

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 974

Short Title: ESC Waive Interest.

(Public)

Sponsors: Senators Foxx; Ballantine, Carpenter, Carrington, Cochrane, Conder, Cooper, Gulley, Hartsell, Horton, Jordan, Kerr, Ledbetter, Lucas, Phillips, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein, Wellons, and Winner.

Referred to: Finance.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE EMPLOYMENT SECURITY COMMISSION TO
WAIVE INTEREST ON LATE CONTRIBUTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-10(j) reads as rewritten:

"(j) Waiver of Interest and Penalties. – The Commission may, for good cause shown, reduce or waive any interest assessed on unpaid contributions under this section. The Commission ~~shall have the power to~~ may reduce or waive any penalty provided in G.S. 96-10(a) or G.S. 96-10(g). The late filing penalty under G.S. 96-10(g) shall be waived when the mailed report bears a postmark that discloses that it was mailed by midnight of the due date but was addressed or delivered to the wrong State or federal agency. The late payment penalty and the late filing penalty imposed by G.S. 96-10(a) and G.S. 96-10(g) shall be waived where the delay was caused by any of the following:

- (1) The death or serious illness of the employer or a member of his immediate family, or by the death or serious illness of the person in the employer's organization responsible for the preparation and filing of the report;

- 1 (2) Destruction of the employer's place of business or business records by
2 fire or other casualty;
- 3 (3) Failure of the Commission to furnish proper forms upon timely
4 application by the employer, by reason of which failure the employer
5 was unable to execute and file the report on or before the due date;
- 6 (4) The inability of the employer or the person in the employer's
7 organization responsible for the preparation and filing of reports to
8 obtain an interview with a representative of the Commission upon a
9 personal visit to the central office or any local office for the purpose of
10 securing information or aid in the proper preparation of the report,
11 which personal interview was attempted to be had within the time
12 during which the report could have been executed and filed as required
13 by law had the information at the time been obtained;
- 14 (5) The entrance of one or more of the owners, officers, partners, or the
15 majority stockholder into the Armed Forces of the United States, or any
16 of its allies, or the United Nations, provided that the entrance was
17 unexpected and is not the annual two weeks training for reserves; and
- 18 (6) Other circumstances where, in the opinion of the Chairman, the
19 Assistant Administrator, or their designees, the imposition of penalties
20 would be inequitable.

21 In the waiver of any penalty, the burden shall be upon the employer to establish to the
22 satisfaction of the Chairman, the Assistant Administrator, or their designees, that the
23 delinquency for which the penalty was imposed was due to any of the foregoing facts or
24 circumstances.

25 ~~Such waiver~~ The waiver or reduction of interest or a penalty under this subsection shall
26 be valid and binding upon the Commission. The reason for any ~~such~~ reduction or waiver
27 shall be made a part of the permanent records of the employing unit to which it applies."

28 Section 2. This act is effective when it becomes law.