

Comparison of the Voluntary Disclosure Agreement (VDA) and the Alabama Tax Delinquency Act of 2018 (Amnesty Program)

Provisions	VDA	2018 Amnesty Program
<i>Eligible Taxes</i>	Corporate Income Tax Withholding Tax Pass Thru Entity Income Taxes Business Privilege Tax Financial Institution Excise Tax Sales Tax Consumer Use Tax Sellers Use Tax Rental or Leasing Tax Lodgings Tax State Administered Local Sales, Use, Rental and Lodgings Tax Mobile Telecommunications Service Tax Pharmaceutical Providers Tax Utility Gross Receipts Tax Utility Service Use Tax	Corporate Income Tax Withholding Tax Pass Thru Entity Income Taxes Business Privilege Tax Financial Institution Excise Tax Sales Tax Consumer Use Tax Sellers Use Tax Rental or Leasing Tax Lodgings Tax State Administered Local Sales, Use, Rental and Lodgings Tax Mobile Telecommunications Service Tax Pharmaceutical Providers Tax Utility Gross Receipts Tax Utility Service Use Tax <hr/> Individual Income Tax Casual Sales & Use Tax Contractor's Gross Receipts Tax Hydroelectric Kilowatt Hour Tax 2.2% Utility License Tax Oil & Gas Severance Tax Privilege Tax Production Taxes Coal Severance Tax 1971 Coal Severance Tax 1977 Coal & Lignite Severance Tax Forest Products Severance Tax Uniform Natural Minerals Severance Tax Tobacco Tax – Sales Tobacco Tax – Use State-Administered County Tobacco Taxes Pari-Mutuel Pool Privilege Tax
<i>Lookback Period</i>	3 years or 36 months of delinquent returns.	3 years or 36 months of delinquent returns.
<i>Details of Lookback Period</i>	Established as of postmark/receipt date of Voluntary Disclosure request letter.	Taxes due before, or for tax periods that began before, January 1, 2017.

<i>Ineligible Taxpayers</i>	Taxpayers who have been contacted ⁱ by the department in the last 7 years. Taxpayer who makes a material misrepresentation or misstatement in the Voluntary Disclosure request letter.	Taxpayers who have been contacted ⁱ by the department in the last 2 years. Taxpayers who are parties to any criminal investigation or criminal litigations in any court of the United States or the state of Alabama pending the effective date of this act for nonpayment, delinquency, or fraud in relation to any state tax imposed by a law of the state of Alabama and administered by the department. Taxpayers who deliver or disclose any false or fraudulent application, document, return, or other statement to the department in connection with an amnesty application.
<i>Application Process</i>	A taxpayer’s representative submits a Voluntary Disclosure request letter on behalf of the taxpayer pursuant to the Department’s Voluntary Disclosure Guidelines.	Must submit application online through the tax amnesty website: alabmataxamnesty.com .
<i>Waived</i>	Penalties	Penalties and Accrued Interest
<i>Appeal Rights</i>	Appeal rights are not required to be waived.	Requires waiver of all rights, restrictions, and delays for assessing, collecting, or protesting taxes and interest due as set forth in Title 40, Chapter 2A and Chapter 2B of the Code of Alabama, 1975. It also makes the filed returns ineligible for refund, credit, or claim against the state; however, a taxpayer shall be eligible for refund or credit if the overpayment arises after the amnesty application is submitted. In addition, taxpayers are ineligible for redetermination of admitted liabilities, but retain all administrative and judicial rights of appeal to any additional tax assessed by ADOR.

ⁱ Contact includes any previous contact of any kind by the Department or an agent with regard to potential liability for the type of tax identified in the amnesty, including but not limited to nexus questionnaire; filing of returns; an audit or a notice of audit; registration with Secretary of State or Department; request for an extension to file a return; payment notices/billings relating to the delinquent returns or estimated tax; and non-compliance issued in response to an application for certificate of compliance by the taxpayer.