WEST VIRGINIA CODE: §11-10-18C

§11-10-18c. Failure to file partnership return or report.

(a) General rule. — In addition to the additions to tax imposed by §11-10-18 of this code (relating to failure to file return, supply information, or pay tax), if any partnership required to file a return under §11-21A-3 of this code, or a partnership adjustment report under §11-21A-3 of this code for any taxable year:

(1) Fails to file such return or report at the time prescribed therefor (determined with regard to any extension of time for filing); or

(2) Files a return or report which fails to show the information required under §11-21A-3 of this code, the partnership shall be liable for a penalty determined under §11-10-18c(b) of this code for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.

(b) Amount per month. — For purposes of §11-10-18c(a) of this code, the amount determined under §11-10-18c(b) of this code for any month is the product of:

(1) $195, multiplied by

(2) The number of persons who were partners in the partnership during any part of the taxable year.

(c) Assessment of penalty. — The penalty imposed by §11-10-18c(a) of this code shall be assessed against the partnership.

(d) Deficiency procedures not to apply. — The deficiency procedures set forth in §11-10A-1 et seq. of this code may not apply in respect of the assessment or collection of any penalty imposed by §11-10-18c(a) of this code.

(e) Adjustment for inflation. —

(1) In general. — In the case of any return required to be filed in a calendar year beginning after 2017, the $195 amount under 11-10-18c(b)(1) of this section shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under IRC §1(f)(3) determined by substituting "calendar year 2017" for "calendar year 2016" in subparagraph (A)(ii) thereof.

(2) Rounding. — If any amount adjusted under §11-10-18c(e)(1) of this code is not a multiple of $5, such amount shall be rounded to the next lowest multiple of $5.

(f) Effective date. — This section enacted in 2019 shall apply to taxable years beginning on and after January 1, 2018.

WV Legislature