

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

As Engrossed: H3/10/11

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

Subtitle

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16 TO AMEND THE STATUTES RELATING TO THE
17 COLLECTION, PAYMENT, AND ENFORCEMENT OF
18 PROPERTY TAXES; TO AMEND THE INSTALLMENT
19 PAYMENT PROVISIONS FOR PROPERTY TAXES;
20 AND TO MAKE TECHNICAL CORRECTIONS.
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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) Failure to satisfy a property tax lien following a purchase of
28 a business or a business's assets, goods, chattels, inventory, or equipment
29 not in the ordinary course of business shall result in the assessment of a
30 penalty under § 26-36-201 except with respect to a purchase of the following:

31 (A) A vehicle subject to registration; or

32 (B) A manufactured home or a mobile home.

33 (2) A purchase of a business or a business's assets, goods,
34 chattels, inventory, or equipment not in the ordinary course of business does
35 not include the deed of property in lieu of foreclosure or the acquisition of
36 title to property following a foreclosure sale.



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SECTION 2. Arkansas Code § 26-35-201 is amended to read as follows:

26-35-201. Distraint when taxpayer about to move.

(a) ~~Whenever any~~ If a county collector shall have ~~has~~ has reason to believe that ~~any a~~ a person charged with taxes, other than ~~those taxes~~ upon real estate, is about to remove from the county without paying ~~his the~~ the ~~person's~~ person's taxes, ~~he may,~~ at any time, the county collector may levy and collect the taxes with costs by distress and sale.

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

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

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

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

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

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

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

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

1 October ~~10~~ 15 inclusive.

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

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

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

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

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

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

21 (3) One-half ($\frac{1}{2}$) ~~shall be due and payable on and from between~~
22 ~~the third Monday in April to and including~~ second Monday in June and October
23 10 15 inclusive in the year succeeding the year in which the levy is made.

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

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

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

35 (3)(A) A property tax balance payment is timely received under
36 this subsection if mailed through the United States Postal Service and

1 postmarked by October ~~10~~ 15.

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

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7 SECTION 4. Arkansas Code § 26-36-201 is amended to read as follows:
8 26-36-201. Dates taxes due and payable.

9 (a)(1) All taxes levied on real estate and personal property for the
10 county courts of this state, when assembled for the purpose of levying taxes,
11 ~~shall be deemed to be~~ are due and payable at the county collector's office
12 ~~any time from between~~ the first business day of March ~~to~~ and ~~including~~
13 October ~~10~~ 15 inclusive.

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

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

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

21 (2) The county collector shall extend an additional ten percent
22 (10%) penalty upon all delinquent taxpayers if current and delinquent
23 property taxes due are not satisfied or paid in full by October 15 following
24 the purchase of a business or the assets, goods, chattels, inventory, or
25 equipment of a business not in the ordinary course of business.

26 ~~(2)~~ (3) ~~No~~ A penalty shall not be assessed against ~~any a~~
27 taxpayer who is a member of the United States armed forces, reserve component
28 of the armed forces, or the National Guard during the taxpayer's deployment
29 plus one (1) tax year after the deployment ends.

30 (c) When October ~~10~~ 15 falls on a Saturday, Sunday, or a holiday
31 observed by the United States Postal Service, the taxes shall become due and
32 payable the following business day that is not a holiday observed by the
33 United States Postal Service.

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35 /s/English
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