

AMENDED IN SENATE MAY 3, 2011  
AMENDED IN SENATE MARCH 29, 2011

**SENATE BILL**

**No. 507**

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**Introduced by Senator DeSaulnier**

February 17, 2011

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An act to amend Sections 480, 480.1, 480.2, 482, and 483 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 507, as amended, DeSaulnier. Property taxation: change in ownership statement.

Existing property tax law requires a transferee of real property or a manufactured home that is locally assessed to file a change in ownership statement no later than 45 days from the date of the change in ownership with the county in which the property or manufactured home is located, and authorizes the change in ownership statement to be filed with the assessor through the United States mail. If a county assessor makes a written request to a transferee to file a change in ownership statement and the transferee fails to do so within 45 days of that request, existing law imposes a penalty on the transferee equal to the greater of either \$100 or 10% of the property taxes due on the property, but not to exceed \$2,500 if the failure was not willful.

This bill would require a change in ownership statement that is filed with the assessor through the United States mail to be deemed filed with the assessor on either the date of postmark affixed by the United States Postal Service, or on the date certified by a bona fide private courier service, on the envelope containing the statement. This bill would remove the \$2,500 cap on the penalty for nonwillful failures to file a change in ownership statement and would instead provide a \$5,000

cap on the penalty for failure to file a change in ownership statement on property that is eligible for the homeowners' property tax exemption or a \$20,000 cap if the property is not eligible for the homeowners' exemption. This bill would extend, from 45 days to 90 days, the time period for filing the change in ownership statement when a change in ownership occurs or if requested to do so by the assessor. This bill would also specify to which addresses the assessor may mail this request or a notice of a penalty. This bill would also make conforming changes to a related provision.

Existing law requires a corporation, partnership, limited liability company, or other legal entity to file a change in ownership statement within 45 days from the earlier of the date of the change in control or the change in ownership, or the date of a written request by the State Board of Equalization. Existing law requires a penalty to be imposed if the person or legal entity required to file a change in ownership statement fails to do so within the 45-day period. Existing law authorizes the county board of supervisors to order this penalty abated, if an assessee establishes that the failure to file a change in ownership statement within the 45-day period was due to reasonable cause and not due to willful neglect, and the assessee has filed the change in ownership statement with either the assessor or the State Board of Equalization, as applicable, and an application for abatement of the penalty with the county board of supervisors, as provided.

This bill would extend, from 45 days to 90 days, the time period for filing the change in ownership statement. This bill would require the *assessor to abate the* penalty described above ~~to be abated~~, if a written request to file a change in ownership statement, including a request to file a complete change in ownership statement, is mailed by the State Board of Equalization to a person or legal entity based on erroneous information and the person or legal entity notifies both the State Board of Equalization and the county assessor of the error no later than 60 days after the date on which the person or legal entity is notified of the penalty. This bill would, if the county board of supervisors has created an assessment appeals board, authorize the assessment appeals board to order the penalty abated, and would require an application for the abatement of the penalty to be filed with the assessment appeals board.

By changing the manner in which county officials process property tax penalties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 480 of the Revenue and Taxation Code  
2 is amended to read:

3 480. (a) Whenever there occurs any change in ownership of  
4 real property or of a manufactured home that is subject to local  
5 property taxation and is assessed by the county assessor, the  
6 transferee shall file a signed change in ownership statement in the  
7 county where the real property or manufactured home is located,  
8 as provided for in subdivision (c). In the case of a change in  
9 ownership where the transferee is not locally assessed, no change  
10 in ownership statement is required.

11 (b) The personal representative shall file a change in ownership  
12 statement with the county recorder or assessor in each county in  
13 which the decedent owned real property at the time of death that  
14 is subject to probate proceedings. The statement shall be filed prior  
15 to or at the time the inventory and appraisal is filed with the court  
16 clerk. In all other cases in which an interest in real property is  
17 transferred by reason of death, including a transfer through the  
18 medium of a trust, the change in ownership statement or statements  
19 shall be filed by the trustee (if the property was held in trust) or  
20 the transferee with the county recorder or assessor in each county  
21 in which the decedent owned an interest in real property within  
22 150 days after the date of death.

