

WAC 458-50-060 Failure to make report—Default valuation—Penalty

—Estoppel. (1) If any company fails to materially comply with the provisions of RCW 84.12.230 and WAC 458-50-020, the department will add to the assessed value a penalty of five percent for every thirty days or fraction thereof, not to exceed ten percent, that the company fails to comply.

(2) If any company, or any of its officers or agents refuses or neglects to make any report required by law or by the department, or refuses to permit an inspection and examination of its records, books, accounts, papers or property requested by the department, or refuses or neglects to appear before the department in obedience to a subpoena, the department will proceed, in such manner as it deems best, to obtain facts and information upon which to base its valuation, assessment, allocation, and apportionment of such company.

(3) Willful failure to file with the department any report required by the department within the time fixed by law, including any extension granted by the department, constitutes refusal or neglect to make a report, and the department may proceed in accordance with subsection (2) of this rule to value, assess, allocate, and apportion the property of such company as if no report had been made.

(4) When the department has ascertained the assessed value of the property of such company in accordance with subsection (2) or (3) of this rule, it must add to the assessed value so ascertained twenty-five percent as a penalty. Such penalty will be in lieu of the penalty provided for in subsection (1) of this rule.

(5) Where the department has proceeded in accordance with subsection (2) or (3) of this rule, such company is estopped to question or impeach the valuation, assessment, allocation, or apportionment made by the department in any administrative or judicial proceeding thereafter.

(6) The department will waive or cancel the penalty imposed under subsection (1) of this rule for good cause shown.

(7) The department will waive or cancel the penalty imposed under subsection (1) of this rule when the circumstances under which the failure to materially comply with the provisions of RCW 84.12.230 do not qualify for waiver or cancellation under subsection (5) of this rule if:

(a) The company fully complies with the reporting provisions of RCW 84.12.230 within thirty days of the due date or any extension granted by the department; and

(b) The company has timely complied with the provisions of RCW 84.12.230 for the previous two calendar years. The requirement that a company has timely complied with the provisions of RCW 84.12.230 for the previous two calendar years is waived for any calendar year in which the company was not required to comply with the provisions of RCW 84.12.230.

[Statutory Authority: RCW 84.08.010(2) and 84.12.390. WSR 15-13-080, § 458-50-060, filed 6/12/15, effective 7/13/15; Order PT 75-2, § 458-50-060, filed 3/19/75.]