



General Assembly

January Session, 2013

Raised Bill No. 6568

LCO No. 3931



Referred to Committee on FINANCE, REVENUE AND BONDING

Introduced by:
(FIN)

AN ACT CONCERNING PENALTY WAIVERS AND OTHER REVISIONS TO TITLE 12.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-3a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) There is created a Penalty Review Committee which shall consist
4 of the State Comptroller or an employee of the office of the State
5 Comptroller designated by said Comptroller, the Secretary of the
6 Office of Policy and Management or an employee of the Office of
7 Policy and Management designated by said secretary and the
8 Commissioner of Revenue Services or an employee of the Department
9 of Revenue Services designated by said commissioner. Said committee
10 shall meet monthly or as often as necessary to approve any waiver of
11 penalty in excess of one thousand dollars which the Commissioner of
12 Revenue Services [, or the Commissioner of Consumer Protection,] is
13 authorized to waive in accordance with this title, [which is in excess of
14 five hundred dollars] or which the Commissioner of Consumer

15 Protection is authorized to waive in accordance with chapter 226. A
16 majority vote of the committee shall be required for approval of such
17 waiver.

18 (b) An itemized statement of all waivers approved under this
19 section shall be available to the public for inspection by any person.

20 (c) The Penalty Review Committee created pursuant to subsection
21 (a) of this section shall adopt regulations in accordance with chapter 54
22 establishing guidelines for the waiver of any penalty in excess of [five
23 hundred] one thousand dollars.

24 (d) Any person aggrieved by the action of the Penalty Review
25 Committee may, within one month after notice of such action is
26 delivered or mailed to such person, appeal therefrom to the superior
27 court for the judicial district of New Britain, which shall be
28 accompanied by a citation to the members of said committee to appear
29 before said court. Such citation shall be signed by the same authority,
30 and such appeal shall be returnable at the same time and served and
31 returned in the same manner as is required in case of a summons in a
32 civil action. The authority issuing the citation shall take from the
33 appellant a bond or recognizance to the state of Connecticut with
34 surety to prosecute the appeal to effect and to comply with the orders
35 and decrees of the court in the premises. Such appeals shall be
36 preferred cases, to be heard, unless cause appears to the contrary, at
37 the first session, by the court or by a committee appointed by it. Said
38 court may grant such relief as may be equitable. If the appeal is
39 without probable cause, the court may tax double or triple costs, as the
40 case demands; and, upon all such appeals which may be denied, costs
41 may be taxed against the appellant at the discretion of the court, but no
42 costs shall be taxed against the state.

43 Sec. 2. Subsection (h) of section 12-409 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective July*
45 *1, 2013*):

46 (h) (1) Any person who knowingly violates any provision of this
47 section shall be fined not more than five hundred dollars or
48 imprisoned not more than three months or both for each offense.

49 (2) Any person who fails to secure or renew a permit as provided in
50 this section shall be subject to a civil penalty of two hundred fifty
51 dollars for the first day such person engages in or transacts business
52 without a permit and one hundred dollars for each subsequent day
53 such person engages in or transacts business without such permit.
54 Subject to the provisions of section 12-3a, as amended by this act, the
55 commissioner may waive all or any part of the civil penalty provided
56 in this subdivision if it is proven to the commissioner's satisfaction that
57 the failure to secure or renew such permit was due to reasonable cause
58 and was not intentional or due to neglect.

59 Sec. 3. (NEW) (Effective July 1, 2013) (a) For purposes of this section,
60 "license" means (1) any license issued by the commissioner pursuant to
61 the provisions of chapter 214 of the general statutes, (2) any license
62 issued by the commissioner pursuant to the provisions of section 12-
63 330b of the general statutes, or (3) a seller's permit issued by the
64 commissioner pursuant to section 12-409 of the general statutes.

65 (b) Prior to issuing or renewing the license of any person, the
66 commissioner may determine whether such person owes taxes to this
67 state, which taxes are finally due and payable and with respect to
68 which any administrative or judicial remedies, or both, have been
69 exhausted or have lapsed. If the commissioner determines that such
70 person owes such taxes, the commissioner shall not issue a license to,
71 or renew the license of, such person, until such person pays such taxes,
72 or makes an arrangement satisfactory to the commissioner to pay such
73 taxes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	12-3a

Sec. 2	July 1, 2013	12-409(h)
Sec. 3	July 1, 2013	New section

Statement of Purpose:

To allow the Commissioner of Revenue Services, acting without review by the Penalty Review Committee, to waive any penalty of \$1,000 or less, to provide a civil penalty for operating a business without a seller's permit, and to allow the commissioner to refuse to issue or renew a cigarette license, tobacco products license or seller's permit to a person who owes taxes to the state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]