

State of Arkansas

Call Item 10

76th General Assembly

Third Extraordinary Session, 1988

HOUSE BILL 1023

By: Representatives Barclay, Hutchinson and Hinshaw

"AN ACT TO AMEND SECTIONS 26-26-1408, 27-13-101, AND 26-26-716 OF THE ARKANSAS CODE TO DELAY CHANGES MADE BY ACT 621 OF 1987 IN THE ARKANSAS PROPERTY TAX LAWS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code Section 26-26-1408 is amended to read as follows:

"26-26-1408. (a) Beginning January 1, 1988:

(1) Tangible personal property shall be assessed for taxes by the taxpayers from January 1 to April 10; and

(2) The taxpayers shall pay the ad valorem taxes on tangible personal property at the time of assessing the property for taxes on or before October 10 next following the date of assessing the property for taxes.

(b) On and after January 1, 1990:

(1) Taxpayers shall annually assess their tangible personal property for ad valorem taxes during the period from January 1 through April 10;

(2) Taxable tangible personal property of new residents and new businesses established after April 10 and taxable tangible personal property acquired by residents during the period from April 10 through December 31 shall be assessed on or before December 31; and

(3) The ten percent (10%) penalty for late assessment will not apply to property becoming eligible for assessment after April 10 if the property is assessed on or before December 31.

(c) On and after the third Monday in February, 1990, personal property taxes will be payable from the third Monday in February through October 10 each year, with the provision in § 27-13-101 taking precedent.

(d) The ad valorem taxes paid on tangible personal property by any tax-

payer, beginning with the year in which the statewide reappraisal of taxable property ordered in the Pulaski County Board of Equalization case and the roll back or adjustment of millage is completed in all counties of the state as contemplated in Arkansas Constitution, Amendment 59, shall be based on the property assessment for that year, and the taxpayer shall not be required to pay ad valorem taxes upon the tangible personal property based on the assessment for the previous year."

SECTION 2. Arkansas Code Section 27-13-101 is amended to read as follows:

"27-13-101. (a) Beginning January 1, 1988, every taxpayer shall be required to furnish proof of payment of the tangible personal property taxes of the taxpayer as a condition to the registration or renewal of registration of any motor vehicle, and no motor vehicle shall be registered by the Director of the Department of Finance and Administration unless such proof is furnished.

(b) Beginning January 1, 1990, before the Revenue Division of the Department of Finance and Administration will issue motor vehicle licenses or tags, the taxpayer must provide the following:

(1) Proof of the current year's assessment;

(2) Proof of payment of any personal property taxes that were due by October 10 of the previous calendar year, which can be the original receipt or a photocopy thereof, or an approved collector's certificate containing receipt number, date, amount, and signature.

(c) Beginning January 1, 1990, the Director of the Assessment Coordination Division shall assist the Director of the Department of Finance and Administration in discovering those persons who have fraudulently registered a motor vehicle while owing delinquent personal property taxes in violation of § 27-14-706 or any other law. The Assessment Coordination Division shall report those persons to the Director of the Department of Finance and Administration for enforcement of such fines and penalties as are authorized by law.

(d) The Director of the Department of Finance and Administration shall register or renew the registration of only those vehicles listed on the tax receipts of the taxpayer desiring to register the vehicle."

SECTION 3. Arkansas Code Section 26-26-716(a)(2) is amended to read as

follows:

"(2) (A) Beginning January 1, 1988, the assessor shall, each year on or before the third Monday in August, file with the county clerk his report of assessment of all assessable personal property and persons of the county, to be arranged in alphabetical order according to school districts and showing separately in alphabetical order the persons residing outside of incorporated cities and towns and of persons who are residents of incorporated cities and towns of the same school district.

(B) Beginning January 1, 1990, the assessor shall, on or before July 31, deliver the personal property assessment report or roll book to the county clerk, to be arranged in alphabetical order according to school districts and showing separately in alphabetical order the persons residing outside of incorporated cities and towns and of persons who are residents of incorporated cities and towns of the same school district."

SECTION 4. This Act shall apply retroactively to January 1, 1988.

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that Act 621 of 1987 made changes in the property tax laws beginning January 1, 1988; that this Act delays some of those changes until January 1, 1990; and that for the proper administration of the property tax laws this Act should be applied retroactively to January 1, 1988. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

