103 KAR 15:050. Filing dates and extensions.

RELATES TO: KRS 131.081(11), 131.170, 141.160, 141.170
STATUTORY AUTHORITY: KRS 131.130, 131.170, 141.050, 141.170
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.170 and 141.170 authorize the Department of Revenue to grant a taxpayer an extension of time to file a tax return. This administrative regulation establishes the procedures to be used by an individual, a corporation, a pass-through entity, or a fiduciary to obtain an extension of time to file an income or limited liability entity tax return.

Section 1. Definitions.

(1) "Corporation" means a corporation as defined by KRS 141.010(4), a limited liability company taxed as a corporation, or other entity taxed as a corporation for Kentucky income tax purposes.

(2) "Date prescribed by KRS 141.160" means the 15th day of the fourth month following the close of the taxable year.

(3) "Fiduciary" is defined by KRS 141.010(10).

(4) "General partnership" is a partnership composed of only general partners, who are personally liable for the partnership debts.

(5) "Pass-through entity" has the same meaning as KRS 141.010(22).

Section 2. An extension of Time for Filing an Individual, General Partnership, or Fiduciary Tax Return.

(1) Pursuant to KRS 131.081(11) and 141.170, a taxpayer may obtain an extension of time for filing a Kentucky individual, fiduciary, or general partnership tax return by means of either a federal extension or a Kentucky extension.

(2) Federal extension.

(a) A taxpayer granted an extension of time for filing a federal income tax return shall be granted the same extension of the due date for filing a Kentucky tax return for the same taxable year. A copy of the federal extension approval or the request for an automatic extension shall be attached to the Kentucky tax return when it is filed if the taxpayer is relying upon the federal extension to extend the due date.

(b) An extension of time for filing a Kentucky tax return granted pursuant to this subsection shall be valid for the extension period granted by the Internal Revenue Service.

(c) A copy of the federal extension shall not be mailed to the department separate from the Kentucky tax return.

(3) Kentucky extension. A taxpayer may file an application for extension with the department, on or before the date prescribed by KRS 141.160 for filing the return. An individual, general partnership, or fiduciary shall file Form 740EXT "Application for Extension of Time to File", Revenue Form 40A102.

(a) An individual, general partnership, or fiduciary shall state the reason for the request on the application for extension. The inability to pay shall not be a valid reason.

(b) An individual, general partnership, or fiduciary shall be notified by mail if the application for extension is denied. A copy of an approved application for extension shall not be returned to the taxpayer.

(c) In accordance with KRS 141.170, an individual, general partnership, or fiduciary be granted an extension of time to file for six (6) months unless the application is denied.

(d) In accordance with KRS 141.170, an individual outside the United States shall be granted an extension of time to file for twelve (12) months unless the application is denied.

(e) A copy of the signed and dated application for extension shall be attached to the tax return when it is filed.

Section 3. An extension of Time for Filing a Corporation, S-corporation, or Pass-Through Entity Income or Limited Liability Entity Tax Return.

(1) Pursuant to KRS 131.081(11) and 141.170, a taxpayer may obtain an extension of time for filing a Kentucky corporation, S-corporation, or pass-through entity income or limited liability entity tax return by means of either a federal extension or a Kentucky extension.

(2) Federal extension.

(a) A taxpayer granted an extension of time for filing a federal income tax return shall be granted the same extension of the due date, except as otherwise provided in KRS 141.170(2), for filing a Kentucky income or limited liability entity tax return for the same taxable year. A copy of the federal extension approval or the request for an automatic extension shall be attached to the Kentucky income or limited liability entity tax return when it is filed if the taxpayer is relying upon the federal extension to extend the due date.

(b) An extension of time for filing a Kentucky income or limited liability entity tax return granted pursuant to this subsection shall be valid for the extension period granted by the Internal Revenue Service, except as otherwise provided in KRS 141.170(2).

(c) A copy of the federal extension shall not be mailed to the department separate from the Kentucky tax return.

(3) Kentucky extension. A taxpayer may file an application for extension with the department, on or before the date prescribed by KRS 141.160 for filing the return. A corporation, S-corporation, or pass-through entity shall file Form 720EXT "Extension of Time to File Kentucky Corporation/LLET Return", Revenue Form 41A720SL.

(a) A corporation shall be granted an extension of time to file for seven (7) months pursuant to KRS 141.170(2).

(b) A pass-through entity or S-corporation shall be granted an extension of time to file for six (6) months.

(c) A copy of an approved application for extension shall not be returned to the corporation, S-corporation, or pass-through entity.

(d) The extension shall become valid when mailed to the department on or before the date prescribed by KRS 141.160 for filing the return.

(e) The corporation, S-corporation or pass-through entity shall attach a copy of the signed and dated application for extension to its Kentucky income tax or limited liability entity tax return when it is filed.

(4) An extension of time for filing a unitary combined or elective consolidated income and limited liability entity tax return shall constitute an extension of time for filing each member of the group.

(5) An extension of time for filing a corporation income tax return shall constitute an extension of time for filing a limited liability entity tax return for the same taxable year.

Section 4. Payment of Tax.

(1) An extension of time to file an income or limited liability entity tax return shall not constitute an extension to pay the tax.

(2) A taxpayer shall determine if an amount of tax remains unpaid on or before the date prescribed by KRS 141.160 for filing the return.

(3) If tax remains unpaid, a payment for the amount of the unpaid tax shall be submitted to the department on or before the date prescribed by KRS 141.160 for filing the return along with the Kentucky extension.

(4) A group filing a unitary or elective consolidated income and limited liability entity tax return and making a payment of tax with the application for extension shall file a Kentucky extension to ensure proper processing of payments.

Section 5. Interest and Penalties.

(1) Statutory interest shall be paid from the date prescribed by KRS 141.160 for filing the return until the tax is paid.

(2) If the envelope bearing the return is postmarked on or before the filing date, the late filing penalty prescribe by 131.180 shall not apply.

Section 6. The forms and materials listed herein may be obtained or inspected, subject to applicable copyright law, from 8:00 a.m. until 4:30 p.m. at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40601, on the department Web site at http://revenue.ky.gov, or at a Kentucky Department of Revenue Taxpayer Service Center during their hours of operation.

(IG-5-1; 1 Ky.R. 328; eff. 2-5-1975; 9 Ky.R. 1151; eff. 5-4-1983; 13 Ky.R. 26; eff. 8-12-1986; 24 Ky.R. 388; 853; eff. 9-25-1997; 44 Ky.R. 1089, 1493; eff. 2-2-2018; 45 Ky.R.1057, 1513; eff. 1-4-2019; 45 Ky.R. 3445, 46 Ky.R. 865, eff. 10-4-2019; Crt eff. 10-2-2026.)