

1 State of Arkansas  
2 88th General Assembly  
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4  
5 By: Representative Jean  
6 By: Senator Bledsoe  
7

# A Bill

HOUSE BILL 1255

## For An Act To Be Entitled

9 AN ACT TO AMEND THE DATES FOR PAYMENT OF PROPERTY  
10 TAXES; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

14 TO AMEND THE DATES FOR PAYMENT OF  
15 PROPERTY TAXES AND TO MAKE TECHNICAL  
16 CORRECTIONS.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 14-92-602(b), concerning an improvement  
23 district's election to collect taxes, is amended to read as follows:

24 (b) Once the election is made, and so long as it continues in force,  
25 the clerk shall ~~no longer~~ not extend the district taxes upon the county tax  
26 books, and the collector shall ~~no longer~~ not collect the district taxes. The  
27 district shall be solely responsible for collecting the district taxes, which  
28 shall be due and payable on or before October ~~10~~ 15 of each year.  
29

30 SECTION 2. Arkansas Code § 14-92-603 is amended to read as follows:  
31 14-92-603. Collection of delinquent taxes.

32 (a) If an eligible district has elected to collect its own taxes ~~in~~  
33 ~~accordance with the provisions of~~ under § 14-92-602, the district ~~shall also~~  
34 ~~be~~ is responsible for and ~~shall have the sole authority to~~ may take action ~~to~~  
35 ~~collect~~ for collecting taxes that have become delinquent.

36 (b)(1) ~~Any~~ An eligible district that has not elected to collect its



1 own taxes pursuant to under § 14-92-602 may, nevertheless, elect to assume  
 2 sole responsibility for the collection of ~~its~~ the eligible district's taxes  
 3 that have become delinquent.

4 (2)(A) ~~This~~ An election under subdivision (b)(1) of this section  
 5 shall be made by resolution of the board of commissioners of the eligible  
 6 district, and a certified copy of the resolution shall be filed with the  
 7 county tax collector of each county in which any of the territory of the  
 8 eligible district is located, prior to October ~~10~~ 15 of any year.

9 (B) The election shall be effective for taxes becoming  
 10 delinquent in the year of filing.

11 (c)(1) If an eligible district has responsibility under this section  
 12 for collecting ~~its own~~ the delinquent taxes of the district, or if ~~it~~ the  
 13 eligible district elects to assume this responsibility, the county collector  
 14 shall take no action to enforce collection of delinquent taxes.

15 (2) ~~In the case where~~ If the eligible district has elected to  
 16 collect only delinquent taxes, the county collector shall report  
 17 delinquencies to the board of the eligible district.

18 (d) ~~Where~~ If it is the responsibility of the eligible district to  
 19 collect delinquent taxes, ~~it~~ the district shall add to the amount of the tax  
 20 a penalty of twenty-five percent (25%) and shall enforce collection by  
 21 ~~chancery civil~~ proceedings in the chancery circuit court of the county, and  
 22 in the manner provided by §§ 14-121-426 - 14-121-432.

23 (e)(1) Once ~~a~~ an eligible district makes the application to collect  
 24 ~~its own~~ the delinquent taxes of the district, the election ~~shall continue~~  
 25 continues in effect until revoked.

26 (2)(A) Revocation shall be by resolution of the board and the  
 27 filing of certified copies ~~thereof~~ of the resolution with the collector of  
 28 each county in which any of the territory of the eligible district is  
 29 located.

30 (B) ~~These filings~~ A filing under subdivision (e)(2)(A) of  
 31 this section shall be made on or before October ~~10~~ 15 of any year and shall  
 32 be effective as to taxes becoming delinquent in ~~such~~ that year.

