



# TAXPAYER BILL OF RIGHTS

## YOUR RIGHTS AS A TAXPAYER

**Your rights are guaranteed by law under the Taxpayers' Bill of Rights and Uniform Revenue Procedures Act. They are as follows:**

- ▶▶▶ You have the right to receive a clear and simple written description of your role and the Department's role during an audit or examination before the audit or examination proceedings begin.
- ▶▶▶ You have the right to a written description of the basis for any preliminary assessment, the basis for any penalty imposed by the Department regarding any preliminary assessment, and a method describing how you can request an administrative review of any preliminary assessment.
- ▶▶▶ You have the right to receive description of how to exercise your right of appeal to the circuit court or administrative hearing officer at or before the issuance of a final assessment.
- ▶▶▶ You have the right to have examinations conducted during regular business hours or to arrange for a more convenient time.
- ▶▶▶ You have the right to be assisted or represented by your authorized representative during dealings with the Department.
- ▶▶▶ You have the right to make an audio recording of any in-person interview.
- ▶▶▶ You have the right to apply for the abatement of any penalties attributable to erroneous written advice if furnished to you by an employee of the Department.

# TIME LIMITATIONS

In most cases, the Department has three (3) years from the date a tax return is due or filed, whichever is later, and four (4) years from the date a business license return is due or filed, whichever is later, to audit your return and send you a notice of any change in the amount of tax, penalty, and interest you may owe, or notify you of any refund we may owe you. This authority is granted under Title 40, Chapter 2A, **Code of Alabama 1975**.

**There are, however, certain circumstances in which the time limitations to audit your tax returns may be extended. These are if:**

▶▶▶ You omitted more than 25 percent of the taxable base that should have been reported on your return

▶▶▶ You intentionally misstated or fraudulently filed your return or if no return is filed as required

# AUDIT CONTACT

In most cases, we accept tax returns as filed. However, if we select your return for audit and the audit cannot be completed through correspondence, then your tax records will be reviewed by an examiner. The audit process will begin with the examiner giving you reasonable notice of your audit and then scheduling an appointment to meet with you during the Department's normal business hours (or other hours in special cases). When your appointment is made, the examiner will notify you in writing as to the necessary books and records required for your audit.

Throughout any examination process, you may represent yourself, or, with proper written authorization, you may elect to have an "authorized representative" act on your behalf. When you meet with the examiner you have the right to have an authorized representative present, or the authorized representative may represent you in your absence. In order for this representative to act on your behalf, you must (prior to your audit appointment) sign a "Power of Attorney and Declaration of Representative" form or such other form (such as a federal power of attorney form) which designates you as the taxpayer, identifies the type of tax or assessment, identifies your authorized representative, and states the effective date of representation.

To obtain a "Power of Attorney and Declaration of Representation" form, you may call the Revenue Department at **205-248-5200**, download the form at **Tuscaloosa.com**, or write:

**City of Tuscaloosa  
Accounting and Finance Department  
Revenue Division  
P.O. Box 2089  
Tuscaloosa, AL 35403**

If you wish, you may audio record any in-person interview with a Department employee, provided you notify the Department at least 24 hours prior to your interview. Likewise, we may audio record an in-person interview with you, provided we notify you at least 24 hours prior to your interview or if you have arranged to audio record your interview. In order to obtain a copy of any transcript or audio recording made by the Department, you must make a written request and pay the established fee.

# AFTER THE AUDIT

**After your audit, we will take one of the following three actions:**

▶▶▶ Accept your return(s) as filed

▶▶▶ Issue a "preliminary assessment" which will state any additional tax, penalty, and interest we believe you owe

▶▶▶ Issue a refund of tax and any applicable interest to you

If we propose any changes to your tax return, we will explain the reason. Please inquire about anything that is unclear to you.

If you do not agree with the Department's decision in your case, you may appeal this decision by filing a written petition requesting a review hearing on your case. The petition for review must be filed within thirty (30) days of the date of mailing or personal service of the preliminary assessment. The petition may be through a written letter addressed to the Department outlining the amount you are protesting and the reason.

The Department will review your petition and schedule a conference if requested or otherwise necessary. During this conference you will have the opportunity to discuss your case with designated officers from the division whose actions you are

contesting. This conference will allow both you and the department to present each side of the issue and to review any additional information being presented.

Based on the outcome of this conference, the Department will either cancel, change, or affirm its previous action. If you do not timely file your petition for review or the Department determines from the conference that the preliminary assessment is due to be upheld in whole or in part, the Department will enter a final assessment.

If a final assessment is entered, you will be notified in writing and advised that you may appeal to the administrative hearing officer or circuit court within thirty (30) days.