

141.990 Penalties.

- (1) Any individual, fiduciary, corporation, employer, or other person who violates any of the provisions of this chapter shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180.
- (2) Any individual required by KRS 141.300 to file a declaration of estimated tax and required by KRS 141.305 to pay the declaration of estimated tax shall be subject to a penalty as provided in KRS 131.180 for any declaration underpayment or any late payment. Underpayment, for purposes of this subsection, is determined by subtracting declaration credits allowed by KRS 141.070, declaration installment payments actually made, and credit for tax withheld as allowed by KRS 141.350 from seventy percent (70%) of the total income tax liability computed by the taxpayer as shown on the return filed for the tax year. This subsection shall not apply to the tax year in which the death of the taxpayer occurs, nor in the case of a farmer exercising an election under subsection (5) of KRS 141.305, nor in the case of any person having a tax liability of five hundred dollars (\$500) or less.
- (3) Any corporation or limited liability pass-through entity required by KRS 141.042 to file a declaration of estimated tax and required to pay the declaration of estimated tax by the installment method prescribed by subsection (1) of KRS 141.044 shall be subject to a penalty as provided in KRS 131.180 for any declaration underpayment or any installment not paid on time. Declaration underpayment, for purposes of this subsection, is determined by subtracting five thousand dollars (\$5,000) and declaration payments actually made from seventy percent (70%) of the total tax liability due under KRS 141.040 and computed by the taxpayer on the return filed for the tax year. For taxable years beginning on or after January 1, 2006, the penalty imposed by this subsection shall not apply if estimated payments made under subsection (1) of KRS 141.044 are equal to the amount of tax due under KRS 141.040 for the previous taxable year, and the amount of tax due under KRS 141.040 for the previous year was equal to or less than twenty-five thousand dollars (\$25,000).
- (4) Every tax imposed by this chapter, and all increases, interest, and penalties thereon, shall become, from the time it is due and payable, a personal debt to the state from the taxpayer or other person liable therefor.
- (5) In addition to the penalties herein prescribed, any taxpayer or employer, who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class D felony.
- (6) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under this chapter of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document, shall be guilty of a Class D felony.
- (7) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the department and required to be filed with the

department by the provisions of this chapter, or by the rules and regulations of the department or by written request for information to the taxpayer by the department.

Effective: June 28, 2006

History: Amended 2006 (1st Extra. Sess.) Ky. Acts ch. 2, sec. 71, effective June 28, 2006. -- Amended 2006 Ky. Acts. ch. 6, sec. 18, effective March 6, 2006. -- Amended 2005 Ky. Acts ch. 85, sec. 518, effective June 20, 2005; and ch. 168, sec. 32, effective March 18, 2005. -- Amended 1992 Ky. Acts ch. 338, sec. 27, effective July 14, 1992; ch. 403, sec. 19, effective July 14, 1992; and ch. 463, sec. 17, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 29, sec. 2, effective July 1, 1990. -- Amended 1978 Ky. Acts ch. 233, sec. 16, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 155, sec. 16. -- Amended 1972 Ky. Acts ch. 84, Pt. II, sec. 7. -- Amended 1970 Ky. Acts ch. 216, sec. 12. -- Amended 1966 Ky. Acts ch. 176, Part I, sec. 13. -- Amended 1962 Ky. Acts ch. 124, sec. 7. -- Amended 1960 Ky. Acts ch. 5, Art. III, sec. 9. -- Amended 1956 (4th Extra. Sess.) Ky. Acts ch. 4, sec. 16. -- Amended 1950 Ky. Acts ch. 189, secs. 3 and 4, effective March 25, 1950. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4281b-21.

Legislative Research Commission Note (6/28/2006). 2006 (1st Extra Sess.) Ky. Acts ch. 2, sec. 73, provides that "unless a provision of this Act specifically applies to an earlier tax year, the provisions of this Act shall apply to taxable years beginning on or after January 1, 2007."

Legislative Research Commission Note (3/18/2005). 2005 Ky. Acts ch. 168, sec. 165, provides that this section shall apply to tax years beginning on or after January 1, 2005.

Legislative Research Commission Note (7/13/90). The amendment to this section made by HB 255, 1990 Ky. Acts ch. 29, was made effective for taxable years beginning on or after July 1, 1990.