Topic: Refund Policy Update Questions

Question by: Patrick Reed

Jurisdiction: Washington

Date: February 13, 2020

Jurisdiction	Question(s)
	I looked though old summaries and the last refund information request I found was 2016. I would like to log an update of jurisdiction policy/non-policy. 1. Does your jurisdiction have a no refund policy? a. If yes, are there exceptions such as duplicate filing or over payments? 2. Do you have a case by case policy/procedure on refunds? 3. Common struggles with customer feedback/satisfaction when your jurisdiction policy is applied? In Washington State OSOS has a no refund policy. That strictly applies to documents that have been filed/recorded, unless it was a technical or OSOS staff error. All other situations are up front considered no refund, but will be considered case by case if review is requested by the customer in writing. Our goal is to maintain a policy that both limits the volume of refunds, but accommodates simple or common mistakes made by the public. With 600,000 entities the refund process alone can be draining on staff resources. In addition, WA State has a penalty waiver process in statute. If a penalty is applied to an entity. They can request a 1 time waiver of the "paperwork mistakes" that generated the penalty. It does not apply to the actual filing fee, only the penalty can be waived 1 time.
Manitoba	
Corporations Canada	Corporations Canada does not issue refunds for complete requests for applications made under the Canada Business Corporations Act (CBCA) and the Not-for-Profit Act (NFP). We define 'complete' as requests that include all necessary documents, forms are completed and signed and the applicable fee has been processed. If any of these requirements are missing, then we consider the application incomplete and we allow for refunds for incomplete requests. Our current policy does not allow for refunds, however, in cases where there is a system error (duplicate filing) or an error attributable solely to Corporations Canada, then we look at each request on a case-by-case basis. In cases where we want to make an exception and allow for a refund, the procedure is to present a memorandum to the Management Advisory Group (committee made up of Management) who then presents their recommendation to senior management within Corporations Canada for approval. The no-refund policy for CBCA applications recently came into force on January 15th 2020. To date, we have only received one request for a refund. As for NFP applications, we receive minimal complaints from clients or requests for refunds.

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Alabama	
Alaska	
Arizona	
Arkansas	
California	
Colorado	
Connecticut	
Delaware	
District of Columbia	
Florida	
Georgia	
Hawaii	
Idaho	
Illinois	

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Indiana	Indiana is similar to Ohio. We hold the funds for a certain amount of time for resubmission of rejected filings. If the filing is not resubmitted we have a process for refunding the money if there is a request or once the funds are in the "account" for a certain period of time. In both cases the office would send a refund voucher request to the submitter, and that would have to be signed and returned in order for payment to be made. If the funds are not claimed, it would eventually go to the Attorney General's Office as unclaimed property and the customer would then have to recover the money from the AG. The refund voucher request is an antiquated process that is required by State Board of Accounts. I wish we could auto-generate a check like Ohio!
Iowa	
Kansas	
Kentucky	
Louisiana	In Louisiana, when we reject an online filing, that charge is released, as it is only an pre-authorization pending on whether the filing is accepted or not, so no need to issue a refund. If we find a name conflict or another error after the fact and have to cancel a filing, we will refund that charge. If it was an E-Check payment, it is retained for 10 business days and then we issue a refund. Nothing online "retains" a payment for a future resubmission. If they are filing in-house by paper, we do issue over-remits on checks, if they overpay. If the filing is returned for corrections, the filing fee is forwarded to our accounting department and held on account for the resubmission. In general, no real issues have arisen over our refund policies and I would say our customers are satisfied.

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Maine	
Maryland	

Massachusetts	1. Does your jurisdiction have a no refund policy? Generally, the office does not refund filings which are posted to the system.
	  * If yes, are there exceptions such as duplicate filing or over payments? The exception is for (a) duplicate annual reports; and (b) annual reports filed after an entity is dissolved.
	
	  1. Do you have a case by case policy/procedure on refunds? For refunds out of the ordinary course our payment department is required to receive approval from the legal staff.
	
	  1. Common struggles with customer feedback/satisfaction when your jurisdiction policy is applied? Now that most filings are made electronically, the main issue the staff hears is that once a filing is made we will not refund the filing. Therefore, on a slower filing day filings may post quickly and if the filer wanted to add something, they know have to do an amendment, incurring more filing fees.
	
	Generally, there is a zero refund policy on UCCs. Once the filing hits the system it cannot be refunded and removed.

