

Act 697 of the 1989 Regular Session.

Act 697

HB1661

By: Representatives Clark and Barclay

"AN ACT TO AMEND TITLE 26, CHAPTER 35, SUBCHAPTER 5 OF THE ARKANSAS CODE OF 1987 TO CLARIFY WHEN A PENALTY SHALL BE ASSESSED AGAINST TAXPAYERS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 26-35-501 is hereby amended to read as follows:
" 26-35-501. Time to pay - Installments.

(a) (1) All ad valorem taxes levied on real and personal property by the several county courts of the state when assembled for the purpose of levying taxes, except taxes on the property of utilities and carriers and all ad valorem taxes on real property held in escrow, shall be due and payable on and from the third Monday in February to and including October 10 in the year succeeding the year in which the levy is made.

(2) (A) Every taxpayer other than a utility or carrier shall have the option to pay the taxes on real property of the taxpayer in installments as follows:

(i) The first installment of one-fourth (1/4) of the amount of the taxes shall be payable on and from the third Monday in February to and including the third Monday in April; or

(ii) A second installment of one-fourth (1/4) or a first installment of one-half (1/2) if no payment was made before the third Monday in April shall be payable on and from the third Monday in April to and including the third Monday in July; and

(iii) The third installment of one-half (1/2) shall be payable on and from the third Monday in July to and including October 10.

(B) A taxpayer who does not submit installment payments in compliance with this schedule shall be deemed to have waived the option to pay in installments.

(b) All ad valorem taxes levied on the real and personal property of utilities and carriers shall be due and payable as follows:

(1) One-fourth (1/4) shall be due and payable on and from the third Monday in February to and including the third Monday in April;

(2) One-fourth (1/4) due and payable on and from the third Monday in April to and including the second Monday in June; and

(3) One-half (1/2) shall be due and payable on and from the third Monday in April to and including October 10 in the year succeeding the year in which the levy is made.

(c) It shall be the duty of the collectors of the respective counties to assess a penalty of ten percent (10%) against all unpaid tax balances remaining after October 10 for every taxpayer other than a utility or carrier or after the prescribed dates listed in (b) above for utilities and carriers. No taxpayer paying in installments under (a)(2) above shall be assessed a penalty until such taxes become due and remain unpaid after October 10. However, if the last day for the payment of taxes on any installment is a Saturday or Sunday, the taxes shall become due and payable without penalty the following Monday."

SECTION 2. All provisions of this act of a general and permanent nature

are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. It is hereby found and determined by the General Assembly that current law encumbers the early payment of taxes by taxpayers in this state; that it is in the best interest of all persons in this state that taxes be collected for the benefit of the state at the earliest possible date; therefore, an emergency is hereby declared and this act being necessary for the preservation of the public health, welfare and safety, shall become effective immediately upon passage.

APPROVED: March 20, 1989
