bank account designated by the department is not credited
49 by electronic funds transfer for the amount of the tax payment on or
50 before the due date thereof, there shall be imposed a penalty] shall be
51 subject to interest in accordance with the applicable provisions of the
52 general statutes, and a penalty that shall be equal to two per cent of the
53 tax payment required to be made by electronic funds transfer, if such
54 failure to pay by electronic funds transfer is for not more than five
55 days, five per cent of the tax payment required to be made by
56 electronic funds transfer, if such failure to pay by electronic funds
57 transfer is for more than five days but not more than fifteen days, and
58 ten per cent of the tax payment required to be made by electronic
59 funds transfer, if such failure to pay by electronic funds transfer is for
60 more than fifteen days."