Michigan	

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Minnesota	Minnesota refund policy: ? Overpayments ? Duplicate filings ? Rejected documents that are not corrected within 60 days from the rejection date (mail filings) ? Rejected documents online filings (includes Expedited Fee) ? Filing office error Otherwise once filed, no refunds are given.
Mississippi	
Missouri	
Montana	Montana is similar to Washington, although all of our filings are done online. We do have some duplicate payment issues with our payment processor, and those do get refunded. If something is SOS error, we refund, otherwise once filed, no refunds are given.
Nebraska	
Nevada	Nevada allows refunds for technical or staff errors and overpayments for up to one year. Exceptions for duplicate filings or other are at the discretion of the Secretary or her Deputy. All refunds $500 or more are approved by the Deputy. Most common complaints and dissatisfaction are related to no waivers on penalties.
New Hampshire	
New Jersey	

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New Mexico	
New York	
North Carolina	I believe for UCC filings we have a no refund policy. Tina will be able to provide more details for UCCs. However, for business registration, we don't have a no refund policy, but we are restricted to one year.

North Dakota	Generally, in North Dakota:
	
	  * For business registration documents (not annual reports), if we send a document back for corrections and do not receive a corrected document back within 90 days, we reject the document and refund ? of the fee paid (we retain ? as a "handling charge" as allowed by law). The ? we retain, however, may not exceed $100.
	  * For annual reports, if we send a document back for corrections and do not receive a corrected document back within 30 days, we reject the document and retain the entire fee (allowed by law).
	
	We don't issue refunds under $5.00. (We are considering options to increase this.)
	
	We don't really have any common struggles with customers on this.

Ohio	In Ohio, if we reject a business filing then we hold the fee in escrow for 45 days giving them time to resubmit. If they do not submit a filing that is approved in that time then our system automatically puts the fee in refund status which generates a check to send back to them. If someone does a duplicate filing and we accept in error we will cancel the filing and refund the fee. We also refund overpayments if they are over $10.00 which is set in our fee statute.

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Oklahoma	
Oregon	
Pennsylvania	

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Rhode Island	RI's refund policy is as follows (from our website): The Rhode Island Department of State issues refunds for statutorily required filing fees mandated by Rhode Island General Law. All refunds, regardless of original payment method, will be issued by the Rhode Island Office of the General Treasurer. Download the full refund policy<https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sos.ri.gov%2Fassets%2Fdownloads%2Fdocuments%2FRefund-Policy.pdf&data=02%7C01%7Cpviverto%40azsos.gov%7C47efdf9f479b486cab5608d7b1541f51%7Cb4494a03f26d475dba4139871e763531%7C1%7C0%7C637172847934612675&sdata=zG%2Fb6BJVDoB4680Wr8ioCqA9LSgNNs7Zi16lp6a1yHY%3D&reserved=0>. What is refundable? * Duplicate filings and/or payments. * Rejected documents that are not corrected within 30-days from the date the document was submitted to this office. To request a refund, please complete and submit the electronic refund request form<https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.sos.ri.gov%2Frefunds&data=02%7C01%7Cpviverto%40azsos.gov%7C47efdf9f479b486cab5608d7b1541f51%7Cb4494a03f26d475dba4139871e763531%7C1%7C0%7C637172847934612675&sdata=l6IUvzi%2BwcainkJ97vAUN3HpNbEhin9i2uqTuVkvVNI%3D&reserved=0>. From the date of your request, expect a processing time of 14 business days. A check will then be issued by the General Treasurer. What is non-refundable? * Filing fees paid for valid transactions. * Overpayments in the amount of $10 or less. * Expedited/Enhanced access fees.

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South Carolina	
South Dakota	
Tennessee	
Texas	In Texas, Section 71.9(c) of the Texas Administrative Code states that money paid by actual mistake or in excess, such as a payment not required by law, is subject to refund. A mere change of purpose after the payment of money, as when a party desires to withdraw a filing, will not entitle a party to a refund.
Utah	
Vermont	
Virginia	
Washington	
West Virginia	

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Wisconsin	Allowable Refunds * Duplicate submissions/requests (filing fee only; no refund of Expedited Fee) * Overpayments (over $10 only; anything $10 or less is not refunded) * Online Order System Fee payment--wrong product selection, includes Expedited Fee * Documents that cannot be filed, i.e. "no record", Agent Resignation when submitter is not the Agent; * Customer changes mind about going through with a filing/request. (filing fee only; no refund of Expedited Fee) * Misdirected filings * Tech system breakdowns that affect a filing * Expedited Fee if filing was not handled in an expeditious manner Refunds Not Allowed * Expedited Fees, unless customer has ordered incorrect OOS product or filing was not handled in expeditious manner. * Charter documents if submitted on a fillable document * Service Request Fees: Simple Copy, Certified Copy work, Certificates of Status - not refunded unless they ordered the wrong document or the wrong entity name and are resubmitting.
Wyoming	

Additional comments:

Full text of email:

Good afternoon!

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a.   If yes, are there exceptions such as duplicate filing or over payments?

2.   Do you have a case by case policy/procedure on refunds?

3.   Common struggles with customer feedback/satisfaction when your jurisdiction policy is applied?

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Looking forward to your feedback!

Patrick

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