

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

As Engrossed: S2/17/11
A Bill

HOUSE BILL 1255

5 By: Representatives Jean, *Lovell*
6 By: Senators Bledsoe, *Burnett*
7

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.

33
 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 § 26-26-912 is repealed.

35 ~~26-26-912. House to house canvass.~~

36 ~~(a) After April 10 of each year, the assessor shall make a house to-~~

1 ~~house canvass of his county and visit each store, mill, factory, shop, or~~
 2 ~~other place of business and each dwelling, farm, and all other places of~~
 3 ~~residence located therein for the purpose of ascertaining if all property and~~
 4 ~~persons have been listed for assessment in the manner required by law.~~

5 ~~(b) If the assessor shall find that any person or property owner~~
 6 ~~has failed to file the assessment list by law required or, if filed,~~
 7 ~~has failed to truly value any item of property included therein or has~~
 8 ~~omitted any item of property therefrom, the assessor shall assess all~~
 9 ~~such persons a per capita or poll tax and shall appraise and assess,~~
 10 ~~at such sum as in his judgment is just and equitable, all property~~
 11 ~~listed by the owner but not truly valued and all property which has~~
 12 ~~not been listed as by law required.~~

13
 14 SECTION 6. Arkansas Code § 26-26-1113(a), concerning property
 15 used for other than church purposes, is amended to read as follows:

16 (a) All ~~real or~~ personal property owned by any church and held for, or
 17 used for, commercial, business, rental, or investment purposes or purposes
 18 other than church purposes shall be listed for assessment annually for ad
 19 valorem tax purposes between the first Monday in January and ~~April 10~~ May 31
 20 of each year.

21
 22 SECTION 7. Arkansas Code § 26-26-1118(b)(1)-(3), concerning the
 23 limitation on the increase of a property's assessed value, are amended to
 24 read as follows:

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

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

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

34 (ii) The circuit clerk shall not file the
 35 registration form shall not be filed by the circuit clerk described in this
 36 subdivision (b)(2).

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

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

6
7 SECTION 8. Arkansas Code § 26-26-1406 is amended to read as follows:
8 26-26-1406. Penalties.

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

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

17
18 SECTION 9. Arkansas Code § 26-26-1408(b), concerning the time for
19 assessment and payment of tangible personal property taxes, is amended to
20 read as follows:

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

24
25 SECTION 10. Arkansas Code § 26-35-501 is amended to read as follows:
26 26-35-501. Time to pay - Installments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8
9 SECTION 11. Arkansas Code § 26-36-206(a), concerning distraint of
10 goods to pay delinquent personal property taxes, is amended to read as
11 follows:

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

22
23 SECTION 12. Arkansas Code § 26-36-207(a), authorizing garnishment
24 proceedings for nonpayment of property taxes, is amended to read as follows:

25 (a)(1) If the tax upon personal property, moneys, credits, investments
26 in bonds, stocks, joint-stock companies, or otherwise of ~~any~~ a person,
27 association, or corporation ~~shall remain~~ remains unpaid after October ~~10~~ 15
28 in any year and the county collector is unable to find any personal property
29 of the person, association, or corporation ~~whereon~~ on which to levy to make
30 the taxes ~~then~~ due, then the county collector shall present the account for
31 taxes to any person who may be indebted to the person, association, or
32 corporation, and demand the payment ~~thereof~~ of the taxes.

33 (2) The person to whom ~~it shall be~~ the account for taxes is
34 presented shall pay over to the county collector the amount of the taxes that
35 ~~he~~ the person owes up to the amount of the debt and take the collector's
36 receipt ~~therefor~~ for the payment. The receipt shall be ~~deemed~~ and taken in

1 all courts of this state as payment on ~~his~~ the taxpayer's indebtedness to the
2 full amount expressed on the collector's receipt.

3
4 SECTION 13. Arkansas Code § 26-37-101(a), concerning the transfer of
5 tax-delinquent land, is amended to read as follows:

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

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

12
13 SECTION 14. Arkansas Code § 26-61-108 is amended to read as follows:
14 26-61-108. Time for payment.

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

19
20 /s/Jean
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36