

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/10/11 H3/11/11

A Bill

HOUSE BILL 1703

5 By: Representative English
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE STATUTES RELATING TO THE
9 COLLECTION, PAYMENT, AND ENFORCEMENT OF PROPERTY
10 TAXES; TO AMEND THE INSTALLMENT PAYMENT PROVISIONS
11 FOR PROPERTY TAXES; TO MAKE TECHNICAL CORRECTIONS;
12 AND FOR OTHER PURPOSES.
13

Subtitle

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15
16 TO AMEND THE STATUTES RELATING TO THE
17 COLLECTION, PAYMENT, AND ENFORCEMENT OF
18 PROPERTY TAXES; TO AMEND THE INSTALLMENT
19 PAYMENT PROVISIONS FOR PROPERTY TAXES;
20 AND TO MAKE TECHNICAL CORRECTIONS.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 26-34-101, concerning preference of tax
26 liens, is amended to add an additional subsection to read as follows:

27 (c)(1) Failure to satisfy a personal property tax lien following a
28 purchase of a business or a business's assets, goods, chattels, inventory, or
29 equipment not in the ordinary course of business shall result in the
30 assessment of an additional penalty under § 26-36-201(c) except with respect
31 to a purchase of the following:

32 (A) A vehicle subject to registration; or

33 (B) A manufactured home or a mobile home.

34 (2) A purchase of a business or a business's assets, goods,
35 chattels, inventory, or equipment not in the ordinary course of business does
36 not include the deed of property in lieu of foreclosure or the acquisition of



1 title to property following a foreclosure sale.

2
3 SECTION 2. Arkansas Code § 26-35-201 is amended to read as follows:
4 26-35-201. Distraint when taxpayer about to move.

5 (a) Whenever any If a county collector shall have has reason to
6 believe that any a person charged with taxes, other than ~~those~~ taxes upon
7 real estate, is about to remove from the county without paying ~~his~~ the
8 person's taxes, ~~he may,~~ at any time, the county collector may levy and
9 collect the taxes with costs by distress and sale.

10 (b) A county collector may levy and collect the charged taxes with
11 costs by distress and sale if the delinquent taxes are not satisfied or paid
12 in full following the sale of a business or the sale of the goods, chattels,
13 inventory, or equipment of a business not in the ordinary course of business.

14
15 SECTION 3. Arkansas Code § 26-35-501 is amended to read as follows:
16 26-35-501. Time to pay – Installments.

17 (a)(1) All ad valorem taxes levied on real and personal property by
18 the several county courts of the state when assembled for the purpose of
19 levying taxes, except taxes on the property of utilities and carriers and all
20 ad valorem taxes on real property held in escrow, ~~shall be~~ are due and
21 payable ~~on and from~~ between the first business day in March ~~to and including~~
22 and October ~~10 15 inclusive~~ in the year succeeding the year in which the levy
23 is made.

24 (2)(A) ~~Every~~ Except as provided in § 26-35-601, every taxpayer
25 other than a utility or carrier ~~shall have~~ has the option to pay the current
26 taxes on real property and personal property of the taxpayer in installments
27 as follows:

28 (i) The first installment of one-fourth ($\frac{1}{4}$) of the
29 amount of the taxes ~~shall be~~ is payable ~~on and from~~ between the ~~third Monday~~
30 ~~in February to and including~~ first business day in March and the third Monday
31 in April inclusive;

32 (ii) A second installment of one-fourth ($\frac{1}{4}$) or a
33 first installment of one-half ($\frac{1}{2}$) if no payment was made before the third
34 Monday in April ~~shall be~~ is payable ~~on and from~~ between the third Monday in
35 April ~~to and including~~ and the third Monday in July inclusive; and

36 (iii) The third installment of one-half ($\frac{1}{2}$) ~~shall be~~

1 is payable on and from between the third Monday in July to and including and
2 October 10 15 inclusive.

