

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1490 be amended to read as follows:

- 1 Page 3, line 32, after "the" insert "**gross retail tax that would be**
- 2 **due without the partial exemption as calculated based on the**".
- 3 Page 3, line 34, after "department" insert "**a reduced**".
- 4 Page 3, line 35, delete "equal to" and insert "**of**".
- 5 Page 3, line 35, after "the" insert "**gross retail tax that would be**
- 6 **due without the partial exemption as calculated based on the**".
- 7 Page 4, between lines 5 and 6, begin a new line blocked left and
- 8 insert:
- 9 "**A person who claims the partial exemption under this subsection**
- 10 **shall file an information return with the department within thirty**
- 11 **(30) days of the date the person ceases renting or leasing the**
- 12 **aircraft to another person for use in public transportation. The**
- 13 **information return shall be a form prescribed by the department.**
- 14 **If a person fails to timely file an information return, the person is**
- 15 **subject to a penalty under IC 6-8.1-10-6(c)**".
- 16 Page 5, between lines 12 and 13, begin a new paragraph and insert:
- 17 "SECTION 3. IC 6-8.1-10-6 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) As used in this
- 19 section, "information return" means the following when a statute or rule
- 20 requires the following to be filed with the department:
- 21 (1) Schedule K-1 of form IT-20S, IT-41, or IT-65.
- 22 (2) Any form, statement, or schedule required to be filed with the
- 23 department with respect to an amount from which tax is required
- 24 to be deducted and withheld under IC 6 or from which tax would

1 be required to be deducted and withheld but for an exemption
2 under IC 6.

3 (3) Any form, statement, or schedule required to be filed with the
4 Internal Revenue Service under 26 CFR 301.6721-1(g) (1993).

5 **(4) An information return filed under IC 6-2.5-5-8(j).**

6 The term does not include form IT-20FIT, IT-20S, IT-20SC, IT-41, or
7 IT-65.

8 (b) **Except as provided in subsection (c)**, if a person fails to file an
9 information return required by the department, a penalty of ten dollars
10 (\$10) for each failure to file a timely return, not to exceed twenty-five
11 thousand dollars (\$25,000) in any one (1) calendar year, is imposed.

12 **(c) This subsection applies to an information return filed under**
13 **IC 6-2.5-5-8(j). If a person fails to timely file an information**
14 **return, a penalty of one thousand dollars (\$1,000) is imposed. An**
15 **additional one hundred dollar (\$100) penalty is imposed each**
16 **additional day the person fails to file the information return. The**
17 **total penalty imposed under this section shall not exceed ten**
18 **thousand dollars (\$10,000).**

19 ~~(c)~~ **(d)** For purposes of this section, the filing of a substantially
20 blank or unsigned return does not constitute a return."

21 Renumber all SECTIONS consecutively.
 (Reference is to HB 1490 as printed February 18, 2009.)

Representative Candelaria Reardon