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Department of Revenue

Chapter 150

Division 317
CORPORATION EXCISE TAX ACT OF 1929: RULES AND GENERAL PROVISIONS

150-317-1500
Good Faith Effort

(1) *Good Faith Effort.* A taxpayer's good faith effort to comply with ORS 317A.137(2) is demonstrated by the extent of the taxpayer's efforts to accurately estimate and pay the quarterly installment as required under ORS 317A, and OARs 150-317-1300, 150-317-1310, and 150-317-1320.

(a) For tax years beginning on or after January 1, 2020, the following circumstance demonstrates good faith: The taxpayer made a reasonable estimate of the quarterly installment based on information available to the taxpayer at the time the quarterly installment was due.

(b) For the tax year beginning January 1, 2020 and ending before January 1, 2021, the following circumstances demonstrate good faith:

(A) The taxpayer cannot reasonably determine, at the time the quarterly installment is due, whether the taxpayer will have CAT liability for the 2020 tax year, due to the negative impact of COVID-19, after taking into consideration the exclusions and subtractions provided in ORS 317A;

(B) The taxpayer did not have sufficient funds to pay the required installment for the quarter, due to the impact of the COVID-19 pandemic on the taxpayer's business; or

(C) The taxpayer cannot reasonably calculate the required quarterly installment or annual tax liability due to the impact of the COVID-19 pandemic on the taxpayer's business.

(2) The department will not assess the penalty imposed under ORS 317A.161(2) for nonpayment, underpayment, or underreporting of the estimated tax installment for any quarter of tax year 2020 if the taxpayer demonstrates a good faith effort, as defined in Section 1 of this rule, to accurately estimate and pay the quarterly installment required under ORS 317A.137.

(3) *Documentation.* The department may require documentary proof to substantiate assertions of good faith. Taxpayers must retain documentation showing good faith effort as defined in section (1). Taxpayers are not required to submit this documentation to the department, unless requested by the department.

Statutory/Other Authority: ORS 305.100 & 317A.143
Statutes/Other Implemented: ORS 317A.137 & 317A.161
History:
REV 23-2020, adopt filed 11/30/2020, effective 12/01/2020
REV 10-2020, temporary adopt filed 06/04/2020, effective 06/05/2020 through 12/01/2020

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