



**DISCLOSURE STATEMENT:
TAXPAYERS' RIGHTS AND OBLIGATIONS OF THE DEPARTMENT OF REVENUE**

It is the obligation of all taxpayers in the commonwealth to file all tax returns and pay all taxes to which they are subject. However, when the department determines a required return was not filed or a liability was not paid, it may enforce tax law and collect on a taxpayer's obligations. The commonwealth has a Taxpayers' Bill of Rights, which provides legal rights to the taxpayer and creates obligations for the department to ensure equity and fairness prevail in tax administration and enforcement.

TAXPAYERS' RIGHTS AND THE DEPARTMENT'S OBLIGATIONS DURING AN AUDIT

When examining a taxpayer's books and records to determine if the appropriate tax liability has been paid, the rights of a taxpayer and the obligations of the department during an audit are as follows:

- The department will provide the taxpayer with a complete explanation of the audit process as it relates to that individual taxpayer and his/her rights during the process.
- The department will prepare a written basis of the assessment of any tax liability determined during the audit.
- The department will explain the taxpayer's right to appeal the assessment of any tax liability determined during the audit.
- The department will conduct a post-audit conference, at which a representative will explain the audit findings and make recommendations on how to correct areas of noncompliance.
- The department will process the audit in a timely manner.

TAXPAYERS' APPEAL RIGHTS

To appeal any decision of the department, a taxpayer must file an appeal with the Board of Appeals. The Board of Appeals will review the case as provided by the taxpayer. If the taxpayer is not satisfied with the decision of the board, he/she may subsequently submit an appeal to the Board of Finance and Revenue. If a taxpayer is not satisfied with the outcome of the appeal to the Board of Finance and Revenue, an appeal of that decision may be filed with the Commonwealth Court of Pennsylvania.

APPEAL TO THE BOARD OF APPEALS	
An appeal must be received by the Board of Appeals within a specific number of days from the mailing date of the assessment or appraisal notice. The specific number of days for each type of decision is below.	
TYPE OF DECISION	NUMBER OF DAYS
Sales Tax Bond Notice	5 days
Personal Income Tax Jeopardy Assessment	10 days
Corporation Tax Jeopardy Assessment	30 days (see 72 P.S. § 7402.2)
Inheritance Tax Appraisal	60 days
Sales/Use Tax, Fuel Use Tax, Liquid Fuels Tax, Malt Beverage Tax, Cigarette Tax, Corporation Taxes, Motor Carrier Road Tax, Oil Company Franchise Tax, Personal Income Tax, Employer Withholding, Property Tax/Rent Rebate, Realty Transfer Tax	90 days

APPEAL TO THE BOARD OF FINANCE AND REVENUE	
An appeal must be received by the Board of Finance and Revenue within a specific number of days from the mailing date of the Board of Appeals' decision. The specific number of days for each type of decision is below.	
TYPE OF DECISION	NUMBER OF DAYS
Liquid Fuel Tax	60 days
Sales/Use Tax, Fuel Use Tax, Inheritance Tax Refund, Malt Beverage Tax, Cigarette Tax, Corporation Taxes, Motor Carrier Road Tax, Oil Company Franchise Tax, Personal Income Tax (including jeopardy assessment), Employer Withholding, Property Tax/Rent Rebate, Realty Transfer Tax	90 days

APPEAL TO ORPHANS' COURT	
An appeal must be received at the appropriate county courthouse by the appropriate county Orphans' Court within a specific number of days from the mailing date of the Board of Appeals' decision on an appraisal. The specific number of days for the type of decision is below.	
TYPE OF DECISION	NUMBER OF DAYS
Inheritance Tax decision on an appraisal	60 days

APPEAL TO COMMONWEALTH COURT	
An appeal must be received by Commonwealth Court within a specific number of days from the mailing date of the Board of Finance and Revenue decision. The specific number of days for each type of decision is below.	
TYPE OF DECISION	NUMBER OF DAYS
Sales/Use Tax, Fuel Use Tax, Liquid Fuels Tax, Malt Beverage Tax, Cigarette Tax, Corporation Taxes, Motor Carrier Road Tax, Oil Company Franchise Tax, Personal Income Tax (including jeopardy assessment), Employer Withholding, Property Tax/Rent Rebate, Realty Transfer Tax	30 days
Inheritance Tax	30 days (from Orphans' Court's decision)

