



Reprinted
February 24, 2015

HOUSE BILL No. 1476

DIGEST OF HB 1476 (Updated February 23, 2015 6:38 pm - DI 58)

Citations Affected: IC 6-1.1.

Synopsis: County option property tax replacement fee. Permits a county council or county income tax council to establish an annual property tax replacement fee on any parcel receiving assessed value deductions or property tax credits (except for a parcel receiving a deduction or credit based on an individual's age, military or veteran's status, or a disability, including a spouse who is eligible for the deduction or credit) that reduce the annual property tax liability on the parcel to less than \$200. Provides that the minimum annual amount due in property taxes plus the property tax replacement fee must be set by ordinance to be at least \$100 and not more than \$200. Changes the county option amount from \$25 to \$100 for requiring the payment of property taxes and the property tax replacement fee, if any, in the May installment. Provides that the property tax replacement fee is not considered delinquent unless it is not paid by the November installment date even in a county that requires payment of taxes in the May installment.

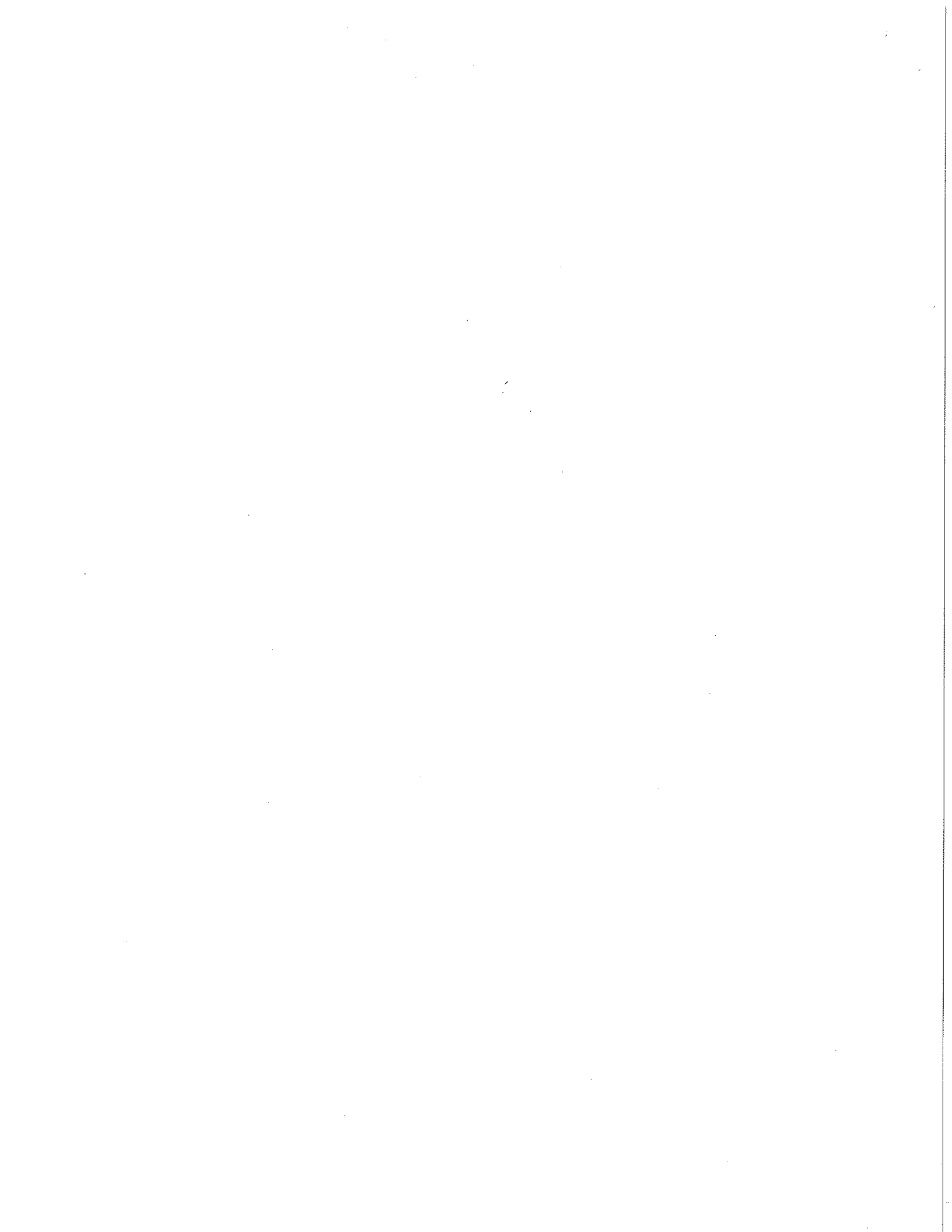
Effective: January 1, 2016.

