

Title 26. Taxation

Chapter I. Generally, Department of Finance and Administration

Subchapter A. General, Procedural, or Legal

Part 6. Tax Advisory Council

Subpart 1. Generally

26 CAR § 6-101. Tax Advisory Council.

(a)(1) Pursuant to Acts 1991, No. 998, the Commissioner of Revenues hereby establishes the Tax Advisory Council.

(2) Members of the council shall consist of representatives of the following groups:

- (A) Arkansas Bar Association;
- (B) Arkansas Society of Certified Public Accountants;
- (C) Arkansas Society of Public Accountants;
- (D) Revenue Division of the Department of Finance and Administration;

and

- (E) Other taxpayer-oriented groups.

(3) The commissioner shall appoint at least one (1) member of each group to serve on the council.

(b)(1) The council shall meet annually, or more often if necessary, to discuss:

- (A) Tax law changes;
- (B) Compliance problems; and
- (C) Other related matters.

(2) The council shall study methods to expedite claims for refund, protests, appeals, and cases which take an inordinate amount of time to complete.

(3) The council shall develop and submit an annual report to the chairs of the:

- (A) House Committee on Revenue and Taxation; and
- (B) Senate Committee on Revenue and Taxation.

Authority. Arkansas Code § 26-18-902.

26 CAR § 6-102. Claim for damages.

(a)(1) Any taxpayer who has sustained actual damages as a result of any erroneous action taken by the Department of Finance and Administration in a collection activity may file a claim for reimbursement with the department.

(2) Before the claim will be granted, the claimant/taxpayer must establish that:

(A) They sustained actual damages as a result of an error made by the Revenue Division of the Department of Finance and Administration; and

(B)(i) Prior to the damages being sustained, the claimant:

(a) Responded to all contacts made by the division; and

(b) Provided all requested information or documentation sufficient to establish the taxpayer's position.

(ii) This provision may be waived for reasonable cause.

(b)(1) All claims for reimbursement shall be filed on forms as prescribed by the Commissioner of Revenues.

(2) A copy of the prescribed form is included as Attachment "A" to this part.

(c)(1) Claims for reimbursement must be filed within ninety (90) calendar days after the date the actual damage was sustained.

(2) Claimants shall submit their claims to the Commissioner of Revenues, P. O. Box 1272, Little Rock, Arkansas 72203.

(3)(A) The commissioner shall review the claim submitted and approve or deny the claim within thirty (30) days of receipt.

(B) The claimant shall be notified promptly if the claim was approved or denied.

(C) If the claim is denied the department shall provide the taxpayer written notice of the reasons for denial.

Authority. Arkansas Code § 26-18-902.

26 CAR § 6-103. Employee evaluation.

(a)(1) The job responsibilities of many Revenue Division of the Department of Finance and Administration employees include taxpayer contacts.

(2)(A) Some employees have contact with taxpayers that is governed by the Taxpayer Bill of Rights, Arkansas Code § 26-18-801 et seq.

(B) Other employees have contact with taxpayers that, although not covered by the Taxpayer Bill of Rights, require quality taxpayer assistance.

(3) The employee evaluation of each employee having taxpayer contacts shall include the appropriate evaluation standard set out below.

(b)(1)(A) The following standard shall be used for all employees who have contact with the public not covered by the Taxpayer Bill of Rights.

(B) The employee shall provide courteous, prompt, and helpful service by:

(i) Offering technical assistance when needed;

(ii) Giving correct information and advice when in their area of expertise;

(iii) Directing taxpayers to the appropriate office when assistance is needed outside the employee's area of expertise; and

(iv) Notifying their supervisor of a coworker's inappropriate treatment of taxpayers.

(2) The following standard shall be used for employees who have contact with the public under the Taxpayer Bill of Rights:

(A) Allowing taxpayers to record interviews;

(B) Explaining the audit or collection process;

(C) Complying with the taxpayer's request to meet with their personal representative;

(D) Promptly releasing any liens on paid accounts; and

(E) Considering all reasonable requests for installment payment arrangements.

Authority. Arkansas Code § 26-18-902.

26 CAR § 6-104. Disclosure or use of information by preparers of returns.

(a) Any person engaged in the business of preparing, or providing services in connection with the preparation of, returns of tax administered under the Arkansas Tax Procedure Act, Arkansas Code § 26-18-101 et seq., or any person who, for compensation, prepares any such return for any other person, and who discloses any information furnished to him or her for or in connection with the preparation of any such return, or uses any such information for any purpose other than to prepare or assist in preparing any such return shall pay a penalty of two hundred fifty dollars (\$250) for each such disclosure or use, but the total amount imposed under this subsection on such a person for any calendar year shall not exceed ten thousand dollars (\$10,000).

(b) Subsection (a) of this section shall not apply to a disclosure of information if such disclosure is made either:

- (1) Pursuant to the Taxpayer Bill of Rights, Arkansas Code § 26-18-801 et seq.;
- (2) Pursuant to an order of a court; or
- (3) For quality or peer reviews, which are conducted under the auspices of the American Institute of Certified Public Accountants or the United States Securities and Exchange Commission.

(c) The criminal penalties provided for herein are in addition to any fines, penalties, or imprisonment imposed by Arkansas Code § 26-18-303.

Authority. Arkansas Code §§ 26-18-810, 26-18-902.

Appendix A. Claim for Reimbursement

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/221/26CARpt.6Appendix.pdf>