Petitions to the Board of Appeals may be filed online at www.boardofappeals.state.pa.us.
Appeal petitions may also be mailed to the appropriate address below:

BOARD OF APPEALS
PO BOX 281021
HARRISBURG PA 17128-1021

BOARD OF FINANCE AND REVENUE
TREASURY DEPARTMENT
SUITE 400
1001 S FRONT ST
HARRISBURG PA 17104-2539

COMMONWEALTH COURT OF PA
COMMONWEALTH AVE AND WALNUT ST
624 IRVIS OFFICE BUILDING
HARRISBURG PA 17120

REFUNDS OF OVERPAID TAX

If a taxpayer determines that he/she overpaid taxes or paid tax to which he/she is not subject, a petition for refund must be filed within three years of the date of payment. If payment(s) is/are made in full as a result of an assessment, a petition for refund must be filed within six months of the actual payment of the tax. The transfer date of a credit/overpayment becomes the actual payment date of the tax for purposes of determining whether a petition for refund is timely filed. All petitions for a refund, except liquid fuels tax refunds, are filed with the Board of Appeals.

AUDITS: An appeal for refund of assessment amount(s) may be filed only after the assessment has been paid, but within six months of the payment of the tax. An appeal for refund of any credit(s) not granted during an audit must be filed within six months of the assessment date or within three years of payment of the tax, whichever is later.

TAXPAYERS' RIGHTS ADVOCATE OFFICE

If a taxpayer has a concern about an action the department took regarding personal income tax, employer withholding or inheritance tax, the department's Taxpayers' Rights Advocate may be contacted at PA DEPARTMENT OF REVENUE, TAXPAYERS' RIGHTS ADVOCATE, LOBBY STRAWBERRY SQUARE, HARRISBURG, PA 17128.

The advocate will then facilitate the resolution of the concern by working with appropriate department personnel or by issuing an assistance order requested by the taxpayer and so warranted.

TAX ENFORCEMENT

If a taxpayer does not pay a tax liability or file a timely appeal of a liability, the department may take the following actions:

- Contact a delinquent taxpayer and attempt to resolve the liability through payment in full, a payment plan or compromise.
- Submit a request to have the taxpayer's federal personal income tax refund applied to his/her delinquent Pennsylvania personal income tax liability.
- Employ private collection agencies to collect delinquent taxes. Under Act 40 of 2005, additional collection costs, including but not limited to fees of up to 39 percent of the amount due and attorney fees incurred in securing payment, may be imposed on any liability not paid prior to referral to a collection agency or contract counsel.
- Deny the issuance of a clearance certificate to a taxpayer applying for or requesting renewal of a liquor, lottery, cigarette or small games of chance license. The department may also deny the issuance of a clearance certificate to a taxpayer seeking clearance for a commonwealth contract or grant a corporate bulk sale clearance certificate.
- Deny the initial issuance of or revoke a valid sales tax license. If a business makes taxable sales without a valid sales tax license, the department may file a formal criminal complaint. Department of Revenue enforcement agents may issue citations to people who sell or lease items subject to PA sales tax without a valid Pennsylvania sales tax license.
- Disclose, by publication or otherwise, the identity of any person whose sales tax license has been refused, suspended or revoked.
- File a lien against the taxpayer and, in some cases, against the person responsible for payment of the delinquent tax. The Office of Attorney General may file an action to seize the liened property of a taxpayer.
- Disclose, by publication or otherwise, the taxpayer's name or business name and liability information as a result of a lien recorded in a county Prothonotary's Office.
- Garnish an individual's wages for delinquent taxes owed to the commonwealth.
- Administratively freeze your bank account and levy the funds after the department has filed a lien.
- File a petition for citation against the personal representative of a decedent's estate, which requires the representative to file an inheritance tax return, pay the tax or appear before the Orphans' Court.
- Investigate and advance, through the Courts of Common Pleas, actions against delinquent taxpayers violating criminal statutes.