

**131.410 Circumstances for waiver of criminal prosecution and civil penalties
-- Exceptions -- Refunds and credits.**

- (1) For any taxpayer who meets the requirements of KRS 131.420:
 - (a) 1. For taxes which are owed as a result of the nonreporting or underreporting of tax liabilities or the nonpayment of any account receivable owed by an eligible taxpayer, the Commonwealth shall waive criminal prosecution and all civil penalties and fees which may be assessed under any KRS chapter subject to the administrative jurisdiction of the department for the taxable years or periods for which tax amnesty is requested.
 2. For the amnesty periods described in KRS 131.400(4), the Commonwealth shall waive interest as provided in subsection (1) of KRS 131.425.
 - (b) Except when the taxpayer and department enter into an installment payment agreement authorized under subsection (3) of KRS 131.420, failure to pay all taxes as shown on the taxpayer's amnesty tax return shall invalidate any amnesty granted pursuant to KRS 131.410 to 131.445.
- (2) This section shall not apply to any taxpayer who is on notice, written or otherwise, of a criminal investigation being conducted by an agency of the state or any political subdivision thereof or the United States, nor shall this section apply to any taxpayer who is the subject of any criminal litigation which is pending on the date of the taxpayer's application in any court of this state or the United States for nonpayment, delinquency, evasion or fraud in relation to any federal taxes or to any of the taxes to which this amnesty program is applicable.
- (3) No refund or credit shall be granted for any interest, fee, or penalty paid prior to the time the taxpayer requests amnesty pursuant to KRS 131.420.
- (4) Unless the department in its own discretion redetermines the amount of taxes due, no refund or credit shall be granted for any taxes paid under the amnesty program. Any administrative or judicial proceeding or claim seeking the refund or recovery of any amount paid under an amnesty program is hereby barred.

Effective: April 11, 2012

History: Amended 2012 Ky. Acts ch. 110, sec. 2, effective April 11, 2012. -- Amended 2005 Ky. Acts ch. 85, sec. 136, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 366, sec. 2, effective July 15, 2002. -- Created 1988 Ky. Acts ch. 322, sec. 2, effective July 15, 1988.