

**Minnesota Department of Revenue**

**NOTICE OF SUBMISSION OF RULES PROPOSED FOR ADOPTION WITHOUT A  
PUBLIC HEARING TO THE OFFICE OF ADMINISTRATIVE HEARINGS**

**Amendments to the “Repeated Failures to Pay Taxes” Rule, Minnesota Rules 8175.0100;  
Revisor’s ID Number R-4838.**

TO: ALL INTERESTED PERSONS

In accordance with Minnesota Statutes, section 14.388, subdivision 2, this Notice is being sent to all persons who registered with the agency under Minnesota Statutes, section 14.14, subdivision 1a. This notice is also posted on the Department of Revenue (“Department”) website.

The Department is using the good cause exemption process under Minnesota Statutes, section 14.388, subdivision 1, clauses (3) and (4), as authority for proposing rule amendments cited above.

PLEASE TAKE NOTICE that the proposed rule amendments will be submitted to the Office of Administrative Hearings on the date of this notice, Wednesday, March 12, 2025. A copy of the proposed changes is attached to this notice.

Also attached is the “Findings & Statement of Supporting Reasons,” which explain why the proposed amendments qualify for the good cause exemption from rulemaking. The same “Findings & Statement of Support Reasons” is incorporated by reference into the Commissioner’s proposed order adopting the rule, which was submitted to the Office of Administrative Hearings.

This notice, and all attachments, can also be found on the Department’s website: <https://www.revenue.state.mn.us/minnesota-administrative-rules>. Persons wanting a paper copy of these documents should contact the Agency Contact Person (see below).

All interested persons have five business days after the date of this notice to submit comments to the Office of Administrative Hearings via its eComments website at <https://minnesotaoah.granicusideas.com/discussions> or via its mailing address at 600 N. Robert Street, P.O. Box 64620, St. Paul, MN 55164-64620. To be considered, comments must be received by Office of Administrative Hearings no later than 4:30 p.m. on Wednesday, March 19, 2025.

The agency contact person is Alex Bajwa, Attorney, Department of Revenue, 600 N. Robert St., St. Paul, MN 55146-2220, (651) 556-4938, alex.bajwa@state.mn.us. Please contact Mr. Bajwa with questions about this proposed rulemaking or for a special accommodation.

Signed by: Alex Bajwa, Attorney, Appeals, Legal Services, and Disclosure Division  
March 10, 2025

## **FINDINGS & STATEMENT OF SUPPORTING REASONS**

### **FINDINGS**

Under Minnesota Rules, part 8175.0100, the commissioner may impose a penalty on taxpayers who have demonstrated a pattern of repeated failures to pay taxes by the due date as specific in various cross-referenced statutes. The statutes authorizing the repeat failure to pay penalty for insurance taxes were repealed in 2000 and were not updated in Rule 8175.0100. The statute authorizing the repeat failure to pay penalty for cigarette and tobacco taxes was recodified in 1997 and was not updated in Rule 8175.0100. The statute authorizing the repeat failure to pay penalty for liquor taxes was recodified in 1997 and was not updated in Rule 8175.0100. The statute authorizing the repeat failure to pay penalty for gambling taxes was recodified in 1994 and was not updated in Rule 8175.0100.

The current rule needs to be updated to reflect the current statutes authorizing the imposition of the repeat failure to pay penalty. Specifically:

60A.15, subd. 9e is deleted, as this repeat file and pay penalty was repealed and not carried over in the 2000 recodification of insurance taxes.

60A.199, subd. 6a is deleted, as this repeat file and pay penalty was repealed and not carried over in the 2000 recodification of insurance taxes.

299F.23, subd. 5 is deleted as this repeat file and pay penalty was repealed and not carried over in the 2000 recodification of insurance taxes.

297.43, subd. 4a is updated to 297F.19, subd. 6 to reflect the 1997 recodification of cigarette and tobacco taxes.

297C.14, subd. 9 is updated to 297G.18, subd. 6 to reflect the 1997 recodification of liquor taxes.

349.217, subd. 5a is updated to 297E.12, subd. 6 to reflect the 1994 recodification of gambling taxes.

### **STATEMENT OF SUPPORTING REASONS**

An amendment must meet one of the criteria of Minnesota Statutes, section 14.388, to be adopted under good cause exemption procedures. As the above description of the proposed rule amendments demonstrate, this rulemaking meets the clause three criteria (“to incorporate specific changes set forth in applicable statutes when no interpretation of law is required”) and clause 4 criteria (“make[s] changes that do not alter the sense, meaning, or effect of a rule”).

# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Adopted Exempt Permanent Rules Relating to Repeated Failure to Pay Penalty

**AGENCY:** Department of Revenue

**REVISOR ID:** R-4838

**MINNESOTA RULES:** Chapter 8175

The attached rules are approved as to form

A handwritten signature in black ink, appearing to read "E. Powell", is positioned above a horizontal line.

Evan A. Powell  
Senior Assistant Revisor

1.1 **Department of Revenue**

1.2 **Adopted Exempt Permanent Rules Relating to Repeated Failure to Pay Penalty**

1.3 **8175.0100 REPEATED FAILURES TO PAY TAXES.**

1.4 Subpart 1. **Definition of pattern of repeated failures.**

1.5 A. Taxpayers who have demonstrated a pattern of repeated failures to pay taxes  
1.6 by the due date are subject to a penalty under Minnesota Statutes, sections ~~60A.15,~~  
1.7 ~~subdivision 9e; 60A.199, subdivision 6a; 289A.60, subdivision 5a; 297.43, subdivision 4a;~~  
1.8 ~~297C.14, subdivision 9; 299F.23, subdivision 5~~ 297E.12, subdivision 6; 297F.19, subdivision  
1.9 6; and 349.217, subdivision 5a 297G.18, subdivision 6. For purposes of imposing this  
1.10 penalty, a "pattern of repeated failures" means that during the previous 25 months the  
1.11 taxpayer has not paid tax by the due date for the same tax type on at least three occasions.  
1.12 If one or more of the occasions is a failure to pay as defined in item D, subitem (1), then  
1.13 the pattern must be at least four occasions.

1.14 *[For text of items B to F, see Minnesota Rules]*

1.15 *[For text of subparts 2 to 5, see Minnesota Rules]*