

**131.181 Coal mining license revocation for or denial to delinquent taxpayer or his agent, contract miner, or delegate.**

- (1) Whenever it is determined that a taxpayer, who holds a license to mine coal in Kentucky under KRS 351.175, is a "delinquent taxpayer" as defined in subsection (3) of this section, the Department of Revenue shall, after giving notice as provided in subsection (4) of this section, submit the name of the taxpayer to the Department for Natural Resources for revocation of the license issued under KRS 351.175.
- (2) If it is determined that a person who is an agent, contract miner, or delegate of a delinquent taxpayer as defined in subsection (3) holds a license to mine coal for the delinquent taxpayer in Kentucky under KRS 351.175, the Department of Revenue shall, after giving notice as provided in subsection (4) of this section, submit the name of the agent, contract miner, or delegate to the Department for Natural Resources for revocation of the license issued under KRS 351.175 to mine coal for the delinquent taxpayer.
- (3) Any of the following situations is sufficient to cause a taxpayer to be classified as a "delinquent taxpayer" for purposes of this section:
  - (a) When a taxpayer has an overdue state tax liability arising directly or indirectly from the mining, transportation, or processing of coal, for which all protest and appeal rights granted by law have expired and has been contacted by the department concerning the overdue tax liability. This does not include a taxpayer who is making current timely installment payments on the overdue tax liability under agreement with the department.
  - (b) When a taxpayer has not filed a required tax return as of thirty (30) days after the due date or after the extended due date, and has been contacted by the department concerning the delinquent return. This applies only to tax returns required as the result of the taxpayer's involvement in the mining, transportation, or processing of coal.
  - (c) When an owner, partner, or corporate officer of a proprietorship, partnership, or corporation holding a license under KRS 351.175, held a similar position in a business whose license was revoked as a "delinquent taxpayer", and the tax liability remains unpaid.
- (4) At least twenty (20) days in advance of submitting a taxpayer's name to the Department for Natural Resources as provided in subsection (1) or (2) of this section, the department shall notify the taxpayer by certified mail that the action is to be taken. The notice shall state the reason for the action and shall set out the amount of any tax liability including any applicable penalties and interest and any other area of noncompliance which must be satisfied in order to prevent the submission of his name to the Department for Natural Resources as a "delinquent taxpayer."
- (5) If it is determined that an applicant for a license to mine coal under the provisions of KRS 351.175 is a delinquent taxpayer as defined in subsection (3) of this section, or is an agent, contract miner, or delegate of a delinquent taxpayer, the Department for Natural Resources shall refuse a mine license to the applicant.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 85, sec. 122, effective June 20, 2005. -- Amended 1992 Ky. Acts ch. 271, sec. 1, effective July 14, 1992. -- Created 1978 Ky. Acts ch. 233, sec. 35, effective June 17, 1978.

**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.