

By: Senator(s) Canon

To: Finance

SENATE BILL NO. 2325

1 AN ACT TO AMEND SECTION 27-65-39, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE IMPOSITION OF CERTAIN PENALTIES FOR DEFICIENT OR  
3 DELINQUENT SALES TAX PAYMENTS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 27-65-39, Mississippi Code of 1972, is  
6 amended as follows:

7 27-65-39. (1) If any part of the deficient or delinquent  
8 tax is due to negligence or failure to comply with the provisions  
9 of this chapter or authorized rules and regulations promulgated  
10 under the provisions of this chapter without intent to defraud,  
11 there shall be added as damages ten percent (10%) for the first  
12 offense, fifteen percent (15%) for the second offense, twenty-five  
13 percent (25%) for the third offense, and fifty percent (50%) for  
14 any subsequent offense of the total amount of deficiency or  
15 delinquency in the tax, or interest at the rate of one percent  
16 (1%) per month, or both, from the date such tax was due until  
17 paid, and said tax, damages and interest shall become payable upon  
18 notice and demand by the commissioner.

19 (2) If any part of the deficient or delinquent tax is due to  
20 intentional disregard of the provisions of this chapter or  
21 authorized rules and regulations promulgated under the provisions  
22 of this chapter, or to fraud with intent to evade the law, then  
23 there shall be added as damages fifty percent (50%) of the total  
24 amount of the deficiency or delinquency of the tax, and in such  
25 case the whole amount of tax unpaid, including the charges so  
26 added, shall become due and payable upon notice and demand by the



27 commissioner, and interest of one percent (1%) per month of the  
28 tax shall be added from the date such tax was due until paid.

29 (3) If the deficient or delinquent tax is not paid pursuant  
30 to the commissioner's notice and it is necessary to resort to the  
31 issuance of the notice of tax lien or a warrant, the damages may  
32 be increased to fifteen percent (15%) for the first offense,  
33 twenty-five percent (25%) for the second offense and fifty percent  
34 (50%) for any subsequent offense.

35 **SECTION 2.** This act shall take effect and be in force from  
36 and after July 1, 2002.

