

March 17, 2005

S 668. UNIFORM TAX REFUND PROCEDURE. TO ESTABLISH A UNIFORM PROCEDURE FOR TAX REFUND CLAIMS. Repeals GS 105-267 (requiring payment of tax before a demand for a refund is made) except for the first sentence (depriving courts of jurisdiction of suits to prevent the collection of taxes), which is codified as the first sentence of rewritten GS 105-266.1. Rewrites GS 105-266.1 to provide that when a taxpayer files a request for a refund with the Secretary of Revenue, the Secretary must review the request within 90 days of receiving it and make a determination whether a refund is due. If the taxpayer disagrees with the determination, the taxpayer may request a hearing before the Secretary or file a civil action in superior court. A request for a refund by one taxpayer is sufficient notice to the Secretary of the disputed issue. It is unnecessary for any other similarly situated taxpayer to request a refund on the same issue to preserve the right to a refund. If the protesting taxpayer prevails on the contested issue, all other similarly situated taxpayers are entitled to a refund. Makes conforming amendments to other statutes. Effective January 1, 2006.

Intro. by Hartsell.

Ref. to Finance

GS 1, 20, 105