

59-1-1406 Record retention -- Commission estimates tax if person fails to file a return.

- (1) A person subject to a tax, fee, or charge shall:
 - (a) keep in a form prescribed by the commission books and records that are necessary to determine the amount of a tax, fee, or charge the person owes;
 - (b) keep books and records described in Subsection (1)(a) for the time period during which an assessment may be made under Section 59-1-1408; and
 - (c) open the person's books and records for examination at any time by:
 - (i) the commission; or
 - (ii) an agent or representative the commission designates.
- (2)
 - (a) If a person required to file a return with the commission fails to file the return with the commission, the commission may estimate the tax, fee, or charge due from the best information or knowledge the commission can obtain.
 - (b) An estimate the commission makes under Subsection (2)(a) is considered to be a return filed on the date the commission makes the estimate.
- (3) For the purpose of ascertaining the correctness of a return or for estimating a tax, fee, or charge due in accordance with Subsection (2)(a), the commission may:
 - (a) examine the books and records bearing upon the matter required to be included in a return;
 - (b) authorize an agent or representative designated by the commission to examine the books and records bearing upon the matter required to be included in a return;
 - (c) require the attendance of:
 - (i) an officer or employee of a person required to make a return; or
 - (ii) a person having knowledge of a pertinent fact;
 - (d) take testimony; or
 - (e) require any other necessary information.

Enacted by Chapter 212, 2009 General Session