
HOUSE BILL No. 1435

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-3-7.5.

Synopsis: Amended personal property tax returns. Extends the time for amending a personal property tax return from six months to one year from the date the original return was filed or the extension date, whichever is later. Provides that if an amended personal property tax return is filed between six months and one year after the filing date or the extension date, whichever is later, the taxpayer's refund or credit, if any, is reduced by 10%. Provides that if the credit to which a taxpayer is entitled as the result of filing an amended property tax return exceeds \$25,000, a county auditor may carry the credit forward for not more than three succeeding years and apply the credit to the taxpayer's personal property taxes payable in those succeeding years, with any excess credit remaining after the third year refunded to the taxpayer.

Effective: May 15, 2011 (retroactive).

Davis

January 18, 2011, read first time and referred to Committee on Ways and Means.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1435



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 6-1.1-3-7.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE MAY 15, 2011 (RETROACTIVE)]: Sec.
3 7.5. (a) A taxpayer may file an amended personal property tax return,
4 in conformity with the rules adopted by the department of local
5 government finance, not more than six (6) months, **if the filing date**
6 **for the original personal property tax return is before May 15,**
7 **2011, or twelve (12) months, if the filing date for the original**
8 **personal property tax return is after May 14, 2011,** after the later of
9 the following:

10 (1) The filing date for the original personal property tax return, if
11 the taxpayer is not granted an extension in which to file under
12 section 7 of this chapter.

13 (2) The extension date for the original personal property tax
14 return, if the taxpayer is granted an extension under section 7 of
15 this chapter.

16 (b) A tax adjustment related to an amended personal property tax
17 return shall be made in conformity with rules adopted under IC 4-22-2



1 by the department of local government finance.

2 (c) If a taxpayer wishes to correct an error made by the taxpayer on
3 the taxpayer's original personal property tax return, the taxpayer must
4 file an amended personal property tax return under this section within
5 the time required by subsection (a). A taxpayer may claim on an
6 amended personal property tax return any adjustment or exemption that
7 would have been allowable under any statute or rule adopted by the
8 department of local government finance if the adjustment or exemption
9 had been claimed on the original personal property tax return.

10 (d) Notwithstanding any other provision, if:

11 (1) a taxpayer files an amended personal property tax return under
12 this section in order to correct an error made by the taxpayer on
13 the taxpayer's original personal property tax return; and

14 (2) the taxpayer is entitled to a refund of personal property taxes
15 paid by the taxpayer under the original personal property tax
16 return;

17 the taxpayer is not entitled to interest on the refund.

18 (e) If a taxpayer files an amended personal property tax return for
19 a year before July 16 of that year, the taxpayer shall pay taxes payable
20 in the immediately succeeding year based on the assessed value
21 reported on the amended return.

22 (f) If a taxpayer files an amended personal property tax return for a
23 year after July 15 of that year, the taxpayer shall pay taxes payable in
24 the immediately succeeding year based on the assessed value reported
25 on the taxpayer's original personal property tax return. **Subject to**
26 **subsection (I)**, a taxpayer that paid taxes under this subsection is
27 entitled to a credit in the amount of taxes paid by the taxpayer on the
28 remainder of:

29 (1) the assessed value reported on the taxpayer's original personal
30 property tax return; minus

31 (2) the finally determined assessed value that results from the
32 filing of the taxpayer's amended personal property tax return.

33 Except as provided in subsection (k), the county auditor ~~shall~~ **may**
34 apply the credit against the taxpayer's property taxes on personal
35 property payable in the year **or years** that immediately ~~succeeds~~
36 **succeed** the year in which the taxes were paid, **as applicable**.

37 (g) ~~If the amount of the~~ **A county auditor may carry a** credit to
38 which the taxpayer is entitled under subsection (f) ~~exceeds the amount~~
39 ~~of the taxpayer's property taxes on personal property payable in the year~~
40 ~~that immediately succeeds the year in which the taxes were paid, the~~
41 ~~county auditor shall apply the amount of the excess forward to the~~
42 **immediately succeeding year or years, as applicable, and use the**

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1 credit against the taxpayer's property taxes on personal property in the
2 next succeeding year: as follows:

3 (1) If the amount of the credit to which the taxpayer is
4 initially entitled under subsection (f) does not exceed
5 twenty-five thousand dollars (\$25,000), the county auditor
6 may carry the credit forward to the year immediately
7 succeeding the year in which the taxes were paid.

8 (2) If the amount of the credit to which the taxpayer is
9 initially entitled under subsection (f) exceeds twenty-five
10 thousand dollars (\$25,000), the county auditor may carry the
11 credit forward for not more than three (3) consecutive years
12 immediately succeeding the year in which the taxes were paid.

13 The credit is reduced each time the credit is applied to the
14 taxpayer's property taxes on personal property in succeeding years
15 by the amount applied.

16 (h) Not later than December 31 of the year in which a credit is
17 applied under subsection (g); If an excess credit remains after the
18 credit is applied in the final year to which the credit may be carried
19 forward under subsection (g), the county auditor shall refund to the
20 taxpayer the amount of any excess credit that remains after application
21 of the credit under subsection (g) not later than December 31 of the
22 final year to which the excess credit may be carried.

- 23 (i) The taxpayer is not required to file an application for:
 - 24 (1) a credit under subsection (f) or (g); or
 - 25 (2) a refund under subsection (h).

26 (j) Before August 1 of each year, the county auditor shall provide to
27 each taxing unit in the county an estimate of the total amount of the
28 credits under subsection (f) or (g) that will be applied against taxes
29 imposed by the taxing unit that are payable in the immediately
30 succeeding year.

31 (k) A county auditor may refund a credit amount to a taxpayer
32 before the time the credit would otherwise be applied against property
33 tax payments under this section.

- 34 (l) If a person:
 - 35 (1) files an amended personal property tax return more than
 - 36 six (6) months, but less than twelve (12) months, after the
 - 37 filing date or (if the taxpayer is granted an extension under
 - 38 section 7 of this chapter) the extension date for the original
 - 39 personal property tax return being amended; and
 - 40 (2) the person is entitled to a credit or refund as a result of the
 - 41 amended return;
 - 42 the county auditor shall reduce the credit or refund payable to the

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1 **person. The amount of the reduction is ten percent (10%) of the**
2 **credit or refund amount.**
3 **SECTION 2. An emergency is declared for this act.**

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