

Memorandum

570.1625

To: Audit Review and Refund (GMD)

April 24, 1972

From: Tax Counsel (GLR) - Headquarters

Subject: S--- F--- T--- T--- Co.

SY -- XX XXXXXX

In your memorandum of March 2, 1972 you ask whether the taxpayer under the circumstances set forth below is entitled to the offset provided in Section 6406.

We understand that use tax was assessed by the State of --- as a result of an audit on the basis that a taxable use had been made of the vehicle by the taxpayer in --- prior to bringing it to California. Since the vehicle entered the state within ninety days from the date of purchase and was substantially used thereafter in California, it was concluded that the vehicle was also subject to California use tax. Upon review, it was concluded that the --- tax was properly due and will be paid.

Under these circumstances, it is our opinion that Section 6406 is applicable and the offset provided therein should be granted to the taxpayer.

GLR:lb

cc: Out-of-State
