

SSB 6057 - S AMD TO S AMD (S-3384.1/15) 498
By Senator Padden

ADOPTED 6/29/2015

1 On page 106, after line 12 of the amendment, insert the
2 following:

3 "NEW SECTION. **Sec. 2109.** A new section is added to chapter
4 63.29 RCW to read as follows:

5 (1) Except as otherwise provided in subsections (2) through (4)
6 of this section, the department must waive all penalties and interest
7 on amounts payable or property deliverable under this chapter if
8 before November 1, 2016, the holder:

9 (a) Completes an application for a penalty and interest waiver
10 under this section in the form and manner prescribed by the
11 department;

12 (b) Files a report as required by this chapter that includes all
13 property for which the penalty and interest waiver is requested; and

14 (c) Pays and delivers all amounts and property identified on that
15 report.

16 (2) This section does not apply to any amounts or property that
17 have been paid, delivered, or reported to the department before July
18 1, 2015.

19 (3) This section does not apply to any amounts or property
20 included in an assessment or that have otherwise been identified
21 through an investigation or examination.

22 (4) Except as authorized under RCW 63.29.200, a holder may not
23 seek a refund for any amounts or property paid or delivered to the
24 department under this section, or otherwise challenge whether such
25 amounts or property were properly due under this chapter.

26 (5) All amounts reported, paid, and delivered under this section
27 are subject to verification by the department. A grant by the
28 department of any waiver under this section does not preclude
29 assessment for amounts due or property deliverable that have not been
30 paid or delivered to the department.

31 (6) After October 31, 2016, if the department determines it is
32 unable to effectively implement any of the mandatory penalty

1 provisions of RCW 63.29.340 as amended by section 2108 of this act,
2 the department may waive all mandatory penalties and interest under
3 RCW 63.29.340 for all holders until October 31, 2017.

4 (7) The department must publicize the availability of the penalty
5 waivers provided in this section.

6 (8) This section expires January 1, 2018."

7 Renumber the remaining sections consecutively and correct any
8 internal references accordingly.

EFFECT: (1) Provides immunity for interest and late penalties for holders that voluntarily report and pay or deliver unclaimed property to the Department of Revenue before November 1, 2016. The holder must file a completed waiver request with the Department before November 1, 2016.

(2) Precludes immunity for penalties and interest on amounts that have previously been reported or paid by the holder, or to amounts identified through investigation or audit. Holders may not seek a refund for amounts reported and paid under the immunity provisions, or otherwise challenge whether such amounts were properly reportable and payable under chapter 63.29 RCW.

(3) Authorizes the Department to waive penalties and interest for an additional eleven months if it is unable to implement the provisions of section 2108 of this act by November 1, 2016.

(4) Clarifies the notification requirements by the Department of Revenue with respect to a holder filing a deficient application for a refund or return of unclaimed property within the six-year limitations period.

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