

HOUSE BILL 2278  
By Kisber

AN ACT to amend Tennessee Code Annotated, Section 67-1-1802, relative to refunds of overpayment of taxes administered by the department of revenue.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-1-1802(a), is amended by adding the following new item:

(9)(A)

The department shall disclose to a taxpayer all instances of overpayment of tax to the state of Tennessee by such taxpayer discovered by the department during the course of an audit, assessment, collection or enforcement proceeding.

(B)

The time within which a taxpayer may apply for a refund or claim a credit for an overpayment of tax disclosed pursuant to this subsection shall be one hundred twenty (120) days from the date that the department discloses such overpayment to the taxpayer. Failure to apply for a refund or credit within the one hundred twenty (120) days shall result in the loss of the right to apply for a refund or credit, provided that this subsection shall not reduce the time within

which a taxpayer may claim a credit or refund of an overpayment of tax pursuant to any other provision of this chapter or any other applicable law.

(C)

Nothing in this subsection shall be construed as requiring such disclosure, or the payment of a refund or granting of a credit, with respect to a period which, at the time such overpayment is discovered by the department, is not open for assessment or refund by virtue of any applicable period of limitations.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.