

**280-RICR-20-70-61**

## **TITLE 280 – DEPARTMENT OF REVENUE**

### **CHAPTER 20 – DIVISION OF TAXATION**

#### **SUBCHAPTER 70 – SALES AND USE TAX**

PART 61 – Reports, Payments and Penalties

#### **61.1 Purpose**

This regulation implements R.I. Gen. Laws Chapter 44-18. This regulation provides for reports, payments and penalties for taxpayers who remit sales and use tax.

#### **61.2 Authority**

This regulation is promulgated pursuant to R.I. Gen. Laws Chapter 44-18, as amended, R.I. Gen. Laws §§ 44-1-4, 44-18-1 and 44-19-33. Additionally these regulations have been prepared in accordance with the requirements of R.I. Gen. Laws Chapter 42-35 - Rhode Island Administrative Procedures Act.

#### **61.3 Application**

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department of Revenue to effectuate the purposes of R.I. Gen. Laws § 44-18-1 and other applicable state laws and regulations.

#### **61.4 Severability**

If any provision of these rules and regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the rules and regulations shall not be affected thereby.

#### **61.5 Reports, Payments and Penalties**

- A. Monthly reporting. Every retailer, except as noted below, shall file with the Tax Administrator on or before the 20th day of each month, a report on forms to be obtained from the Tax Division, covering sales for the previous calendar month.
- B. Quarterly reporting. Any taxpayer, now required to file monthly returns under the Rhode Island Sales and Use Tax Act, may apply to the Tax Administrator for permission to file a quarterly return and remittance in lieu of a monthly return provided the taxpayer qualifies. To qualify, filing records will have to substantiate

the fact that the taxpayer's sales and use tax liability, for the past six (6) consecutive months immediately preceding the date of the application, has averaged less than \$200 per month. It should be clearly understood that quarterly filing cannot be commenced until official permission from the Tax Administrator is received in writing.

- C. When the application for such quarterly filing has been approved, the returns will be made on or before the last day of July, October, January and April of each year for the preceding three (3) months' period. However, there are certain conditions that could cause revocation of the authorization by the Tax Administrator.
  - 1. In the event that the taxpayer filing the return on a quarterly basis becomes delinquent in either the filing of the return or the payment of the taxes due thereon; or
  - 2. In the event that the liability of a taxpayer, who has been authorized to file returns and to make payments on a quarterly basis, exceeds six hundred dollars (\$600) in sales and use taxes for any subsequent quarter, or
  - 3. In the event that the Tax Administrator determines that any such quarterly filing or return any payment of tax due thereon would unduly jeopardize the proper administration of the Rhode Island Sales and Use Tax Law the Tax Administrator may, at any time, revoke such authorization.
- D. Seasonal reporting. Upon application to the Tax Administrator a registrant operating a seasonal business may be relieved of reporting for the month or months during which the business is inactive.
- E. No extension of time for reporting shall be valid except when granted in writing by or under authority of the Tax Administrator.
- F. Use tax returns shall be subject to the same provisions as to filing and as to extension of time as contained herein.
- G. Payment. Remittances covering the sales or use tax liability reported shall accompany the sales or use tax return. Sales and use taxes will be considered delinquent and interest as provided by law will be charged, if payment is not received by the date the return is due.
- H. Interest and penalties. Interest at the rate provided by law will be charged on all liability not paid at the time when required to be paid.
- I. Omission to pay within the time noted due to negligence or intentional disregard of the law or this regulation will result in a penalty of 10% of the amount of tax found to be due. Omission to pay within the time noted due to fraud or intent to evade the tax will result in a penalty of 50% of the amount of tax found to be due. Such 50% penalty is in addition to the 10% penalty and interest noted above.

- J. If the Tax Administrator decides it is necessary to revoke the authorization to file quarterly in relation to any of the above conditions then the taxpayer will be required to file returns and to pay the tax due on a monthly basis.