

State Responses to Requests for One-Month Late Filing Penalty Relief

(Last Updated October 6, 2021)

State	Full Response
Alabama	<p>9.28.21 – Response from Curtis E. Stewart, Deputy Commissioner:</p> <p>I’m sending this reply to your request below. Under Ala. Code 1975, Section 40-2A-11, the Department is authorized to waive late filing penalties for reasonable cause. This would cover any corporate returns not timely filed for any reason, including the COVID-19 pandemic. The Department will review any request for reasonable cause relief on a case-by-case basis and grant appropriate relief based on the circumstances. Taxpayers may submit a penalty waiver request using the Department’s Form PWR, which can be accessed on the Department’s website at https://revenue.alabama.gov/wp-content/uploads/2020/09/fpwr0920.pdf. Taxpayers may submit the form to the Department’s Income Tax Administration Division at the address shown on the form.</p>
Colorado	<p>10.01.21 – Response from Mark Ferrandino, Executive Director:</p> <p>Thanks for emailing. This is not something we are able to do at this time.</p>
Delaware	<p>10.02.21 – Response from Jennifer Noel, Director:</p> <p>Delaware will again grant the penalty relief requested.</p>
Florida	<p>10.01.21 – Response from Mark S. Hamilton, General Counsel:</p> <p>Thank you for your email dated September 22, 2021, sent on behalf of the Council On State Taxation (COST) requesting “Automatic Filing Extension w/Penalty Relief.” Your specific inquiry requests the Department to “provide an automatic one-month extension with penalty relief” of the current state corporate income tax filing deadline. Since your email necessarily implicates the application of Florida law to multiple issues, it was forwarded to me for review and response.</p> <p>As noted in my October 8, 2018, communication to COST Senior Tax Counsel David Sawyer, the Department is bound by its statutory obligations set forth under Chapter 220, Florida Statutes. Section 220.222 (Returns; time and place for filing), Florida Statutes, establishes the statutory timing framework pertaining to Florida corporate income tax filers administered by the Department. Section 220.801 (Penalties; failure to timely file returns), Florida Statutes, establishes penalties related to a failure to timely file returns.</p>

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	<p>The current extended federal due date for filing 2020 calendar year-end corporate income tax returns is October 15, 2021. By law, the Florida corporate income tax filing is due, with a valid extension, on November 1, 2021. Based on statutory limitations, the Department is unable to provide the broad automatic one-month with penalty waiver of the provisions sought by your inquiry.</p> <p>As background, the Department makes every attempt allowed by law to work with tax filers during difficult times. Recently, as authorized by law, the Department followed the tax relief granted by the Internal Revenue Service regarding postponement of return due dates applicable to those affected Florida corporate income tax filers impacted by Hurricane Ida. Consistent with applicable law, please rest assured the Department will continue to work with tax filers on a case-by-case basis as it has historically done based on each specific set of circumstances.</p> <p>Thank you for your inquiry.</p>
Georgia	
Hawaii	
Idaho	<p>9.28.21 – Response from Jeff McCray, Chairman, Idaho State Tax Commission:</p> <p>The Tax Commission considered this issue last year and while we have limited authority to change filing dates, that requires an officially declared emergency to utilize those provisions. Our preference is not to grant a blanket extension; we’d rather consider waiving penalties on a case by case basis.</p> <p>Our penalties are based a percentage of tax due. If a taxpayer has paid at least 100% of the prior year tax liability or 80% of the current year liability they are granted the automatic six-month extension. There’ll be no late filing penalty in Idaho if they paid the full amount of the tax due by the October 15 due date. From, that point there shouldn’t be any penalty for filing by November 16th.</p>
Illinois	<p>10.04.21 – Response from David Harris, Director:</p> <p>I was approached during the summer by several tax-related groups to consider the one-month delay in the filing deadline. There was a issue that developed regarding the filing of Emergency Rules in order to allow for the delay to take place. Under our state’s provisions for Emergency Rulemaking before the Joint Committee on Administrative Rules, there is a question of what the emergency is. I do understand the convenience for tax filers, but the “emergency” is in doubt.</p>

