

Protest of Local Sales or Use Tax Notice of Deficiency or Request for Refund Denial

If a taxpayer's protest for a notice of deficiency or request for refund denial for local sales or use tax is denied by a local government, can the taxpayer request the executive director of the Department of Revenue for a hearing on the matter?

Yes, a taxpayer may request the executive director of the Department of Revenue to conduct a hearing on a notice of deficiency or claim for refund denial for local sales or use tax after the taxpayer has exhausted the local remedies. Exhaustion of local remedies means the one of the following events has occurred:

The taxpayer has submitted a written request in a timely manner for a hearing before the local government, the hearing has been held and a final decision was issued.

The taxpayer and the local government have agreed in writing that no hearing before the local government will be held or that no final decision will be issued by the local government.

The local government notified the taxpayer in writing, one hundred eighty days or more after the date of the taxpayer's written request for a hearing, that the local government does not intend to conduct a hearing,.

The taxpayer must request a hearing from the executive director of the Department of Revenue within 30 days after the exhaustion of local remedies. The request for hearing shall be made and the hearing conducted in the manner specified in §39-21-103 C.R.S.

Reference: §29-2-106.1 C.R.S.