23 (c) Except as provided in subdivision (d), the change in  
24 ownership statement as required pursuant to subdivision (a) shall  
25 be declared to be true under penalty of perjury and shall give that  
26 information relative to the real property or manufactured home  
27 acquisition transaction as the board shall prescribe after  
28 consultation with the California Assessors' Association. The

1 information shall include, but not be limited to, a description of  
2 the property, the parties to the transaction, the date of acquisition,  
3 the amount, if any, of the consideration paid for the property,  
4 whether paid in money or otherwise, and the terms of the  
5 transaction. The change in ownership statement shall not include  
6 any question that is not germane to the assessment function. The  
7 statement shall contain a notice informing the transferee of the  
8 property tax relief available under Section 69.5. The statement  
9 shall contain a notice that is printed, with the title in at least  
10 12-point boldface type and the body in at least 8-point boldface  
11 type, in the following form:

12  
13 “Important Notice”

14  
15 “The law requires any transferee acquiring an interest in real  
16 property or manufactured home subject to local property taxation,  
17 and that is assessed by the county assessor, to file a change in  
18 ownership statement with the county recorder or assessor. The  
19 change in ownership statement must be filed at the time of  
20 recording or, if the transfer is not recorded, within 90 days of the  
21 date of the change in ownership, except that where the change in  
22 ownership has occurred by reason of death the statement shall be  
23 filed within 150 days after the date of death or, if the estate is  
24 probated, shall be filed at the time the inventory and appraisal is  
25 filed. The failure to file a change in ownership statement within  
26 90 days from the date a written request is mailed by the assessor  
27 results in a penalty of either: (1) one hundred dollars (\$100), or  
28 (2) 10 percent of the taxes applicable to the new base year value  
29 reflecting the change in ownership of the real property or  
30 manufactured home, whichever is greater, but not to exceed five  
31 thousand dollars (\$5,000) if the property is eligible for the  
32 homeowners’ exemption or twenty thousand dollars (\$20,000) if  
33 the property is not eligible for the homeowners’ exemption if that  
34 failure to file was not willful. ~~The assessor is required to mail the~~  
35 ~~request to file a change in ownership statement to the transferee~~  
36 ~~at the address specified for mailing tax information on either the~~  
37 ~~recorded instrument, the document evidencing a transfer of an~~  
38 ~~interest in real property or manufactured home, or on the filed~~  
39 ~~preliminary change in ownership report, or, if an address is not~~  
40 ~~specified for mailing tax information, to any address reasonably~~

1 ~~known to the assessor.~~ This penalty will be added to the assessment  
2 roll and shall be collected like any other delinquent property taxes,  
3 and be subject to the same penalties for nonpayment.”  
4

5 (d) The change in ownership statement may be attached to or  
6 accompany the deed or other document evidencing a change in  
7 ownership filed for recording, in which case the notice, declaration  
8 under penalty of perjury, and any information contained in the  
9 deed or other transfer document otherwise required by subdivision  
10 (c) may be omitted.

11 (e) If the document evidencing a change in ownership is  
12 recorded in the county recorder’s office, then the statement shall  
13 be filed with the recorder at the time of recordation. However, the  
14 recordation of the deed or other document evidencing a change in  
15 ownership shall not be denied or delayed because of the failure to  
16 file a change of ownership statement, or filing of an incomplete  
17 statement, in accordance with this subdivision. If the document  
18 evidencing a change in ownership is not recorded or is recorded  
19 without the concurrent filing of a change in ownership statement,  
20 then the statement shall be filed with the assessor no later than 90  
21 days from the date the change in ownership occurs, except that  
22 where the change in ownership has occurred by reason of death  
23 the statement shall be filed within 150 days after the date of death  
24 or, if the estate is probated, shall be filed at the time the inventory  
25 and appraisal is filed.

26 (f) Whenever a change in ownership statement is filed with the  
27 county recorder’s office, the recorder shall transmit, as soon as  
28 possible, the original statement or a true copy thereof to the  
29 assessor along with a copy of every recorded document as required  
30 by Section 255.7.

31 (g) (1) The change in ownership statement may be filed with  
32 the assessor through the United States mail, properly addressed  
33 with the postage prepaid.

34 (2) A change in ownership statement that is filed with the  
35 assessor, as authorized by paragraph (1), shall be deemed filed on  
36 either the date of the postmark affixed by the United States Postal  
37 Service containing the statement or on the date certified by a bona  
38 fide private courier service on the envelope containing the  
39 statement.

