

810-14-1-.21 Procedures if Refunds Granted; Credit of Refund; Payment of Other Taxes; Payment of Interest.

(1) If a petition is granted, or the Department, the Alabama Tax Tribunal, or a court otherwise determines that a refund is due, the overpayment shall be refunded to the taxpayer by the state, county, municipality, etc. Interest at the rate established by Section 40-1-44, Code of Alabama 1975, will be accrued and included in such refund.

(2) Whenever any petition for refund is granted, the Department may first credit any overpayment, plus applicable interest, against any other outstanding final tax liabilities due and owing by the taxpayer. In the case of income taxes, any overpayment shall also be subject to the setoff provisions of Section 40-18-100, et. seq. Code of Alabama 1975. Any balance which might then be due to the taxpayer shall be refunded. The taxpayer shall be provided with written notice as to the amount of overpayment, the amount credited for payment to other taxes, and the amount being refunded.

(3) An outstanding final tax liability is:

(a) a final assessment;

(b) an admitted liability on a tax return filed by or on behalf of the taxpayer;

(c) a liability to which the taxpayer has consented in writing to the amount due;

or

(d) a liability resulting from an attempted payment of taxes by a check that was not honored by the bank for any reason.

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Authority: Sections 40-2A-7(a)(5), 40-2A-7(c)(4), Code of Alabama 1975.

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