

8160.0300 AMENDED RETURNS.

Subpart 1. **Application.** This part applies only to income, corporate franchise, and estate taxes under Minnesota Statutes, chapters 290 and 291.

Subp. 2. **Effect of filing more than one return before the due date.** If more than one return for a single taxable period is filed by the date prescribed for filing the return (without regard to any extensions), the last return filed by the due date supersedes the previous return or returns. The last return filed by the due date is the taxpayer's original return for the taxable period and is not an amended return.

Subp. 3. **Effect of amended returns.** If a taxpayer files an amended return showing tax which is greater than the tax shown on the most recent assessment, the amended return constitutes an assessment which establishes the taxpayer's liability.

If a taxpayer files an amended return showing tax which is less than the tax shown on the most recent assessment, the amended return constitutes a claim for refund under Minnesota Statutes, section 289A.50. Before a claim for refund can be processed, the taxpayer must pay the tax as assessed prior to the claim for refund. The commissioner, however, may use the information contained in the claim for refund to adjust the previous assessment as long as the statute of limitations for adjusting that assessment has not expired.

Subp. 4. [Repealed, L 2000 c 490 art 13 s 21]

Subp. 5. **Time limitations on assessment and collection.** The taxpayer's filing of an amended return does not alter or extend the period of limitation for assessment of tax.

The time limitations for collection of additional tax shown on a taxpayer's amended return begin to run on the date the commissioner receives the amended return.

Subp. 6. **Interest and penalties.** The additional tax shown on a taxpayer's amended return bears interest from the date the original return was due to the date the amount of additional tax assessed by the taxpayer on the amended return is paid.

Penalties for failure to timely pay tax under Minnesota Statutes, section 289A.60, subdivision 1, begin to accrue from the date the amended return is received by the commissioner to the date the additional tax assessed by the amended return is paid.

Penalties added to the original return for failure to timely file under Minnesota Statutes, section 289A.60, subdivision 2, are recalculated using the tax liability shown on the amended return as the tax liability on which the penalties are based.

Statutory Authority: *MS s 270.06; 270C.06*

History: *17 SR 2106; L 2000 c 490 art 13 s 21; L 2005 c 151 art 1 s 114*

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