

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

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
14

Subtitle

15 TO AMEND THE STATUTES RELATING TO THE
16 COLLECTION, PAYMENT, AND ENFORCEMENT OF
17 PROPERTY TAXES; TO AMEND THE INSTALLMENT
18 PAYMENT PROVISIONS FOR PROPERTY TAXES;
19 AND TO MAKE TECHNICAL CORRECTIONS.
20
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) A transfer of property or a change of possession of property
28 does not remove a tax lien on the property. The tax lien remains on and
29 binds the property until the taxes and any accrued penalties have been paid.

30 (2) Failure to satisfy a tax lien following a transfer of
31 property shall result in the assessment of penalties and interest under § 26-
32 36-201.
33

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

36 (a) Whenever any If a county collector ~~shall have~~ has reason to



1 believe that ~~any~~ a person charged with taxes, other than ~~those~~ taxes upon
 2 real estate, is about to remove from the county without paying ~~his~~ the
 3 person's taxes, ~~he may,~~ at any time, the county collector may levy and
 4 collect the taxes with costs by distress and sale.

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

9
 10 SECTION 3. Arkansas Code § 26-35-501 is amended to read as follows:

11 26-35-501. Time to pay – Installments.

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

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

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

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

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

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

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

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

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

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

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

17 (3) One-half ($\frac{1}{2}$) ~~shall be due and payable on and from between~~
 18 ~~the third Monday in April to and including~~ second Monday in June and October
 19 ~~10~~ 15 inclusive in the year succeeding the year in which the levy is made.

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

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

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

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

34 (B) If October ~~10~~ 15 is a Saturday, Sunday, or postal
 35 holiday, a property tax balance payment is timely received if mailed and
 36 postmarked through the United States Postal Service the following business

1 day.

2
 3 SECTION 4. Arkansas Code § 26-36-201 is amended to read as follows:
 4 26-36-201. Dates taxes due and payable.

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

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

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

15 (B) The county collector shall collect this the penalty
 16 provided in subdivision (b)(1)(A) of this section.

17 (2) The county collector shall extend an additional ten percent
 18 (10%) penalty upon all delinquent taxpayers if current and delinquent
 19 property taxes due are not satisfied or paid in full by October 15 following
 20 the purchase of a business or the assets, goods, chattels, inventory, or
 21 equipment of a business not in the ordinary course of business.

22 ~~(2)~~ (3) ~~No~~ A penalty shall not be assessed against ~~any~~ a
 23 taxpayer who is a member of the United States armed forces, reserve component
 24 of the armed forces, or the National Guard during the taxpayer's deployment
 25 plus one (1) tax year after the deployment ends.

26 (c) When October ~~to~~ 15 falls on a Saturday, Sunday, or a holiday
 27 observed by the United States Postal Service, the taxes shall become due and
 28 payable the following business day that is not a holiday observed by the
 29 United States Postal Service.