34 SECTION 3. Arkansas Code § 14-120-404 is amended to read as follows:  
 35 14-120-404. Due dates of taxes.

36 (a) All ~~such~~ taxes levied and assessed under § 14-120-403 ~~shall be~~

1 ~~deemed to be~~ are due and payable at any time from the third Monday in  
 2 ~~February to and including October 10~~ between the first business day in March  
 3 and October 15 inclusive in the year levied, ~~and shall be~~

4 (b)(1) Taxes levied and assessed under § 14-120-403 are a lien upon  
 5 and bind the property upon which it is levied, ~~and~~

6 (2) The lien is entitled to preference over all demands,  
 7 executions, encumbrances, or liens ~~from~~ beginning the first Monday in January  
 8 of the year in which the assessment shall be made. ~~It~~

9 (3) The lien shall continue until the taxes, together with any  
 10 penalties ~~which may that~~ accumulate thereon on the taxes, ~~shall be~~ are paid.

11 (4) However, as between grantor and grantee, the lien shall not  
 12 attach until the last date fixed by law for the county clerk to deliver the  
 13 tax books to the county collector in each year.

14  
 15 SECTION 4. Arkansas Code § 26-26-706 is amended to read as follows:  
 16 26-26-706. Lists of motor vehicle licenses.

17 (a) On or before January 1, 1999, ~~the~~ The Director of the Department  
 18 of Finance and Administration shall institute a system ~~whereby~~ in which the  
 19 county assessor and the county collector shall notify the director that a  
 20 vehicle owner has assessed a vehicle and has paid all personal property taxes  
 21 that were due by the preceding October ~~10~~ 15. Upon receipt of ~~such~~ the  
 22 notification, the director shall renew the vehicle license.

23 (b) Such notification Notification by the county assessor and the  
 24 county collector under subsection (a) of this section shall be in the form of  
 25 an electronic notation placed on or removed from the department's vehicle  
 26 license record by the county assessor and the county collector denoting that  
 27 the vehicle has been assessed and that the vehicle owner ~~owes no~~ does not owe  
 28 delinquent personal property taxes. ~~Prior to instituting such system the~~  
 29 ~~director shall continue to require vehicle owners to present proof that each~~  
 30 ~~vehicle has been assessed and that all personal property taxes due from the~~  
 31 ~~owner by the preceding October 10 have been paid before issuing or renewing~~  
 32 ~~any vehicle registration.~~

33  
 34 SECTION 5. Arkansas Code § 26-26-1118(b)(1)-(3), concerning the  
 35 limitation on the increase of a property's assessed value, are amended to  
 36 read as follows:

1 (b)(1) Each county assessor ~~shall be~~ is responsible for identifying  
 2 ~~those~~ the parcels of real property that are used as homestead residences  
 3 ~~prior to~~ before issuing tax bills.

4 (2)(A) Each property owner shall register with the county  
 5 assessor proof of eligibility for the property tax credit if the property  
 6 owner intends to claim a property tax credit.

7 (B)(i) The registration may be attached to the deed or  
 8 other instrument conveying an interest in real property and filed with the  
 9 circuit clerk, who shall remit the registration to the county assessor.

10 (ii) The circuit clerk shall not file the  
 11 ~~registration form shall not be filed by the circuit clerk~~ described in this  
 12 subdivision (b)(2).

13 (C) The property owner may submit a registration for the  
 14 property tax credit directly to the county assessor.

15 (3) ~~In no event shall the~~ The property tax credit authorized by  
 16 subdivision (a)(1) of this section shall not be allowed after October ~~10~~ 15  
 17 of the year after the assessment.

18  
 19 SECTION 6. Arkansas Code § 26-26-1406 is amended to read as follows:  
 20 26-26-1406. Penalties.

21 (a) A penalty of ten percent (10%) of the taxpayer's total tangible  
 22 personal property taxes shall be imposed on any taxpayer who fails or refuses  
 23 to assess his or her tangible personal property on or before ~~April 10~~ May 31  
 24 of each year.

25 (b) A penalty of ten percent (10%) of the taxpayer's total tangible  
 26 personal property taxes shall be assessed if the taxpayer fails or refuses to  
 27 pay tangible personal property taxes on or before October ~~10~~ 15 next  
 28 following the assessment of the tangible personal property for taxes.