1 (h) In the case of a corporation, the change in ownership  
2 statement shall be signed either by an officer of the corporation or  
3 an employee or agent who has been designated in writing by the  
4 board of directors to sign those statements on behalf of the  
5 corporation. In the case of a partnership, limited liability company,  
6 or other legal entity, the statement shall be signed by an officer,  
7 partner, manager, or an employee or agent who has been designated  
8 in writing by the partnership, limited liability company, or legal  
9 entity.

10 (i) No person or entity acting for or on behalf of the parties to  
11 a transfer of real property shall incur liability for the consequences  
12 of assistance rendered to the transferee in preparation of any change  
13 in ownership statement, and no action may be brought or  
14 maintained against any person or entity as a result of that  
15 assistance.

16 Nothing in this section shall create a duty, either directly or by  
17 implication, that the assistance be rendered by any person or entity  
18 acting for or on behalf of parties to a transfer of real property.

19 SEC. 2. Section 480.1 of the Revenue and Taxation Code is  
20 amended to read:

21 480.1. (a) Whenever there is a change in control of any  
22 corporation, partnership, limited liability company, or other legal  
23 entity, as defined in subdivision (c) of Section 64, a signed change  
24 in ownership statement as provided for in subdivision (b), shall be  
25 filed by the person or legal entity acquiring ownership control of  
26 the corporation, partnership, limited liability company, or other  
27 legal entity with the board at its office in Sacramento within 90  
28 days from the date of the change in control of the corporation,  
29 partnership, limited liability company, or other legal entity. The  
30 statement shall list all counties in which the corporation,  
31 partnership, limited liability company, or legal entity owns real  
32 property.

33 (b) The change in ownership statement as required pursuant to  
34 subdivision (a), shall be declared to be true under penalty of perjury  
35 and shall give such information relative to the ownership control  
36 acquisition transaction as the board shall prescribe after  
37 consultation with the California Assessors' Association. The  
38 information shall include, but not be limited to, a description of  
39 the property owned by the corporation, partnership, limited liability  
40 company, or other legal entity, the parties to the transaction, and

1 the date of the ownership control acquisition. The change in  
2 ownership statement shall not include any question which is not  
3 germane to the assessment function. The statement shall contain  
4 a notice that is printed, with the title *in* at least 12-point boldface  
5 type and the body in at least 8-point boldface type, in the following  
6 form:

7  
8 “Important Notice”  
9

10 “The law requires any person or legal entity acquiring ownership  
11 control in any corporation, partnership, limited liability company,  
12 or other legal entity owning real property in California subject to  
13 local property taxation to complete and file a change in ownership  
14 statement with the State Board of Equalization at its office in  
15 Sacramento. The change in ownership statement must be filed  
16 within 90 days from the date of the change in control of a  
17 corporation, partnership, limited liability company, or other legal  
18 entity. The law further requires that a change in ownership  
19 statement be completed and filed whenever a written request is  
20 made therefor by the State Board of Equalization, regardless of  
21 whether a change in control of the legal entity has occurred. The  
22 failure to file a change in ownership statement within 90 days from  
23 the earlier of the date of the change in control of the corporation,  
24 partnership, limited liability company, or other legal entity, or the  
25 date of a written request by the State Board of Equalization, results  
26 in a penalty of 10 percent of the taxes applicable to the new base  
27 year value reflecting the change in control of the real property  
28 owned by the corporation, partnership, limited liability company,  
29 or legal entity (or 10 percent of the current year’s taxes on that  
30 property if no change in control occurred). This penalty will be  
31 added to the assessment roll and shall be collected like any other  
32 delinquent property taxes, and be subject to the same penalties for  
33 nonpayment.”

34 (c) In the case of a corporation, the change in ownership  
35 statement shall be signed either by an officer of the corporation or  
36 an employee or agent who has been designated in writing by the  
37 board of directors to sign such statements on behalf of the  
38 corporation. In the case of a partnership, limited liability company,  
39 or other legal entity, the statement shall be signed by an officer,  
40 partner, manager, or an employee or agent who has been designated

1 in writing by the partnership, limited liability company, or legal  
2 entity.

3 (d) No person or entity acting for or on behalf of the parties to  
4 a transfer of real property shall incur liability for the consequences  
5 of assistance rendered to the transferee in preparation of any change  
6 in ownership statement, and no action may be brought or  
7 maintained against any person or entity as a result of that  
8 assistance.

