

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4  
5 By: Representative Jett  
6

# A Bill

HOUSE BILL 1044

## For An Act To Be Entitled

8 AN ACT TO AUTHORIZE THE ESTIMATED ASSESSMENT OF TAX  
9 IF A TAXPAYER FAILS OR REFUSES TO PROVIDE RECORDS; TO  
10 AMEND THE LAW CONCERNING THE REQUIREMENT TO KEEP AND  
11 PRESERVE TAX RECORDS; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AUTHORIZE THE ESTIMATED ASSESSMENT OF  
16 TAX IF A TAXPAYER FAILS OR REFUSES TO  
17 PROVIDE RECORDS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 26-18-506(d), concerning the preservation  
23 of tax records by taxpayers, is amended to read as follows:

24 ~~(d)(1) When a taxpayer fails to preserve and maintain the records~~  
25 ~~required by any state tax law, the~~ The secretary may, ~~in his or her~~  
26 ~~discretion,~~ make an estimated assessment based upon information available to  
27 him or her ~~as to the amount of tax due by the taxpayer~~ when a taxpayer:

28 (A) Fails to keep and preserve the records required to be  
29 kept and preserved under this section; or

30 (B) Refuses to provide the records required to be kept and  
31 preserved under this section:

32 (i) Upon request by the secretary; or

33 (ii) In response to a court order compelling the  
34 production of records required to be kept and preserved under this section.

35 (2)(A) The burden of proof of in refuting this an estimated  
36 assessment made under subdivision (d)(1) of this section is upon the



1 taxpayer.

2 (B)(i) The burden of proof to refute an estimated  
3 assessment made in response to a taxpayer's refusal to provide records under  
4 subdivision (d)(1)(B) of this section shall not be met solely by the  
5 taxpayer's providing the records the taxpayer initially refused to provide.

6 (ii) Any records provided to refute an estimated  
7 assessment after a refusal to provide records under subdivision (d)(1)(B) of  
8 this section may be used to determine the actual amount of tax due or to  
9 prove the accuracy of any return.

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