Karickhoff, Clere, DeLaney

January 14, 2015, read first time and referred to Committee on Ways and Means.
February 19, 2015, amended, reported — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.

HB 1476—LS 6912/DI 58





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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1476

A BILL FOR AN ACT to amend the Indiana Code concerning
taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-7-7, AS AMENDED BY P.L.3-2008,
2 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2016]: Sec. 7. (a) The owner of a mobile home on the
4 assessment date of a year is liable for the taxes imposed upon the
5 mobile home for that year. Except as provided in subsection (b), the
6 owner shall pay the taxes in two (2) equal, semi-annual installments.
7 These semi-annual installments are due on May 10 and November 10
8 of the year of assessment.
9 (b) A county council may adopt an ordinance to require an owner to
10 pay **his the owner's** property tax liability **and property tax**
11 **replacement fee, if any**, for **his the owner's** mobile home in one (1)
12 installment, if the tax liability **plus property tax replacement fee, if**
13 **any**, for a particular year is ~~less than twenty-five dollars (\$25): one~~
14 **hundred dollars (\$100) or less**. If the county council has adopted such
15 an ordinance, then whenever a tax statement mailed under

HB 1476—LS 6912/DI 58



1 IC 6-1.1-22-8.1 shows that an owner's property tax liability **and**
 2 **property tax replacement fee, if any**, for a particular year for a
 3 mobile home is ~~less than twenty-five dollars (\$25)~~; **one hundred**
 4 **dollars (\$100) or less**, the owner shall pay the entire tax liability **and**
 5 **property tax replacement fee, if any**, for the mobile home for that
 6 year on May 10 of that year.

7 SECTION 2. IC 6-1.1-22-9, AS AMENDED BY P.L.218-2013,
 8 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2016]: Sec. 9. (a) Except as provided in subsection (b),
 10 the property taxes assessed for a year under this article are due in two
 11 (2) equal installments on May 10 and November 10 of the following
 12 year.

13 (b) Subsection (a) does not apply if any of the following apply to the
 14 property taxes assessed for the year under this article:

15 (1) Subsection (c).

16 (2) Subsection (d).

17 (3) IC 6-1.1-7-7.

18 (4) Section 9.5 of this chapter.

19 (5) Section 9.7 of this chapter.

20 (6) Section 9.9 of this chapter.

21 (c) A county council may adopt an ordinance to require a person to
 22 pay the person's property tax liability **and property tax replacement**
 23 **fee, if any**, in one (1) installment, if the tax liability **plus any property**
 24 **tax replacement fee, if any**, for a particular year is ~~less than~~
 25 ~~twenty-five dollars (\$25)~~; **one hundred dollars (\$100) or less**. If the
 26 county council has adopted such an ordinance, then whenever a tax
 27 statement mailed under section 8.1 of this chapter shows that the
 28 person's property tax liability **and property tax replacement fee, if**
 29 **any**, for a year is ~~less than twenty-five dollars (\$25)~~ **one hundred**
 30 **dollars (\$100) or less** for the property covered by that statement, the
 31 tax liability **and property tax replacement fee, if any**, for that year is
 32 due in one (1) installment on May 10 of that year.

33 (d) If the county treasurer receives a copy of an appeal petition
 34 under IC 6-1.1-18.5-12(d) before the county treasurer mails or
 35 transmits statements under section 8.1 of this chapter, the county
 36 treasurer may:

37 (1) mail or transmit the statements without regard to the pendency
 38 of the appeal and, if the resolution of the appeal by the department
 39 of local government finance results in changes in levies, mail or
 40 transmit reconciling statements under subsection (e); or

41 (2) delay the mailing or transmission of statements under section
 42 8.1 of this chapter so that:



- 1 (A) the due date of the first installment that would otherwise
 2 be due under subsection (a) is delayed by not more than sixty
 3 (60) days; and
 4 (B) all statements reflect any changes in levies that result from
 5 the resolution of the appeal by the department of local
 6 government finance.
- 7 (e) A reconciling statement under subsection (d)(1) must indicate:
 8 (1) the total amount due for the year;
 9 (2) the total amount of the installments paid that did not reflect
 10 the resolution of the appeal under IC 6-1.1-18.5-12(d) by the
 11 department of local government finance;
 12 (3) if the amount under subdivision (1) exceeds the amount under
 13 subdivision (2), the adjusted amount that is payable by the
 14 taxpayer:
 15 (A) as a final reconciliation of all amounts due for the year;
 16 and
 17 (B) not later than:
 18 (i) November 10; or
 19 (ii) the date or dates established under section 9.5 of this
 20 chapter; and
 21 (4) if the amount under subdivision (2) exceeds the amount under
 22 subdivision (1), that the taxpayer may claim a refund of the excess
 23 under IC 6-1.1-26.
- 24 (f) If property taxes are not paid on or before the due date, the
 25 penalties prescribed in IC 6-1.1-37-10 shall be added to the delinquent
 26 taxes. **However, a property tax replacement fee under subsection**
 27 **(g) is not considered delinquent unless it is not paid by the**
 28 **November installment due date even in those counties that issue a**
 29 **statement that taxes and the property tax replacement fee are due**
 30 **in one (1) payment at the time of the May installment.**
- 31 (g) Notwithstanding any other law, a property tax liability of less
 32 than five dollars (\$5) is increased to five dollars (\$5). The difference
 33 between the actual liability and the five dollar (\$5) amount that appears
 34 on the statement is a statement processing charge. The statement
 35 processing charge is considered a part of the tax liability.
 36 **Notwithstanding any other law, a county fiscal body or a county**
 37 **income tax council established by IC 6-3.5-6-2 for the county may**
 38 **adopt an ordinance to impose a property tax replacement fee on**
 39 **any parcel receiving assessed value deductions under this article or**
 40 **property tax credits under any other law (except for a deduction or**
 41 **credit based on an individual's age, military or veteran's status, or**
 42 **a disability, including a spouse who is eligible for the deduction or**



1 credit) that results in the annual property tax liability on the parcel
 2 to be less than two hundred dollars (\$200), including when a zero
 3 dollar (\$0) amount is due. The fee must be set in terms of a
 4 maximum combined amount of the property tax liability on a
 5 parcel plus the fee. The maximum combined amount must be at
 6 least one hundred dollars (\$100) but not more than two hundred
 7 dollars (\$200). If such an ordinance is in effect in the county, the
 8 county treasurer shall collect a property tax replacement fee equal
 9 to the difference between the maximum combined amount minus
 10 the property tax liability on the parcel. The revenue from the fee
 11 shall be allocated in the same manner and at the same time as
 12 property taxes. The body that adopted the ordinance under this
 13 subsection is the only body that may rescind the ordinance.

14 (h) This subsection applies only if a statement for payment of
 15 property taxes and special assessments by electronic mail is transmitted
 16 to a person under section 8.1(h) of this chapter. If a response to the
 17 transmission of electronic mail to a person indicates that the electronic
 18 mail was not received, the county treasurer shall mail to the person a
 19 hard copy of the statement in the manner required by section 8.1(a) of
 20 this chapter for persons who do not opt to receive statements by
 21 electronic mail. The due date for the property taxes and special
 22 assessments under a statement mailed to a person under this subsection
 23 is the due date indicated in the statement transmitted to the person by
 24 electronic mail.

25 (i) In a county in which an authorizing ordinance is adopted under
 26 section 8.1(h) of this chapter, a person may direct the county treasurer
 27 to transmit a reconciling statement under subsection (d)(1) by
 28 electronic mail under section 8.1(h) of this chapter.

29 SECTION 3. IC 6-1.1-37-10, AS AMENDED BY P.L.56-2012,
 30 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2016]: Sec. 10. (a) Except as provided in sections 10.1
 32 and 10.7 of this chapter, if an installment of property taxes is not
 33 completely paid on or before the due date, a penalty shall be added to
 34 the unpaid portion in the year of the initial delinquency. The penalty is
 35 equal to an amount determined as follows:

36 (1) If:

37 (A) an installment of real property taxes is completely paid on
 38 or before the date thirty (30) days after the due date; and

39 (B) the taxpayer is not liable for delinquent property taxes first
 40 due and payable in a previous installment for the same parcel;
 41 the amount of the penalty is equal to five percent (5%) of the
 42 amount of delinquent taxes.