9 Nothing in this section shall create a duty, either directly or by  
10 implication, that such assistance be rendered by any person or  
11 entity acting for or on behalf of parties to a transfer of real property.

12 (e) The board or assessors may inspect any and all records and  
13 documents of a corporation, partnership, limited liability company,  
14 or legal entity to ascertain whether a change in control as defined  
15 in subdivision (c) of Section 64 has occurred. The corporation,  
16 partnership, limited liability company, or legal entity shall upon  
17 request, make those documents available to the board during  
18 normal business hours.

19 SEC. 3. Section 480.2 of the Revenue and Taxation Code is  
20 amended to read:

21 480.2. (a) Whenever there is a change in ownership of any  
22 corporation, partnership, limited liability company, or other legal  
23 entity, as defined in subdivision (d) of Section 64, a signed change  
24 in ownership statement as provided in subdivision (b) shall be filed  
25 by the corporation, partnership, limited liability company, or other  
26 legal entity with the board at its office in Sacramento within 90  
27 days from the date of the change in ownership of the corporation,  
28 partnership, limited liability company, or other legal entity. The  
29 statement shall list all counties in which the corporation,  
30 partnership, limited liability company, or legal entity owns real  
31 property.

32 (b) The change in ownership statement required pursuant to  
33 subdivision (a) shall be declared to be true and under penalty of  
34 perjury and shall give such information relative to the ownership  
35 interest acquisition transaction as the board shall prescribe after  
36 consultation with the California Assessors' Association. The  
37 information shall include, but not be limited to, a description of  
38 the property owned by the corporation, partnership, limited liability  
39 company, or other legal entity, the parties to the transaction, the  
40 date of the ownership interest acquisition, and a listing of the

1 “original coowners” of the corporation, partnership, limited liability  
2 company, or other legal entity prior to the transaction. The change  
3 in ownership statement shall not include any question which is not  
4 germane to the assessment function. The statement shall contain  
5 a notice that is printed, with the title in at least 12-point boldface  
6 type and the body in at least 8-point boldface type, in the following  
7 form:

8  
9 “Important Notice”

10  
11 “The law requires any corporation, partnership, limited liability  
12 company, or other legal entity owning real property in California  
13 subject to local property taxation and transferring shares or other  
14 ownership interest in such legal entity which constitute a change  
15 in ownership pursuant to subdivision (d) of Section 64 of the  
16 Revenue and Taxation Code to complete and file a change in  
17 ownership statement with the State Board of Equalization at its  
18 office in Sacramento. The change in ownership statement must be  
19 filed within 90 days from the date that shares or other ownership  
20 interests representing cumulatively more than 50 percent of the  
21 total control or ownership interests in the entity are transferred by  
22 any of the original coowners in one or more transactions. The law  
23 further requires that a change in ownership statement be completed  
24 and filed whenever a written request is made therefor by the State  
25 Board of Equalization, regardless of whether a change in ownership  
26 of the legal entity has occurred. The failure to file a change in  
27 ownership statement within 90 days from the earlier of the date of  
28 the change in ownership of the corporation, partnership, limited  
29 liability company, or other legal entity, or the date of a written  
30 request by the Board of Equalization, results in a penalty of 10  
31 percent of the taxes applicable to the new base year value reflecting  
32 the change in ownership of the real property owned by the  
33 corporation, partnership, limited liability company, or legal entity  
34 (or 10 percent of the current year’s taxes on that real property if  
35 no change in ownership occurred). This penalty will be added to  
36 the assessment roll and shall be collected like any other delinquent  
37 property taxes, and be subject to the same penalties for  
38 nonpayment.”

39 (c) In the case of a corporation, the change in ownership  
40 statement shall be signed either by an officer of the corporation or

1 an employee or agent who has been designated in writing by the  
2 board of directors to sign such statements on behalf of the  
3 corporation. In the case of a partnership, limited liability company,  
4 or other legal entity, the statement shall be signed by an officer,  
5 partner, manager, or an employee or agent who has been designated  
6 in writing by the partnership, limited liability company, or legal  
7 entity.

8 (d) No person or entity acting for or on behalf of the parties to  
9 a transfer of real property shall incur liability for the consequences  
10 of assistance rendered to the transferee in preparation of any change  
11 in ownership statement, and no action may be brought or  
12 maintained against any person or entity as a result of that  
13 assistance.

