

IC 6-4.1-10

Chapter 10. Refund of Inheritance Tax Erroneously or Illegally Collected

IC 6-4.1-10-1

Refund for illegally or erroneously collected tax; time for filing

Sec. 1. (a) A person may file with the department of state revenue a claim for the refund of inheritance or Indiana estate tax which has been erroneously or illegally collected. Except as provided in section 2 of this chapter, the person must file the claim within three (3) years after the tax is paid or within one (1) year after the tax is finally determined, whichever is later.

(b) The amount of the refund that a person is entitled to receive under this chapter equals the amount of the erroneously or illegally collected tax, plus interest calculated as specified in subsection (c).

(c) If a tax payment that has been erroneously or illegally collected is not refunded within ninety (90) days after the later of the date on which:

- (1) the refund claim is filed with the department of state revenue; or
- (2) the inheritance tax return is received by the department of state revenue;

interest accrues at the rate of six percent (6%) per annum computed from the date under subdivision (1) or (2), whichever applies, until the tax payment is refunded.

As added by Acts 1976, P.L.18, SEC.1. Amended by Acts 1980, P.L.57, SEC.25; P.L.211-2007, SEC.33; P.L.182-2009(ss), SEC.232.

IC 6-4.1-10-2

Time limits for filing for property interests under IC 6-4.1-6

Sec. 2. The time limits prescribed in section 1 of this chapter for filing a refund claim do not apply if the claim is for the refund of inheritance tax which has been determined in the manner provided in IC 6-4.1-6.

As added by Acts 1976, P.L.18, SEC.1.

IC 6-4.1-10-3

Orders for refund; funds from which payable; credit

Sec. 3. (a) The department of state revenue shall review each claim for refund and shall enter an order either approving, partially approving, or disapproving the refund. If the department either approves or partially approves a claim for refund, the department shall send a copy of the order to:

- (1) the treasurer of the county that collected the tax, if the refund applies to inheritance tax collected as a result of a resident decedent's death; and
- (2) the treasurer of state.

The treasurer of state shall pay the refund from money which is under his control and which has not otherwise been appropriated. The treasurer of state shall receive a credit for the county portion of

the amount so refunded, and the county treasurer of the county owing the credit shall account for the credit on the county's inheritance tax report for the quarter in which the refund is paid.

(b) Within five (5) days after entering an order with respect to a claim for refund filed under section 1 of this chapter, the department shall send a copy of the order to the person who filed the claim.

As added by Acts 1976, P.L.18, SEC.1. Amended by Acts 1980, P.L.57, SEC.26; P.L.98-2000, SEC.5.

IC 6-4.1-10-4

Appeal of refund order; complaint; jurisdiction

Sec. 4. (a) A person who files a claim for the refund of inheritance or Indiana estate tax may appeal any refund order which the department of state revenue enters with respect to his claim. To initiate the appeal, the person must, within ninety (90) days after the department enters the order, file a complaint in which the department is named as the defendant.

(b) The court which has jurisdiction over an appeal initiated under this section is:

(1) the probate court of the county in which administration of the estate is pending, if the appeal involves either a resident or a nonresident decedent's estate and administration of the estate is pending;

(2) the probate court of the county in which the decedent was domiciled at the time of his death, if the appeal involves a resident decedent's estate and no administration of the estate is pending in Indiana; or

(3) the probate court of any county in which any of the decedent's property was located at the time of his death, if the appeal involves a nonresident decedent's estate and no administration of the estate is pending in Indiana.

As added by Acts 1976, P.L.18, SEC.1. Amended by Acts 1980, P.L.57, SEC.27.

IC 6-4.1-10-5

Probate court determination; appeal

Sec. 5. When an appeal is initiated under section 4 of this chapter, the probate court shall determine the amount of any tax refund due. Either party may appeal the probate court's decision to the tax court in accordance with the rules of appellate procedure.

As added by Acts 1976, P.L.18, SEC.1. Amended by Acts 1980, P.L.57, SEC.28; P.L.59-1990, SEC.2.

IC 6-4.1-10-6

Annual appropriation to pay refund

Sec. 6. Amounts sufficient to pay the refunds provided for under this chapter are annually appropriated.

As added by Acts 1976, P.L.18, SEC.1.