

138.354 Revocation of permits and privileges for violations.

- (1) No person shall make a false or fraudulent statement in an application for a refund permit or in a gasoline or special fuel refund invoice, or in an application for a refund of any taxes as set out in KRS 138.344 to 138.355; or fraudulently obtain a refund of such taxes; or knowingly aid or assist in making any such false or fraudulent statement or claim; or having bought gasoline or special fuel under the provisions of KRS 138.344 to 138.355, shall use or permit such gasoline or special fuel or any part thereof to be used for any purpose other than as provided in KRS 138.344.
- (2) The refund permit of any person who shall violate any provision of subsection (1) of this section may be revoked by the Department of Revenue subject to appeal to the Board of Tax Appeals pursuant to KRS 49.220, and may not be reissued until two (2) years have elapsed from the date of such revocation.
- (3) The refund permit of any person who shall violate any provision of KRS 138.344 to 138.355, other than those contained in subsection (1) of this section, may be suspended by the Department of Revenue for any period in its discretion not exceeding six (6) months with the right of appeal to the Board of Tax Appeals pursuant to KRS 49.220.
- (4) If a dealer violates any provision of KRS 138.344 to 138.355, his or her privilege to sign refund invoices may be suspended by the Department of Revenue for a period of not more than two (2) years subject to appeal to the Board of Tax Appeals pursuant to KRS 49.220. No refund shall be made on gasoline or special fuel purchased from a dealer while a suspension of his privilege to sign refund invoices is in effect.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 185, sec. 77, effective June 29, 2021. -- Amended 2017 Ky. Acts ch. 74, sec. 85, effective June 29, 2017. -- Amended 2005 Ky. Acts ch. 85, sec. 378, effective June 20, 2005. -- Amended 1988 Ky. Acts ch. 285, sec. 25, effective August 1, 1988. -- Amended 1964 Ky. Acts ch. 141, sec. 28. -- Created 1946 Ky. Acts ch. 10, sec. 11.

Legislative Research Commission Note (9/17/2021). 2021 Ky. Acts ch. 185 reorganized part of the Public Protection Cabinet to abolish the Kentucky Claims Commission, establish the Office of Claims and Appeals, and attach the Board of Claims, Board of Tax Appeals, and Crime Victims Compensation Board to the office. A reference to the Kentucky Claims Commission in this statute should have been changed to Board of Tax Appeals in that Act to conform, but was inadvertently omitted. The Reviser of Statutes has made the conforming correction under the authority of KRS 7.136(2).