14 Nothing in this section shall create a duty, either directly or by  
15 implication, that such assistance be rendered by any person or  
16 entity acting for or on behalf of parties to a transfer of real property.

17 (e) The board or assessors may inspect any and all records and  
18 documents of a corporation, partnership, limited liability company,  
19 or legal entity to ascertain whether a change in ownership as  
20 defined in subdivision (d) of Section 64 has occurred. The  
21 corporation, partnership, limited liability company, or legal entity  
22 shall upon request, make those documents available to the board  
23 during normal business hours.

24 SEC. 4. Section 482 of the Revenue and Taxation Code is  
25 amended to read:

26 482. (a) (1) If a person or legal entity required to file a  
27 statement described in Section 480 fails to do so within 90 days  
28 from the date a written request is mailed by the assessor, a penalty  
29 of either: (A) one hundred dollars (\$100), or (B) 10 percent of the  
30 taxes applicable to the new base year value reflecting the change  
31 in ownership of the real property or manufactured home, whichever  
32 is greater, but not to exceed five thousand dollars (\$5,000) if the  
33 property is eligible for the homeowners' exemption or twenty  
34 thousand dollars (\$20,000) if the property is not eligible for the  
35 homeowners' exemption if the failure to file was not willful, shall,  
36 except as otherwise provided in this section, be added to the  
37 assessment made on the roll. The penalty shall apply for failure to  
38 file a complete change in ownership statement notwithstanding  
39 the fact that the assessor determines that no change in ownership  
40 has occurred as defined in Chapter 2 (commencing with Section

1 60) of Part 0.5. The penalty may also be applied if after a request  
2 the transferee files an incomplete statement and does not supply  
3 the missing information upon a second request.

4 (2) The assessor shall mail the written request specified in  
5 paragraph (1) to the mailing address of the transferee as provided  
6 by subdivision (f).

7 (b) (1) If a person or legal entity required to file a statement  
8 described in Section 480.1 or 480.2 fails to do so within 90 days  
9 from the earlier of (1) the date of the change in control or the  
10 change in ownership of the corporation, partnership, limited  
11 liability company, or other legal entity, or (2) the date of a written  
12 request by the State Board of Equalization, a penalty of 10 percent  
13 of the taxes applicable to the new base year value reflecting the  
14 change in control or change in ownership of the real property  
15 owned by the corporation, partnership, or legal entity, or 10 percent  
16 of the current year's taxes on that property if no change in control  
17 or change in ownership occurred, shall be added by the county  
18 assessor to the assessment made on the roll. The penalty shall apply  
19 for failure to file a complete statement with the board  
20 notwithstanding the fact that the board determines that no change  
21 in control or change in ownership has occurred as defined in  
22 subdivision (c) or (d) of Section 64. The penalty may also be  
23 applied if after a request the person or legal entity files an  
24 incomplete statement and does not supply the missing information  
25 upon that second request to complete the statement. That penalty  
26 shall be in lieu of the penalty provisions of subdivision (a).

27 (2) If a written request to file a change in ownership statement,  
28 including a written request to file a complete change in ownership  
29 statement, is mailed by the board to a person or legal entity as  
30 specified in paragraph (1), and ~~it is determined~~ *the assessor*  
31 *determines* that the written request was based on erroneous  
32 information in the possession of the board provided by any person  
33 or entity, including, but not limited to, the Franchise Tax Board,  
34 a county assessor, or board staff, ~~the penalty added by this~~  
35 ~~subdivision shall be abated~~ *assessor shall abate the penalty added*  
36 *by this subdivision* if the person or legal entity required to comply  
37 with the written request notifies both the board and the county  
38 assessor responsible for assessing the penalty of the error no later  
39 than 60 days after the date on which the person or legal entity is  
40 notified of the penalty.

1 (c) The penalty for failure to file a timely statement pursuant to  
2 Sections 480, 480.1, and 480.2 for any one transfer may be imposed  
3 only one time, even though the assessor may initiate a request as  
4 often as he or she deems necessary.

5 (d) The penalty shall be added to the roll in the same manner  
6 as a special assessment and treated, collected, and subject to the  
7 same penalties for the delinquency as all other taxes on the roll in  
8 which it is entered.

