

Legal Division Guidance 2010-09-01

(Federal Conformity -- Operative Date – IRC sec. 6651 Minimum Penalty Threshold)

Q: When SB 401 amended RTC section 19131 to conform to the increased minimum penalty under IRC section 6651, is it operative for taxable years beginning on or after January 1, 2010, or for returns required to be filed on or after January 1, 2010?

A: The SB 401 minimum penalty threshold increase will be applied to delinquent returns processed or notices issued on and after January 1, 2011, but only for taxable years beginning on or after January 1, 2010.