

**701—108.5(437B) Statute of limitations.**

**108.5(1)** The director has three years after a return is filed to determine the tax due if the return is found to be incorrect and to give notice to the taxpayer of the determination. This three-year statute of limitations does not apply in the instances specified in subrule 108.5(2).

**108.5(2)** If a taxpayer files a false or fraudulent return with the intent to evade any tax, the correct amount of tax due may be determined by the director at any time after the return has been filed.

**108.5(3)** If a taxpayer fails to file a return, the three-year statute of limitations does not begin until the return is filed with the director.

**108.5(4)** Waiver of statute of limitations. The department and the taxpayer may extend the three-year period of limitations provided in subrule 108.5(1) above by signing a waiver agreement form provided by the department. The agreement shall designate the period of extension and the tax year for which the extension applies. The agreement shall provide that the taxpayer may file a claim for refund of replacement tax at any time prior to the expiration of the agreement.

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