

139.771 Overcollection of sales or use taxes.

- (1) For all sales and use tax transactions where the purchaser believes that tax has been charged in error, a cause of action against the retailer for the overcollected sales or use taxes does not accrue until the purchaser has provided notice to the retailer and the retailer has had sixty (60) days to respond. The notice to the retailer shall contain the information necessary to determine the validity of the inquiry.
- (2) In connection with a purchaser's inquiry to a retailer regarding overcollected sales or use taxes, a retailer shall be presumed to have a reasonable business practice, if in the collection of the sales or use tax the retailer:
 - (a) Uses either a certified service provider, certified automated system, or a proprietary system as provided by KRS 139.795; and
 - (b) Has remitted all taxes collected less any deductions, credits or collection allowances.
- (3) Nothing in this section shall extend any person's time to seek a refund of sales or use taxes collected or remitted to the state beyond the provisions of KRS 134.580.

Effective: July 1, 2004

History: Created 2003 Ky. Acts ch. 124, sec. 30, effective July 1, 2004.