9 (1) When the transfer to be reported under this section is of a  
10 portion of a property or parcel appearing on the roll during the  
11 fiscal year in which the 90-day period expires, the current year's  
12 taxes shall be prorated so the penalty will be computed on the  
13 proportion of property which has transferred.

14 (2) Any penalty added to the roll pursuant to this section  
15 between January 1 and June 30 may be entered either on the  
16 unsecured roll or the roll being prepared. After January 1, the  
17 penalty may be added to the current roll only with the approval of  
18 the tax collector.

19 (3) If the property is transferred or conveyed to a bona fide  
20 purchaser for value or becomes subject to a lien of a bona fide  
21 encumbrancer for value after the transfer of ownership resulting  
22 in the imposition of the penalty and before the enrollment of the  
23 penalty, the penalty shall be entered on the unsecured roll in the  
24 name of the transferee whose failure to file the change in ownership  
25 statement resulted in the imposition of the penalty.

26 (e) When a penalty imposed pursuant to this section is entered  
27 on the unsecured roll, the tax collector may immediately file a  
28 certificate authorized by Section 2191.3.

29 (f) Notice of any penalty added to either the secured or  
30 unsecured roll pursuant to this section, and the written request to  
31 file a statement specified in subdivision (a), shall be mailed by the  
32 assessor to the transferee at his or her address contained in any  
33 recorded instrument or document evidencing a transfer of an  
34 interest in real property or manufactured home or the address  
35 specified for mailing tax information contained in the preliminary  
36 change in ownership report. If the transferee has subsequently  
37 notified the assessor of a change in address for mailing tax  
38 information, the assessor shall mail the notice of any penalty, or  
39 the written request to file a statement specified in subdivision (a),  
40 to this address. If there is no address specified for mailing tax

1 information on either the recorded instrument, the document  
2 evidencing a transfer of an interest in real property or manufactured  
3 home, or on the filed preliminary change in ownership report, and  
4 the transferee has not provided an address for purposes of mailing  
5 tax information, the assessor shall mail the notice of any penalty,  
6 or the written request to file a statement specified in subdivision  
7 (a), to the transferee at any address reasonably known to the  
8 assessor.

9 SEC. 5. Section 483 of the Revenue and Taxation Code is  
10 amended to read:

11 483. (a) If the assessee establishes to the satisfaction of the  
12 county board of supervisors that the failure to file the change in  
13 ownership statement within the time required by subdivision (a)  
14 of Section 482 was due to reasonable cause and not due to willful  
15 neglect, and has filed the statement with the assessor, the county  
16 board of supervisors may order the penalty abated, provided the  
17 assessee has filed with the county board of supervisors a written  
18 application for abatement of the penalty no later than 60 days after  
19 the date on which the assessee was notified of the penalty.

20 If the penalty is abated it shall be canceled or refunded in the  
21 same manner as an amount of tax erroneously charged or collected.

22 (b) The provisions of subdivision (a) shall not apply in any  
23 county in which the board of supervisors adopts a resolution to  
24 that effect. In that county the penalty provided for in subdivision  
25 (a) of Section 482 shall be abated if the assessee files the change  
26 of ownership statement with the assessor no later than 60 days  
27 after the date on which the assessee was notified of the penalty.

28 If the penalty is abated it shall be canceled or refunded in the  
29 same manner as an amount of tax erroneously charged or collected.

30 (c) (1) If a person or legal entity establishes to the satisfaction  
31 of the county board of supervisors that the failure to file the change  
32 in ownership statement within the time required by subdivision  
33 (b) of Section 482 was due to reasonable cause and not due to  
34 willful neglect, and has filed the statement with the State Board  
35 of Equalization, the county board of supervisors may order the  
36 penalty be abated, provided the person or legal entity has filed  
37 with the county board of supervisors a written application for  
38 abatement of the penalty no later than 60 days after the date on  
39 which the person or legal entity was notified of the penalty by the  
40 assessor.

1 If the penalty is abated by the county board of supervisors, it  
2 shall be canceled or refunded in the same manner as an amount of  
3 tax erroneously charged or collected.

4 (2) For purposes of this subdivision, if the county board of  
5 supervisors has created an assessment appeals board pursuant to  
6 Section 1620, any reference to the term “county board of  
7 supervisors” means the “assessment appeals board.”

8 SEC. 6. If the Commission on State Mandates determines that  
9 this act contains costs mandated by the state, reimbursement to  
10 local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code.