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	<p>Thus, there will not be a delay in the Illinois filing deadline for state returns.</p> <p>The issue will be discussed for future consideration, however.</p>
Iowa	<p>9.27.21 – Response from Ben Clough, Policy Director:</p> <p>Thank you for the email that you sent to Director Paulsen and I requesting automatic penalty relief for all corporate income tax filers who file Iowa returns within 30 days of the due date of their federal returns.</p> <p>As in prior years, the Iowa Department of Revenue will not grant advanced confirmations or denials of requests for penalty waivers.</p> <p>Iowa has an October 31 deadline for calendar year filers who qualified for an automatic six month extension (fiscal year filers would qualify for a similar extension based on their original return due date). After that deadline, a penalty is automatically incurred and may only be waived under the circumstances enumerated in Iowa Code section 421.27, which was recently updated by 2021 Iowa Acts Senate File 608. Any corporation may request a penalty waiver once a penalty has been assessed if they meet one of the grounds enumerated in the statute. One of the grounds for waiver is paying at least 90% of the amount owed by the due date.</p> <p>Your members can find the Department's recently updated Penalty Waiver Request form here.</p>
Maine	<p>9.23.21 – Response from Jerome D. Gerard, Executive Director:</p> <p>Thank you for writing to us. For this year, we decided not to extend the filing deadline. I appreciate your effort on this matter.</p>
Mississippi	
Missouri	<p>9.23.21 – Response from Joel Allison, Director, Taxation Division:</p> <p>Director Zellers asked that I review your request for an automatic extension for corporate income tax filers. At this time, the Missouri Department of Revenue will consider filing extensions beyond October 15th on a case by case basis. To the extent the Missouri General Assembly extends the filing due date beyond October 15th in a future legislative session, we will take the appropriate actions.</p> <p>If you require additional information, please feel free to contact Director Zellers or me.</p>

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Nebraska	<p>9.24.21 – Response from Michael J. Walsh, Tax Policy Manager:</p> <p>Thank you for reaching out. The Nebraska Department of Revenue will once again not be offering automatic late-filing penalty relief for all corporate income tax filings that are made within one month of the federal extended due date this year.</p> <p>As always taxpayers seeking penalty relief may file a Form 21, Request for Abatement of Penalty. Corporations may also file Form 7004N on or before the date that a federal extension expires.</p>
New Mexico	<p>10.05.21 – Response from Mark Chaiken, Policy Director:</p> <p>In response to your request that New Mexico grant an automatic one-month extension of the time to file a state corporate tax return beyond the federal filing deadline, plus an automatic penalty waiver, the New Mexico Taxation and Revenue Department is authorized to extend filing deadlines for “good cause” pursuant to Section 7-1-13, NMSA. “Good cause” is to be strictly construed. Sec. 3.1.4.12, NMAC. The Department is therefore unable to provide the broad automatic one-month filing extension with penalty waiver of the provisions as requested in your email. However, the Department can, under this statutory authority, continue to consider providing this relief on a case-by-case basis, as requested by a taxpayer in compliance with the statutory and regulatory requirements.</p>
New York	
North Carolina	<p>9.27.21 – Response from Anthony Edwards, Assistant Secretary, Tax Administration:</p> <p>Granting automatic extensions would require extensive programming changes; therefore, the Department will honor the same process as we presented last year. The Department will again consider these factors as “special circumstances” in granting a penalty waiver for failure to timely file a corporate income and franchise tax return assuming there are reasons provided by the taxpayer on Form NC-5500 (Request to Waive Penalties). The Department’s current penalty policy is flexible enough to accommodate legitimate request and, accordingly, that no “automatic waivers” deviating from our current policy will be granted.</p>
Rhode Island	<p>10.01.21 – Response from Neena Savage, Tax Administrator:</p> <p>While I have reviewed your position outlined below, as expressed in previous years, there are statutory and regulatory mandates that the Tax Administrator and Division must follow. As such, the Division will not provide for an automatic extension, but will continue to consider requests for extensions on a case-by-case basis and, if there is a documented need, there is authority to provide a reasonable extension in accordance with the law.</p>

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	Please let us know if you have any further questions.
South Carolina	<p>9.24.21 – Response from Deana West, Deputy Director, Policy:</p> <p>Thank you for your email concerning a one-month filing extension for all corporate returns, along with penalty relief. The time to file returns and extensions for these returns are set forth in Code Sections 12-6-4970 and 12-6-4980. The Department’s procedure for penalty waiver is set forth in SC Revenue Procedure #08-6. Accordingly, we are not able to provide the requested automatic relief for all corporate income tax filings.</p>
Utah	<p>10.04.21 – Response from John L. Valentine, Commissioner:</p> <p>Thank you for the request for an automatic late filing penalty waiver for Corporations for the October 15, 2021 extension deadline.</p> <p>Unfortunately, we cannot provide an automatic penalty waiver as you requested.</p> <p>We believe that an automatic penalty waiver is tantamount to providing an additional filing extension for which we lack statutory authority to grant. Your requested approach also violates R861-1A-42; this approach would require a Rule amendment with its lengthy rule making process governed by the Utah Administrative Rules Act. (Our Legislature reviews new and amended rules as they are being considered and could overturn such a rule since corporations would be granted more favorable treatment than individuals and other business entities.)</p> <p>We will consider penalty waivers under the normal course of operations following our existing statutory and rule structures.</p>
West Virginia	