- 1 (2) If:
- 2 (A) an installment of personal property taxes is completely
- 3 paid on or before the date thirty (30) days after the due date;
- 4 and
- 5 (B) the taxpayer is not liable for delinquent property taxes first
- 6 due and payable in a previous installment for a personal
- 7 property tax return for property in the same taxing district;
- 8 the amount of the penalty is equal to five percent (5%) of the
- 9 amount of delinquent taxes.
- 10 (3) If subdivision (1) or (2) does not apply, the amount of the
- 11 penalty is equal to ten percent (10%) of the amount of delinquent
- 12 taxes.
- 13 (b) With respect to property taxes due in two (2) equal installments
- 14 under IC 6-1.1-22-9(a), on the day immediately following the due dates
- 15 of the first and second installments in each year following the year of
- 16 the initial delinquency, an additional penalty equal to ten percent (10%)
- 17 of any taxes remaining unpaid shall be added. With respect to property
- 18 taxes due in installments under IC 6-1.1-22-9.5, an additional penalty
- 19 equal to ten percent (10%) of any taxes remaining unpaid shall be
- 20 added on the day immediately following each date that succeeds the
- 21 last installment due date by:
- 22 (1) six (6) months; or
- 23 (2) a multiple of six (6) months.
- 24 (c) The penalties under subsection (b) are imposed only on the
- 25 principal amount of the delinquent taxes. **In addition, a property tax**
- 26 **replacement fee imposed under IC 6-1.1-22-9 is not considered**
- 27 **delinquent unless it is not paid by the November installment due**
- 28 **date even in those counties that issue a statement that taxes and the**
- 29 **property tax replacement fee are due in one (1) payment at the**
- 30 **time of the May installment.**
- 31 (d) If the department of local government finance determines that
- 32 an emergency has occurred which precludes the mailing of the tax
- 33 statement in any county at the time set forth in IC 6-1.1-22-8.1, the
- 34 department shall establish by order a new date on which the installment
- 35 of taxes in that county is due and no installment is delinquent if paid by
- 36 the date so established.
- 37 (e) If any due date falls on a Saturday, a Sunday, a national legal
- 38 holiday recognized by the federal government, or a statewide holiday,
- 39 the act that must be performed by that date is timely if performed by
- 40 the next succeeding day that is not a Saturday, a Sunday, or one (1) of
- 41 those holidays.
- 42 (f) Subject to subsections (g) and (h), a payment to the county



1 treasurer is considered to have been paid by the due date if the payment
2 is:

3 (1) received on or before the due date by the county treasurer or
4 a collecting agent appointed by the county treasurer;

5 (2) deposited in United States first class mail:

6 (A) properly addressed to the principal office of the county
7 treasurer;

8 (B) with sufficient postage; and

9 (C) postmarked by the United States Postal Service as mailed
10 on or before the due date;

11 (3) deposited with a nationally recognized express parcel carrier
12 and is:

13 (A) properly addressed to the principal office of the county
14 treasurer; and

15 (B) verified by the express parcel carrier as:

16 (i) paid in full for final delivery; and

17 (ii) received by the express parcel carrier on or before the
18 due date;

19 (4) deposited to be mailed through United States registered mail,
20 United States certified mail, or United States certificate of
21 mailing:

22 (A) properly addressed to the principal office of the county
23 treasurer;

24 (B) with sufficient postage; and

25 (C) with a date of registration, certification, or certificate, as
26 evidenced by any record authenticated by the United States
27 Postal Service, on or before the due date; or

28 (5) made by an electronic funds transfer and the taxpayer's bank
29 account is charged on or before the due date.

30 For purposes of this subsection, "postmarked" does not mean the date
31 printed by a postage meter that affixes postage to the envelope or
32 package containing a payment.

33 (g) If a payment is mailed through the United States mail and is
34 physically received after the due date without a legible correct
35 postmark, the person who mailed the payment is considered to have
36 made the payment on or before the due date if the person can show by
37 reasonable evidence that the payment was deposited in the United
38 States mail on or before the due date.

