



Michelle Lujan Grisham
Governor

Stephanie Schardin Clarke
Cabinet Secretary

FOR IMMEDIATE RELEASE

Media Contact: Charlie Moore

Charlie.Moore@state.nm.us

(505) 827-0690

New Rights and Procedures for Disputing Tax Assessments

The Taxation and Revenue Department has updated several publications that explain new taxpayer rights and procedures for disputing tax assessments.

The new rights and procedures were established in the 2019 Legislative Session through Senate Bill 129, sponsored by Sens. Jacob Candelaria and Daniel Ivey-Soto and Rep. Jason Harper and signed into law by Gov. Michelle Lujan Grisham.

As under previous law, taxpayers have two options for disputing a notice of tax liability or other Department action: they may file a written protest with the Department without making payment, or pay the assessed tax liability and then file a claim for refund. Each option has specific procedures that must be followed.

While taxpayers will still have 90 days to file a written protest to dispute a notice of tax liability or certain other actions by the Department, there are several changes to the protest process as a result of SB 129, including:

- Taxpayers can request an informal conference to resolve a dispute with the Department within 60 days of filing a valid protest. The informal conference must be held within 30 days of the Department receiving a written request.
- If the Department determines that a written protest was not properly filed, the Department must now provide the taxpayer with the reasons for that determination. Under the new law, the taxpayer now has 21 days to correct the errors and resubmit the protest.
- The Department and taxpayers now have between 60 and 180 days after the protest is acknowledged to request a hearing with the Administrative Hearings Office, up from 45 days previously.

“By allowing taxpayers and the Taxation and Revenue Department greater opportunity to work together to resolve protests informally, Senate Bill 129 will save taxpayers and the Department time, money, and frustration,” said Taxation and Revenue Department Secretary Stephanie Schardin Clarke. “The Taxation

and Revenue Department is committed to providing fair, consistent, and responsive resolution of protests.”

The number and dollar amount of active protests open with the Department has grown over recent years as a result of Department vacancies as well as increased protest activity. The Department is recruiting heavily to fill vacancies and working to identify temporary contract help to assist in resolving the protest backlog.

More information is available on the Department website in FYI-406, FYI-402 and FYI-405. They can be found by going to www.tax.newmexico.gov, then navigating to Forms and Publications and then selecting publications and then FYIs. These publications are also available at the Department’s district offices.