

**CHAPTER 184****(HB 536)**

AN ACT relating to remittance of tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 131.155 is amended to read as follows:

- (1) As used in this section the term "electronic fund transfer" means an electronic data processing medium that takes the place of a paper check for debiting or crediting an account and of which a permanent record is made.
- (2) Notwithstanding any statutory provisions to the contrary, the cabinet may require ~~all taxpayers and~~ any ~~other~~ person who is required to collect or remit taxes and fees administered by the cabinet *or any person who acts on the taxpayer's behalf* to remit those taxes and fees to the cabinet by electronic fund transfer. The transfer shall be made on or before the date the tax is due *using the debit method or other means as prescribed by the cabinet by the promulgation of an administrative regulation.* ~~and~~ The cabinet may permit the filing of the tax return following the date of the tax payment. *Payment by electronic fund transfer may be required if:*
  - (a) *The average payment per reporting period is ten thousand dollars (\$10,000) or more for each tax or fee required to be collected or remitted;*
  - (b) *The payment for each tax or fee required to be collected or remitted is made on behalf of one hundred (100) or more taxpayers; or*
  - (c) *The aggregate of the funds to be remitted on behalf of others is ten thousand dollars (\$10,000) or more for each tax or fee required to be collected or remitted.* ~~[Taxpayers or any other person who is required to collect or remit taxes and fees administered by the cabinet whose average payment per reporting period is less than twenty five thousand dollars (\$25,000) as of August 1, 1998, seventeen thousand five hundred dollars (\$17,500) as of July 1, 1999, and ten thousand dollars (\$10,000) as of July 1, 2000 and thereafter for each tax or fee required to be collected or remitted shall not be required to remit the payments by electronic fund transfer].~~
- (3) The cabinet shall promulgate administrative regulations establishing electronic fund transfer requirements for the payment of taxes and fees administered by the cabinet.
- (4) The cabinet may waive the requirement that a qualifying taxpayer remit the payment by electronic fund transfer if the taxpayer is unable to remit funds electronically.
- (5) Taxpayers and any other persons who are required to collect or remit taxes administered by the cabinet by electronic fund transfer shall be entitled to receive refunds for any overpayment of taxes or fees, on or after July 1, 2001, by electronic fund transfer.

Section 2. This Act takes effect on August 1, 2000.

**Approved March 28, 2000**

LEGISLATIVE RESEARCH COMMISSION PDF VERSION