

103 KAR 15:060. Estimated tax; amended declarations; short years.

RELATES TO: KRS 141.042, 141.044, 141.300, 141.305, 141.990

STATUTORY AUTHORITY: KRS 131.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(1) authorizes the Department of Revenue to promulgate administrative regulations to administer and enforce Kentucky's tax laws. KRS 141.042(6), 141.300(6), and 141.305(6) require the department to provide for amended and short-year declarations of estimated tax. This administrative regulation establishes requirements for the declarations of estimated tax for individuals and corporations.

Section 1. General. A declaration of estimated tax return for a short taxable year shall be filed by any individual whose income exceeds \$5,000 from which Kentucky tax is not withheld, and by any corporation whose Kentucky income tax liability for the short taxable year can reasonably be expected to exceed \$5,000. However, no declaration is required of an individual if the estimated tax is less than \$500. A short taxable year contains more than five (5) months and less than twelve (12) months. A declaration is not required of any taxpayer for a period of less than five (5) months.

Section 2. Time for Filing. (1) Individuals. A declaration for a short taxable year shall be filed at the time required by KRS 141.300(3).

(2) Corporations. A declaration for a short taxable year shall be filed at the time required by KRS 141.042(3).

Section 3. Payment. (1) Individuals. Estimated Kentucky income tax for the short taxable year shall be paid at the times prescribed by KRS 141.305(1) except that any installments unpaid at the close of the short taxable year shall be paid when the income tax return is filed.

(2) Corporations. Estimated Kentucky income tax for the short taxable year shall be paid at the times prescribed by KRS 141.044(1) except that any installments unpaid at the close of the short taxable year shall be paid when the income tax return is filed.

Section 4. Fiscal Years. Fiscal year taxpayers shall substitute corresponding dates for dates prescribed for calendar year taxpayers.

Section 5. Penalties. Individuals and corporations which fail to file and pay declarations of estimated tax for the short taxable years are subject to penalties contained in KRS 141.990.

Section 6. Amended Declarations. Individuals and corporations may file amended declarations of estimated income tax during any interval between installment dates. If an amended declaration is filed, any remaining installment(s) shall be adjusted to reflect the amendment. An amended declaration made after the third installment shall be paid in full when the amendment is filed. (IG-6-1; 1 Ky.R. 328; eff. 2-5-1975; 3 Ky.R. 147; eff. 9-1-1976; 45 Ky.R. 1059, 1514; eff. 1-4-2019.)