

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1409

By: Representatives Lipton, Newman, et al.

"AN ACT TO PROVIDE FOR THE ASSESSMENT OF TANGIBLE PERSONAL PROPERTY; TO PROVIDE FOR THE COLLECTION OF AD VALOREM TAXES ON SUCH PROPERTY; TO PROVIDE EVIDENCED OF PAYMENT OF SUCH TAXES; AND FOR OTHER PURPOSES."

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

SECTION 1. It is the purpose and intent of this Act to prevent persons from avoiding the payment of tangible personal property taxes by moving from one county to another within the state or by moving outside the state between the time of assessing property for taxes and the time of collecting taxes thereon, by establishing a system for the payment of personal property taxes during the same year in which such property is assessed for taxes.

SECTION 2. On and after January 1, 1988, tangible personal property shall be assessed for taxes by the taxpayers from January 1 to April 1.

SECTION 3. On or before May 1, the assessor shall deliver to the county clerk the personal property assessment roll book.

SECTION 4. After receiving the personal property assessment roll book, the county clerk shall extend the taxes. The tax book shall be delivered to the county collector by June 10.

SECTION 5. All taxpayers shall pay their respective ad valorem taxes on tangible personal property between July 10 and October 10. Installment payments for taxes are not permitted and the county collector is prohibited from accepting installment or partial payments. The ad valorem taxes paid on tangible personal property by any taxpayer during the calendar year 1988 shall

be based upon the 1988 personal property assessment and such taxpayer shall not be required to pay the ad valorem taxes upon tangible personal property based on the 1987 assessment. The taxes to be paid during the calendar year 1988 and each year thereafter shall be computed on the basis of the millage rates levied by the quorum court the preceding year. Provided, the millage rate levied on tangible personal property shall be a rate which will produce at least the same dollar amount of revenues received by the taxing unit from personal property taxes during the base year as provided in Amendment 59 to the Arkansas Constitution.

SECTION 6. In order to defray the costs of implementing the procedures prescribed in this Act, the county collectors, with approval of the quorum court, may collect a fee of one dollar (\$1.00) for each personal property tax bill. The one dollar (\$1.00) fee set forth in this Section shall be deposited in a separate account with the county treasurer and shall be used exclusively by the county collector to defray expenses incurred through the implementation of the procedures set forth in this Act.

SECTION 7. A penalty of ten percent (10%) of the taxpayer's total tangible personal property taxes shall be imposed on any taxpayer who fails or refuses to assess his or her tangible personal property on or before April 1 each year. A penalty of ten percent (10%) of the taxpayer's total tangible personal property taxes shall be assessed if the taxpayer fails or refuses to pay tangible personal property taxes on or before the tenth (10th) day of October next following the assessment of such property for taxation.

SECTION 8. The Assessment Coordination Division shall prescribe the forms to be used for the assessment and collection of tangible personal property pursuant to the provisions of this Act. The Division of Legislative Audit shall assist and guide the various county officials in establishing an appropriate procedure to be followed in assessing and collecting tangible personal property taxes, and other matters necessary to effectively and efficiently carry out the purposes of this Act.

SECTION 9. The provisions of this Act shall not be applicable to taxpayers whose property is subject to assessment by the Tax Division of the

Arkansas Public Service Commission.

SECTION 10. Nothing contained herein shall be construed to limit or restrict the right of a taxpayer to make application to the Equalization Board for adjustment of the tangible personal property assessment or the right of the taxpayer to obtain judicial review of the final determination of the Equalization Board, and nothing contained herein shall be construed to limit or restrict or alter the authority and responsibility of any county official, the county equalization board, the county court, or any other agency or person having responsibility with respect to the assessment and collection of ad valorem taxes on tangible personal property.

SECTION 11. Before the Department of Revenue will issue motor vehicle licenses (tags), the taxpayer must provide the following:

(a) If licenses are purchased between January 1 and October 10, the taxpayer must furnish proof of the current year's assessment, and the original personal property tax receipt for the previous year.

(b) If licenses are purchased after October 10, the taxpayer must furnish proof of assessment and the original personal property tax receipt for the current year.

SECTION 12. The provision of this Act shall be supplemental to any other laws of this state relating to the assessment and collection of ad valorem taxes on property and shall be deemed to repeal or modify only those laws in direct conflict with it.

SECTION 13. All laws and parts of laws in conflict with this Act are hereby repealed.

