

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL NO. 159
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “funds;” insert “providing for assessment of interest and penalty against certain persons required to make payments in immediately available funds;”.

AMENDMENT NO. 2

On page 2, in line 1, after “(3)” insert “(I)”; after line 6, insert:

“(II) ANY AMOUNTS FOR WHICH AN AGENT HAS NOT RECEIVED
TIMELY PAYMENT FROM AN EMPLOYER OR PAYOR:

1. SHALL BE EXCLUDED FOR PURPOSES OF DETERMINING
WHETHER THE TOTAL AMOUNT OF PAYMENTS TO BE MADE BY AN AGENT FOR A
PAY PERIOD EXCEEDS \$20,000 IN THE AGGREGATE; AND

2. MAY NOT BE REQUIRED TO BE PAID IN IMMEDIATELY
AVAILABLE FUNDS UNDER THIS PARAGRAPH.

(III) THIS PARAGRAPH DOES NOT IMPOSE OR AFFECT LIABILITY
FOR THE PAYMENT OF ANY TAX.”;

in line 10, strike “paragraph (2)” and substitute “PARAGRAPHS (2) AND (3)”; and after line 21,
insert:

“(3) (I) ANY INTEREST OR PENALTY ASSESSED UNDER THIS SECTION
DUE TO AN AGENT’S FAILURE TO MAKE PAYMENT IN IMMEDIATELY AVAILABLE
FUNDS AS REQUIRED UNDER SUBSECTION (A)(3) OF THIS SECTION:

(Over)

AND

1. SHALL BE ASSESSED AGAINST AND PAID BY THE AGENT;

2. IS NOT THE RESPONSIBILITY OF THE PAYOR OR
EMPLOYER.

(II) THIS PARAGRAPH DOES NOT PREVENT ASSESSMENT OF
INTEREST AND PENALTY AGAINST A PAYOR OR EMPLOYER THAT IS REQUIRED TO
MAKE PAYMENT IN IMMEDIATELY AVAILABLE FUNDS WITHOUT REGARD TO
SUBSECTION (A)(3) OF THIS SECTION.”.