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

6 (B)(i) A county collector may authorize the county's
7 taxpayers other than a utility or carrier to pay current real property taxes
8 and personal property taxes in installments in any amount between the first
9 business day in March and October 15 inclusive.

10 (ii) Except as provided in § 26-35-601, a collector
11 shall not accept payment of delinquent real property taxes from a taxpayer
12 unless the delinquent personal property taxes of the taxpayer are paid in
13 full.

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

16 (1) One-fourth ($\frac{1}{4}$) ~~shall be due and payable on and from between~~
17 ~~the third Monday in February to and including~~ first business day in March and
18 the third Monday in April inclusive;

19 (2) One-fourth ($\frac{1}{4}$) ~~shall be due and payable on and from between~~
20 ~~the third Monday in April to and including~~ and the second Monday in June
21 inclusive; and

22 (3) One-half ($\frac{1}{2}$) ~~shall be due and payable on and from between~~
23 ~~the third Monday in April to and including~~ second Monday in June and October
24 10 15 inclusive in the year succeeding the year in which the levy is made.

25 (c)(1) It ~~shall be~~ is the duty of the county collectors of the
26 respective counties to assess a penalty of ten percent (10%) against all
27 unpaid tax balances remaining after October ~~10 15~~ for every taxpayer other
28 than a utility or carrier or after the prescribed dates listed in subsection
29 (b) of this section for utilities and carriers.

30 (2)(A) ~~No~~ A taxpayer paying in installments under subdivision
31 (a)(2) of this section shall not be assessed a penalty until such taxes
32 become due and remain unpaid after October ~~10 15~~.

33 (B) However, if the last day for the payment of taxes on
34 any installment is a Saturday, Sunday, or postal holiday, the last day to pay
35 taxes without a penalty is the following business day.

36 (3)(A) A property tax balance payment is timely received under

1 this subsection if mailed through the United States Postal Service and
2 postmarked by October ~~10~~ 15.

3 (B) If October ~~10~~ 15 is a Saturday, Sunday, or postal
4 holiday, a property tax balance payment is timely received if mailed and
5 postmarked through the United States Postal Service the following business
6 day.

7
8 SECTION 4. Arkansas Code § 26-36-201 is amended to read as follows:
9 26-36-201. Dates taxes due and payable.

10 (a)(1) All taxes levied on real estate and personal property for the
11 county courts of this state, when assembled for the purpose of levying taxes,
12 ~~shall be deemed to be~~ are due and payable at the county collector's office
13 ~~any time from~~ between the first business day of March ~~to~~ and ~~including~~
14 ~~October 10~~ 15 inclusive.

15 (2) All taxes unpaid after October ~~10~~ 15 ~~shall be considered as~~
16 are delinquent.

17 (b)(1) ~~It is the duty of the~~ The county collector ~~to~~ shall extend a
18 penalty of ten percent (10%) against all delinquent taxpayers that have not
19 paid their taxes within the time limit specified, ~~and the~~.

20 (2) The county collector shall collect this the penalty
21 provided in subdivision (b)(1)(A) of this section.

22 (c) The county collector shall extend an additional penalty of
23 ten percent (10%) upon all delinquent taxpayers if the taxpayers' delinquent
24 personal property taxes are not satisfied or paid in full by October 15
25 following the purchase of a business or the assets, goods, chattels,
26 inventory, or equipment of a business not in the ordinary course of business.

27 (d) No A penalty shall not be assessed against any a taxpayer
28 who is a member of the United States armed forces, reserve component of the
29 armed forces, or the National Guard during the taxpayer's deployment plus one
30 (1) tax year after the deployment ends.

31 (e) When October ~~10~~ 15 falls on a Saturday, Sunday, or a holiday
32 observed by the United States Postal Service, the taxes shall become due and
33 payable the following business day that is not a holiday observed by the
34 United States Postal Service.

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36 /s/English