

Statutes of Limitation for Filing Claims for Credit or Refund

Description	Expiration Date	Reference
Claim for refund or credit by a taxpayer who did not file a return.	Statute expires two years from the time the tax was paid. [However, under IRC Sec. 6512(b)(3), non-filers can file suit in the Tax Court for a refund of taxes paid within three years before the date of the Notice of Deficiency.]	IRC Sec 6511(a); Reg. 301.6511(a)1(a)(2)
Claim for credit or refund for return filed early (i.e., before the original due date).	Statute expires on the later of three years from the original due date for filing the return or two years from the time the tax was paid.	IRC Secs. 6511(a) and 6513(a); Regs. 301.6511(a)-1(a)(1) and 301.6513-1(a)
Claim relating to tax return filed on or after the original due date.	Statute expires on the later of three years from the time the original return was filed, or two years from the time the tax was paid.	IRC Sec. 6511(a); Reg. 301.6511(a)-1(a)(1)
Claim relating to bad debts or securities losses.	The normal three-year period is extended to seven years from the date provided by law (without regard to extensions) for filing the return.	IRC Sec. 6511(d)(1); Reg. 301.6511(d)-1(a)
Claim relating to an overpayment attributable to an NOL or capital loss carryback.	The normal three-year period is extended to the later of three years from the date prescribed by law (including extensions) for filing the return for the year in which the loss arose, or (if the taxpayer and the IRS have extended the refund period) six months after the expiration of the extended period.	IRC Sec. 6511(d)(2)
Claim relating to credits for foreign taxes.	Statute expires 10 years from the date prescribed by law for filing the return (determined without regard to extensions).	IRC Sec. 6511(d)(3); Reg. 301.6511(d)-3
Claim for refund relating to an overpayment attributable to a credit carryback.	The normal three-year period is extended to the later of three years from the date prescribed by law (including extensions) for filing the return for the year in which the credit arose, or (if the taxpayer and the IRS have extended the refund period) the period within which a claim could be filed for the tax year.	IRC Sec. 6511(d)(4)
Claim for refund relating to recapture of amounts under termination of a qualified plan.	The normal three-year period is extended to one year after the recaptured amount is paid.	IRC Sec. 6511(d)(6)

State Statute of Limitations

State	Income Tax Authority	Statute of Limitations
California Connecticut Georgia Idaho Virginia Vermont	UIC Code §1176.5(a) Agencies Regs. §12-732(a)-1(a) OCGA §48-2-35(c)(1)(A) Stat §63-3072(b) Code of Laws §58.1-499(D) 32 VSA §5884(a)	3 years from the last day of the regular filing season
Maryland Oklahoma Pennsylvania	§13-1104(a) §68-227(b) PA Tax Reform Code of 1971 §3003.1	3 years from date of payment of tax
Tennessee*	Code §67-1-1802(a)(1)(A) (2015)	3 years from December 31 of the year of payment of tax
New Mexico	Stat §7-1-26 (2015)(D)	3 years from the end of the calendar year in which payment was due
Iowa Illinois Montana Nebraska	Code 2016 §422.73(1) 35 ILCS §5/911(a)(1) Code §15-31-509(2) Code §77-27, 100	The later of 3 years from the last day of the regular filing season or 1 year from the time amended return was filed
Kansas	Code §79-3230	The later of 3 years from the last day of the regular filing season or 1 year from the time amended return was filed
Louisiana	RS §47:1623(A)	Later of 3 years from the last day of the calendar year in which the tax became due or 1 year after it was paid
Mississippi	Code §27-73-5 (2015)	Later of 3 years from the last day of the regular filing season or 3 years from date return was filed if filed within an authorized extension period
Federal (IRS) Alabama Arkansas Colorado Delaware Hawaii Massachusetts Missouri North Carolina New Hampshire* New Jersey New York Oregon Rhode Island South Carolina Utah	26 U.S. Code §6511(a) Code §40-2A-7(c)(2)(a) Code §26-18-306(b)(2)(B) CRS §39-21-108(1)(a)(i)(II) 30 DEL Code §5-III §539(a) Rev Stat §235-111(b) Code §62C-36 §143.801.1 §105-241.6(a) Rev Stat §21-1J:29 (2015) Rev Stat §54A:9-8 (2015) Tax Law §687(a) ORS §314.415(2) General Laws §44-30-87(a) Code of Laws §12-54-85(F) Code §59-1-1410(8)	The later of 3 years from the last day of the regular filing season or 2 years from the time the tax was paid

IRC Sec	Scenario	Tax Years Beginning in 2017 ¹		Tax Years Beginning in 2016 ²	
		Penalty	Maximum Penalty	Penalty	Maximum Penalty
Return Preparer Penalties					
6695(a)	Failure to furnish copy of return to taxpayer	\$50 per return	\$25,500	\$50 per return	\$25,500
6695(b)	Failure to sign return				
6695(c)	Failure to furnish identifying number				
6695(d)	Failure to retain a copy or list of returns prepared				
6695(e)	Failure to retain and make available a record of the preparers employed during a return period				
6695(f)	Endorsing or negotiating of a tax refund check	\$510 per check	No limit	\$510 per check	No limit
6695(g)	Failure to be diligent in determining eligibility for EIC, CTC, and the AOTC—per failure	\$510	No limit	\$510	No limit

¹Source: Rev. Proc. 2016-155. Applies to returns and statements required to be filed after December 31, 2017 (that is 2017 returns).

²Source: Rev. Proc. 2015-33. Applies to returns and statements required to be filed after December 31, 2016 (that is 2016 returns).

³These are two separate penalties that can be imposed for both failing to file returns to the IRS and failing to provide copies to payees.

⁴A small business is one with average annual gross receipts for the most recent three tax years that don't exceed \$5 million.