

59-1-1409 Definition -- Recomputation of amounts due -- Refunds allowed.

- (1) As used in this section, "overpayment" means the amount by which a tax, fee, or charge a person pays exceeds the amount of tax, fee, or charge the person owes.
- (2) If the commission determines that the correct amount of a tax, fee, or charge a person is required to remit is greater or less than the amount shown to be due on a return, the commission shall:
 - (a) recompute the tax, fee, or charge; and
 - (b) mail notice to the person:
 - (i) that the commission recomputed the tax, fee, or charge; and
 - (ii) in accordance with Section 59-1-1404.
- (3) If the amount of a tax, fee, or charge a person pays exceeds the amount of tax, fee, or charge the person owes, the commission shall:
 - (a) credit the overpayment against any liability the person owes; and
 - (b) refund any balance to:
 - (i) the person; or
 - (ii)
 - (A) the person's assign;
 - (B) the person's personal representative;
 - (C) the person's successor; or
 - (D) a person similar to Subsections (3)(b)(ii)(A) through (C) as determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) The commission may not credit or refund interest on an overpayment to a person if the commission determines that the overpayment was made for the purpose of investment.
- (5) If the commission erroneously determines an amount of tax, fee, or charge to be due from a person, the commission shall:
 - (a) authorize the amount to be cancelled upon the commission's records; and
 - (b) mail notice to the person:
 - (i) that the commission cancelled the amount upon the commission's records; and
 - (ii) in accordance with Section 59-1-1404.

Enacted by Chapter 212, 2009 General Session