

Regulation 39-29-112. Due Date for Filing Severance Tax Returns.

(1) **Due Date.** When a severance tax filing due date falls on a Saturday, Sunday or a legal holiday, a return will be considered to have been timely filed if it is filed on the next business day.

(2) **Automatic Extension of Time to File a Severance Tax Return.** All taxpayers will be allowed an automatic six-month extension of time for filing the severance tax return. However, interest on any net tax liability due will be assessed. Penalty may also be due if the taxpayer has not complied with regulation 39-29-115.

(3) **Extension Period.** The extension of time to file ends when the return is filed. If the return is not filed within the six-month extension period, the extension period is disregarded and the return is considered delinquently filed.

Regulation 39-29-115. Penalty and Interest.

(1) Except as specified in paragraph (2) of this regulation, the penalties for failure to file or to pay penalty described in §39-29-115(1), C.R.S. will not be due if a taxpayer files and pays the severance tax return within the extension period.

(2) Unless specifically waived by the Department for good cause, the failure to file or pay penalty described in §39-29-115(1), C.R.S. will be due if:

- (a) the taxpayer has not paid at least ninety percent of the net tax liability into the Department of Revenue as of the original due date of the return,
- (b) the taxpayer does not file by the extension due date, or
- (c) the taxpayer does not pay all of the net tax due with the taxpayer's filed return.

(3) Interest will be assessed on any unpaid net tax liability, including a return filed under extension, for the period from the original due date until payment is made.

(4) Net tax liability means the total Colorado severance tax liability for the tax year reduced by all credits other than prepayment credits.

(5) Prepayment credits are credits for severance tax paid by the taxpayer (severance tax withheld and estimated tax) on or before the original due date of the return.