

### **131.010 Definitions for chapter.**

As used in this chapter, unless the context requires otherwise:

- (1) "Commissioner" means the commissioner of revenue;
- (2) "Department" means the Department of Revenue;
- (3) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any individual or corporation acting in a fiduciary capacity for any other person;
- (4) "Taxpayer" means any person required or permitted by law or administrative regulation to perform any act subject to the administrative jurisdiction of the department including the following:
  - (a) File a report, return, statement, certification, claim, estimate, declaration, form, or other document;
  - (b) Furnish any information;
  - (c) Withhold, collect, or pay any tax, installment, estimate, or other funds;
  - (d) Secure any license, permit, or other authorization to conduct a business or exercise any privilege, right, or responsibility;
- (5) "Adjusted prime rate charged by banks" means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System;
- (6) "Tax interest rate" means the interest rate determined under KRS 131.183;
- (7) "Tax" includes any assessment or license fee administered by the department; however, it shall not include moneys withheld or collected by the department pursuant to KRS 131.560 or 160.627;
- (8) "Return" or "report" means any properly completed and, if required, signed form, statement, certification, claim estimate, declaration, or other document permitted or required to be submitted or filed with the department, including returns and reports or composites thereof which are permitted or required to be electronically transmitted;
- (9) "Reasonable cause" means an event, happening, or circumstance entirely beyond the knowledge or control of a taxpayer who has exercised due care and prudence in the filing of a return or report or the payment of moneys due the department pursuant to law or administrative regulation;
- (10) "Fraud" means:
  - (a) Intentional or reckless disregard for the law, administrative regulations, or the department's established policies to evade the filing of any return, report, or the payment of any moneys due to the department pursuant to law or administrative regulation; or
  - (b) The deliberate false reporting of returns or reports with the intent to gain a monetary advantage;
- (11) "Hard copy" means any document, record, report, or other data printed on paper or stored by an imaging system that does not permit additions, deletions, or other changes to the original documents;

- (12) "Electronic record" means a collection of related information stored as bits of data in a medium that supports electronic extraction of the data at the field level, but does not include electronic imaging systems;
- (13) "Electronic imaging systems" means a computer-based system used to store reproductions of documents and records through the use of electronic data processing, or computerized, digital, or optical scanning which records and indexes the document, but does not support electronic extraction of the data at the field level;
- (14) "Electronic fund transfer" means an electronic data processing medium that takes the place of a paper check for debiting or crediting an account and of which a permanent record is made; and
- (15) "Specified tax return preparer" means the same as in 26 U.S.C. sec. 6011(e)(3).

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 147, sec. 1, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 85, sec. 107, effective June 20, 2005; and ch. 184, sec. 1, effective June 20, 2005. -- Amended 1992 Ky. Acts ch. 403, sec. 1, effective July 14, 1992.-- Amended 1982 Ky. Acts ch. 452, sec. 1, effective July 1, 1982 -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4114h-1.

**Legislative Research Commission Note** (6/20/2005). Under 2005 Ky. Acts ch. 184, sec. 18, changes in the names of agencies and officers that are made in bills confirming a reorganization of the executive branch are to be codified only to the extent those changes do not conflict with other 2005 amendments. Accordingly, an amendment to this section in Acts ch. 184 prevails over a name change made in Acts ch. 85.

**Legislative Research Commission Note** (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.