39 (h) If a payment is sent via the United States mail or a nationally
40 recognized express parcel carrier but is not received by the designated
41 recipient, the person who sent the payment is considered to have made
42 the payment on or before the due date if the person:



- 1 (1) can show by reasonable evidence that the payment was
- 2 deposited in the United States mail, or with the express parcel
- 3 carrier, on or before the due date; and
- 4 (2) makes a duplicate payment within thirty (30) days after the
- 5 date the person is notified that the payment was not received.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1476, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 31, delete "one" and insert "two".

Page 5, line 32, delete "\$100" and insert "\$200".

Page 5, line 32, after "due." insert "**The fee must be set in terms of a maximum combined amount of the property tax liability on a parcel plus the fee. The maximum combined amount must be at least one hundred dollars (\$100) but not more than two hundred dollars (\$200).**".

Page 5, line 35, delete "the actual liability and one hundred dollars (\$100)." and insert "**the maximum combined amount minus the property tax liability on the parcel.**".

and when so amended that said bill do pass.

(Reference is to HB 1476 as introduced.)

BROWN T

Committee Vote: yeas 15, nays 6.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1476 be amended to read as follows:

Page 5, line 22, delete "the" and insert "The".

Page 5, line 20, after "taxes." insert "**However, a property tax replacement fee under subsection (g) is not considered delinquent unless it is not paid by the November installment due date even in those counties that issue a statement that taxes and the property tax replacement fee are due in one (1) payment at the time of the May installment.**".

Page 6, after line 16, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-37-10, AS AMENDED BY P.L.56-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 10. (a) Except as provided in sections 10.1 and 10.7 of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty shall be added to the unpaid portion in the year of the initial delinquency. The penalty is

HB 1476—LS 6912/DI 58



equal to an amount determined as follows:

(1) If:

(A) an installment of real property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous installment for the same parcel;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(2) If:

(A) an installment of personal property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous installment for a personal property tax return for property in the same taxing district;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(3) If subdivision (1) or (2) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates of the first and second installments in each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes. **In addition, a property tax replacement fee imposed under IC 6-1.1-22-9 is not considered delinquent unless it is not paid by the November installment due date even in those counties that issue a statement that taxes and the property tax replacement fee are due in one (1) payment at the time of the May installment.**

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8.1, the department shall establish by order a new date on which the installment



of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) Subject to subsections (g) and (h), a payment to the county treasurer is considered to have been paid by the due date if the payment is:

- (1) received on or before the due date by the county treasurer or a collecting agent appointed by the county treasurer;
- (2) deposited in United States first class mail:
 - (A) properly addressed to the principal office of the county treasurer;
 - (B) with sufficient postage; and
 - (C) postmarked by the United States Postal Service as mailed on or before the due date;
- (3) deposited with a nationally recognized express parcel carrier and is:
 - (A) properly addressed to the principal office of the county treasurer; and
 - (B) verified by the express parcel carrier as:
 - (i) paid in full for final delivery; and
 - (ii) received by the express parcel carrier on or before the due date;
- (4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:
 - (A) properly addressed to the principal office of the county treasurer;
 - (B) with sufficient postage; and
 - (C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date; or
- (5) made by an electronic funds transfer and the taxpayer's bank account is charged on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(g) If a payment is mailed through the United States mail and is physically received after the due date without a legible correct



postmark, the person who mailed the payment is considered to have made the payment on or before the due date if the person can show by reasonable evidence that the payment was deposited in the United States mail on or before the due date.

(h) If a payment is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the payment is considered to have made the payment on or before the due date if the person:

(1) can show by reasonable evidence that the payment was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and

(2) makes a duplicate payment within thirty (30) days after the date the person is notified that the payment was not received."

Renumber all SECTIONS consecutively.

(Reference is to HB 1476 as printed February 20, 2015.)

PRYOR

HOUSE MOTION

Mr. Speaker: I move that House Bill 1476 be amended to read as follows:

Page 2, delete lines 7 through 42.

Delete page 3.

Page 5, line 22, delete "the" and insert "The".

Page 5, line 30, after "law" insert "**(except for a deduction or credit based on an individual's age, military or veteran's status, or a disability, including a spouse who is eligible for the deduction or credit)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1476 as printed February 20, 2015.)

PORTER