29  
 30 SECTION 7. Arkansas Code § 26-26-1408(b), concerning the time for  
 31 assessment and payment of tangible personal property taxes, is amended to  
 32 read as follows:

33 (b) Personal property taxes are payable ~~from the third Monday in~~  
 34 ~~February through October 10~~ each year between the first business day in March  
 35 and October 15 inclusive.

1 SECTION 8. Arkansas Code § 26-35-501 is amended to read as follows:

2 26-35-501. Time to pay – Installments.

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

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

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

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

21 (iii) The third installment of one-half ( $\frac{1}{2}$ ) ~~shall be~~  
22 is payable ~~on and from~~ between the third Monday in July ~~to and including~~ and  
23 October 10 15 inclusive.

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

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

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

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

35 (3) One-half ( $\frac{1}{2}$ ) ~~shall be due and payable on and from~~ between  
36 the third second Monday in April to and including June and October 10 15

1 inclusive in the year succeeding the year in which the levy is made.

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

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

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

13 (3)(A) A property tax balance payment is timely received under  
 14 this subsection if mailed through the United States Postal Service and  
 15 postmarked by October ~~10~~ 15.

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

20  
 21 SECTION 9. Arkansas Code § 26-36-206(a), concerning distraint of goods  
 22 to pay delinquent personal property taxes, is amended to read as follows:

23 (a) At any time after October ~~10~~ 15 in each year, after taxes may be  
 24 due, the county collector shall distraint sufficient goods and chattels  
 25 belonging to the person charged with taxes levied upon the personal property,  
 26 to pay the taxes due upon the personal property of the person and a penalty  
 27 of twenty-five percent (25%) ~~thereon~~ on the taxes due, which shall be  
 28 collected by the county collector and paid into the county school fund, and  
 29 the costs that may accrue, and shall immediately proceed to advertise ~~it~~ the  
 30 sale of the goods and chattels in three (3) public places in the county,  
 31 stating the time when and the place where the ~~property~~ goods and chattels  
 32 shall be sold.

33  
 34 SECTION 10. Arkansas Code § 26-36-207(a), authorizing garnishment  
 35 proceedings for nonpayment of property taxes, is amended to read as follows:

36 (a)(1) If the tax upon personal property, moneys, credits, investments

1 in bonds, stocks, joint-stock companies, or otherwise of ~~any a~~ a person,  
 2 association, or corporation ~~shall remain~~ remains unpaid after October ~~10~~ 15  
 3 in any year and the county collector is unable to find any personal property  
 4 of the person, association, or corporation ~~whereon~~ on which to levy to make  
 5 the taxes ~~then~~ due, then the county collector shall present the account for  
 6 taxes to any person who may be indebted to the person, association, or  
 7 corporation, and demand the payment ~~thereof~~ of the taxes.

8 (2) The person to whom ~~it shall be~~ the account for taxes is  
 9 presented shall pay over to the county collector the amount of the taxes that  
 10 ~~he~~ the person owes up to the amount of the debt and take the collector's  
 11 receipt ~~therefor~~ for the payment. The receipt shall be ~~deemed and~~ taken in  
 12 all courts of this state as payment on ~~his~~ the taxpayer's indebtedness to the  
 13 full amount expressed on the collector's receipt.

14  
 15 SECTION 11. Arkansas Code § 26-37-101(a), concerning the transfer of  
 16 tax-delinquent land, is amended to read as follows:

17 (a)(1) All lands upon which the taxes have not been paid for one (1)  
 18 year following the date the taxes were due, October ~~10~~ 15, shall be forfeited  
 19 to the ~~State of Arkansas~~ state and transmitted by certification to the  
 20 Commissioner of State Lands for collection or sale.

21 (2) ~~No tax-delinquent~~ Tax-delinquent lands shall not be  
 22 sold at the county level.

23  
 24 SECTION 12. Arkansas Code § 26-61-108 is amended to read as follows:  
 25 26-61-108. Time for payment.

26 The special taxes levied under ~~the provisions of~~ this chapter shall be  
 27 paid by the respective owners of timberlands at the time real property taxes  
 28 are paid but in no event later than October ~~10~~ 15 of the year next following  
 29 the year in which the taxes were extended on the tax records.