

## HOUSE BILL NO. HB0119

Sales tax recovery-statute of limitations.

Sponsored by: Representative(s) Walters, Kinner and MacGuire  
and Senator(s) Anderson, Driskill and Landen

A BILL

for

1 AN ACT relating to sales tax; revising the audit period and  
2 statute of limitations for actions to recover delinquent  
3 taxes, penalties and interest as specified; tolling the  
4 calculation of interest during the audit period; and  
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 39-15-108(a)(i), (iii)(A), (B) and by  
10 creating a new subparagraph (C) and 39-15-110(b) and by  
11 creating a new subsection (c) are amended to read:

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13 **39-15-108. Enforcement.**

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1           (a) Audits. To assess credits and deficiencies against  
2 taxpayers and vendors, the department is authorized to rely  
3 on final audit findings made by the department of audit,  
4 taxpayer information, vendor information or department review  
5 subject to the following conditions:

6  
7           (i) Audits shall commence when the taxpayer or  
8 vendor receives written notice of the engagement of the audit.  
9 The issuance of the written notice of the audit shall toll  
10 the statute of limitations provided in W.S. 39-15-110 for ~~the~~  
11 ~~audit period specified in this subsection~~ not more than one  
12 (1) year from the date of the notice of engagement. The  
13 calculation of interest charged under subsection (b) of this  
14 section shall be tolled during the audit period. The audit  
15 shall be completed by the department of audit with final  
16 findings issued to the taxpayer or vendor within one (1) year  
17 of the date of the notice of engagement. This time limit may  
18 be extended only upon mutual agreement between the taxpayer  
19 or vendor and the department;

20  
21           (iii) Except as otherwise provided in this  
22 paragraph, audits shall encompass a time period not to exceed  
23 three (3) years immediately preceding the reporting period

1 when the audit is engaged. The three (3) year limit shall not  
2 apply to an audit if:

3

4 (A) There is evidence of a violation of  
5 paragraph (c)(iv) or subsection (f) of this section by the  
6 taxpayer or vendor for the reporting period being audited;~~or~~

7

8 (B) There is evidence of gross negligence by  
9 the taxpayer or vendor in reporting or remitting taxes for  
10 the reporting period being audited;~~or~~ or

11

12 (C) The taxpayer has not filed the required  
13 tax return applicable to the reporting period being audited.

14

15 **39-15-110. Statute of limitations.**

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17 (b) Subject to the limitations specified in subsection  
18 (c) of this section, the department may bring an action to  
19 recover any delinquent taxes, penalty or interest in any  
20 appropriate court within three (3) years following the  
21 delinquency. In the case of an assessment created by an audit,  
22 the delinquency period is deemed to start thirty (30) days  
23 after the date the assessment letter is sent. Any tax penalty

1 and interest related to ~~the~~an audit assessment shall be  
2 calculated from the filing period during which the deficiency  
3 occurred. In any such action a certificate by the department  
4 is prima facie evidence of the amount due.

5

6 (c) The department shall only assess a tax within three  
7 (3) years from the date the applicable tax return is due or  
8 is actually filed, whichever is later.

9

10 **Section 2.** This act is effective July 1, 2019.

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(END)