

810-12-1-.03. Waiver and Agreement - 100% PENALTY.

(1) A person potentially responsible for trust-fund taxes due the Department of Revenue may execute a waiver of the limitation period for the assessment of a 100% penalty either before or after an assessment of the trust-fund taxes against the corporation or partnership has been entered. Such waiver does not mean that the person concedes liability for the penalty, but allows the Department sufficient time in which to make a thorough determination of responsibility.

(2) A person may concede liability for the trust fund taxes due the Department of Revenue from a corporation or partnership and execute an agreement to the assessment and collection of the 100% penalty either before or after an assessment of the taxes against the corporation or partnership has been entered. Such agreement shall constitute a final assessment of the 100% penalty and may support the issuance of process such as a levy and execution, or any other collection procedure, just as any other final assessment of a tax. The final assessment of the 100% penalty as agreed by such person constitutes a judgment equivalent to that of a Circuit Court of Alabama.

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Authority:

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