

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 982, 6038A, 7609 of this title.

§ 6532. Periods of limitation on suits

(a) Suits by taxpayers for refund

(1) General rule

No suit or proceeding under section 7422(a) for the recovery of any internal revenue tax, penalty, or other sum, shall be begun before the expiration of 6 months from the date of filing the claim required under such section unless the Secretary renders a decision thereon within that time, nor after the expiration of 2 years from the date of mailing by certified mail or registered mail by the Secretary to the taxpayer of a notice of the disallowance of the part of the claim to which the suit or proceeding relates.

(2) Extension of time

The 2-year period prescribed in paragraph (1) shall be extended for such period as may be agreed upon in writing between the taxpayer and the Secretary.

(3) Waiver of notice of disallowance

If any person files a written waiver of the requirement that he be mailed a notice of disallowance, the 2-year period prescribed in paragraph (1) shall begin on the date such waiver is filed.

(4) Reconsideration after mailing of notice

Any consideration, reconsideration, or action by the Secretary with respect to such claim following the mailing of a notice by certified mail or registered mail of disallowance shall not operate to extend the period within which suit may be begun.

(5) Cross reference

For substitution of 120-day period for the 6-month period contained in paragraph (1) in a title 11 case, see section 505(a)(2) of title 11 of the United States Code.

(b) Suits by United States for recovery of erroneous refunds

Recovery of an erroneous refund by suit under section 7405 shall be allowed only if such suit is begun within 2 years after the making of such refund, except that such suit may be brought at any time within 5 years from the making of the refund if it appears that any part of the refund was induced by fraud or misrepresentation of a material fact.

(c) Suits by persons other than taxpayers

(1) General rule

Except as provided by paragraph (2), no suit or proceeding under section 7426 shall be begun after the expiration of 9 months from the date of the levy or agreement giving rise to such action.

(2) Period when claim is filed

If a request is made for the return of property described in section 6343(b), the 9-month period prescribed in paragraph (1) shall be extended for a period of 12 months from the date of filing of such request or for a period of 6

months from the date of mailing by registered or certified mail by the Secretary to the person making such request of a notice of disallowance of the part of the request to which the action relates, whichever is shorter.

(Aug. 16, 1954, ch. 736, 68A Stat. 816; Sept. 2, 1958, Pub. L. 85-866, title I, §89(b), 72 Stat. 1665; Nov. 2, 1966, Pub. L. 89-719, title I, §110(b), 80 Stat. 1144; Oct. 4, 1976, Pub. L. 94-455, title XIX, §1906(b)(13)(A), 90 Stat. 1834; Dec. 24, 1980, Pub. L. 96-589, §6(d)(4), 94 Stat. 3408.)

AMENDMENTS

- 1980—Subsec. (a)(5). Pub. L. 96-589 added par. (5).
1976—Pub. L. 94-455 struck out "or his delegate" after "Secretary" wherever appearing.
1966—Subsec. (c). Pub. L. 89-719 added subsec. (c).
1958—Subsec. (a)(1), (4). Pub. L. 85-866 inserted "certified mail or" before "registered mail" wherever appearing.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-589 effective Oct. 1, 1979, but not applicable to proceedings under Title 11, Bankruptcy, commenced before Oct. 1, 1979, see section 7(e) of Pub. L. 96-589, set out as a note under section 108 of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-719 applicable after Nov. 2, 1966, regardless of when title or lien of United States arose or when lien or interest of another person was acquired, with certain exceptions, see section 114(a)-(c) of Pub. L. 89-719, set out as a note under section 6323 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-866 applicable only if mailing occurs after Sept. 2, 1958, see section 89(d) of Pub. L. 85-866, set out as a note under section 7502 of this title.

CROSS REFERENCES

Period of limitation on action for collection of tax after assessment, see section 6502 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6230, 6512, 6514, 6515, 7405, 7426 of this title.

§ 6533. Cross references

- (1) For period of limitation in respect of civil actions for fines, penalties, and forfeitures, see section 2462 of Title 28 of the United States Code.
(2) For extensions of time by reason of armed service in a combat zone, see section 7508.
(3) For suspension of running of statute until 3 years after termination of hostilities, see section 3287 of Title 18.

(Aug. 16, 1954, ch. 736, 68A Stat. 816.)

CHAPTER 67—INTEREST

Table with 2 columns: Subchapter and Sec.1. Rows include A. Interest on underpayments (6601), B. Interest on overpayments (6611), and C. Determination of interest rate; compounding of interest (6621).

AMENDMENTS

1982—Pub. L. 97-248, title III, §344(b)(3)(B), Sept. 3, 1982, 96 Stat. 636, inserted "; compounding of interest" after "rate" in item for subchapter C.

1 Section numbers editorially supplied.