

138.552 Definitions -- Tax on sports wagering licensees -- Reporting requirements.

- (1) As used in this section:
 - (a) "Adjusted gross revenue" means the total sum of wagers collected on all sporting events, less winnings paid to participants in the contest and all excise taxes paid pursuant to federal law;
 - (b) "Department" means Department of Revenue;
 - (c) "Sporting event" has the same meaning as in KRS 230.210;
 - (d) "Sports wagering" has the same meaning as in KRS 230.210; and
 - (e) "Taxpayer" means any person liable for tax under this section.
- (2) An excise tax is imposed on persons licensed to conduct sports wagering under KRS 230.811 and 230.814 at a rate of:
 - (a) Nine and three-quarters percent (9.75%) on the adjusted gross revenue on wagers placed at the licensed track; and
 - (b) Fourteen and one-quarter percent (14.25%) on the adjusted gross revenue on wagers placed online via websites or mobile applications or other off-site technology approved by the Kentucky Horse Racing Commission;and shall be appropriated to the sports wagering administration fund established in KRS 230.817 and appropriated for the purposes established in that section.
- (3) The department shall enforce the provisions of and collect the taxes and penalties imposed in this section, and in doing so it shall have the general powers and duties granted it in KRS Chapters 131 and 135, including the power to enforce, by an action in the Franklin Circuit Court, the collection of the taxes, penalties, and other payments imposed or required by this section.
- (4) The tax imposed by this section is due and payable to the department monthly and shall be remitted on or before the twentieth day of the next succeeding calendar month. If a taxpayer's adjusted gross revenue for a month is a negative number, the taxpayer may carry over the negative amount to the return filed for the subsequent month. However, no amount shall be carried over in any period more than twelve (12) months after the month in which the amount carried over was originally due.
- (5)
 - (a) Payment shall be accompanied by a return prescribed by the department.
 - (b) The return form shall report, at a minimum:
 1. The total sum of wagers collected in person and electronically through a mobile application;
 2. Winnings paid in person and electronically through a mobile application;
 3. Adjusted gross revenue in person and electronically through a mobile application;
 4. Tax rates applied to adjusted gross revenue in person and electronically through a mobile application;
 5. The tax due from adjusted gross revenues in person and electronically through a mobile application;
 6. Federal excise taxes paid; and

7. The total wagering tax due.

- (6) Wagering taxes due and payable in accordance with this section shall be paid via electronic funds transfer. The taxpayer shall provide the department with all protocol documentation and electronic funds transfer data necessary to facilitate the timely transfer of funds.
- (7) Any taxpayer who violates any provision of this section shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180 and interest at the tax interest rate as defined in KRS 131.010(6).
- (8) The Kentucky Horse Racing Commission may suspend, revoke, or decline to renew a license upon the taxpayer's failure to timely submit payment of taxes due under this section or the administrative regulations promulgated by the department.
- (9) The taxes imposed by this section shall be in lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds from, the operation of sports wagering.

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