

---

---

# SENATE BILL No. 275

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1.

**Synopsis:** Property tax installment payments. Allows any person who does not pay property taxes through an escrow account maintained by the person's mortgagee to pay the person's property taxes on a monthly payment plan. Provides that the county option monthly payment plan provisions in current law for payment of property tax expire February 1, 2014. Provides that the county option monthly payment provisions in current law for payment of property tax owed in connection with provisional property tax statements expire January 1, 2014.

**Effective:** July 1, 2013.

---

---

### Miller Patricia

---

---

January 8, 2013, read first time and referred to Committee on Appropriations.

---

---

C  
o  
p  
y



First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C  
o  
p  
y

# SENATE BILL No. 275



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 6-1.1-22-8.1, AS AMENDED BY P.L.120-2012,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 8.1. (a) The county treasurer shall:  
4 (1) except as provided in subsection (h), mail to the last known  
5 address of each person liable for any property taxes or special  
6 assessment, as shown on the tax duplicate or special assessment  
7 records, or to the last known address of the most recent owner  
8 shown in the transfer book; and  
9 (2) transmit by written, electronic, or other means to a mortgagee  
10 maintaining an escrow account for a person who is liable for any  
11 property taxes or special assessments, as shown on the tax  
12 duplicate or special assessment records;  
13 a statement in the form required under subsection (b). However, for  
14 property taxes first due and payable in 2008, the county treasurer may  
15 choose to use a tax statement that is different from the tax statement  
16 prescribed by the department under subsection (b). If a county chooses  
17 to use a different tax statement, the county must still transmit (with the



1 tax bill) the statement in either color type or black-and-white type.

2 (b) The department of local government finance shall prescribe a  
3 form, subject to the approval of the state board of accounts, for the  
4 statement under subsection (a) that includes at least the following:

5 (1) A statement of the taxpayer's current and delinquent taxes and  
6 special assessments.

7 (2) A breakdown showing the total property tax and special  
8 assessment liability and the amount of the taxpayer's liability that  
9 will be distributed to each taxing unit in the county.

10 (3) An itemized listing for each property tax levy, including:

11 (A) the amount of the tax rate;

12 (B) the entity levying the tax owed; and

13 (C) the dollar amount of the tax owed.

14 (4) Information designed to show the manner in which the taxes  
15 and special assessments billed in the tax statement are to be used.

16 (5) A comparison showing any change in the assessed valuation  
17 for the property as compared to the previous year.

18 (6) A comparison showing any change in the property tax and  
19 special assessment liability for the property as compared to the  
20 previous year. The information required under this subdivision  
21 must identify:

22 (A) the amount of the taxpayer's liability distributable to each  
23 taxing unit in which the property is located in the current year  
24 and in the previous year; and

25 (B) the percentage change, if any, in the amount of the  
26 taxpayer's liability distributable to each taxing unit in which  
27 the property is located from the previous year to the current  
28 year.

29 (7) An explanation of the following:

30 (A) Homestead credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or  
31 another law that are available in the taxing district where the  
32 property is located.

33 (B) All property tax deductions that are available in the taxing  
34 district where the property is located.

35 (C) The procedure and deadline for filing for any available  
36 homestead credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or  
37 another law and each deduction.

38 (D) The procedure that a taxpayer must follow to:

39 (i) appeal a current assessment; or

40 (ii) petition for the correction of an error related to the  
41 taxpayer's property tax and special assessment liability.

42 (E) The forms that must be filed for an appeal or a petition

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

described in clause (D).  
(F) The procedure and deadline that a taxpayer must follow and the forms that must be used if a credit or deduction has been granted for the property and the taxpayer is no longer eligible for the credit or deduction.

(G) Notice that an appeal described in clause (D) requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date that is the basis for the taxes payable on that property.

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(8) A checklist that shows:

(A) homestead credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or another law and all property tax deductions; and

(B) whether each homestead credit and property tax deduction applies in the current statement for the property transmitted under subsection (a).

(9) This subdivision applies to any property for which a deduction or credit is listed under subdivision (8) if the notice required under this subdivision was not provided to a taxpayer on a reconciling statement under IC 6-1.1-22.5-12. The statement must include in 2010, 2011, and 2012 a notice that must be returned by the taxpayer to the county auditor with the taxpayer's verification of the items required by this subdivision. The notice must explain the tax consequences and applicable penalties if a taxpayer unlawfully claims a standard deduction under IC 6-1.1-12-37 on:

(A) more than one (1) parcel of property; or

(B) property that is not the taxpayer's principal place of residence or is otherwise not eligible for the standard deduction.

The notice must include a place for the taxpayer to indicate, under penalties of perjury, for each deduction and credit listed under subdivision (8), whether the property is eligible for the deduction or credit listed under subdivision (8). The notice must also include a place for each individual who qualifies the property for a deduction or credit listed in subdivision (8) to indicate the name of the individual and the name of the individual's spouse (if any), as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number (or that they use as their legal names when they sign their names on legal documents), and either the last five (5) digits of each individual's

C  
o  
p  
y



1 Social Security number or, if an individual does not have a Social  
2 Security number, the numbers required from the individual under  
3 IC 6-1.1-12-37(e)(4)(B). The notice must explain that the  
4 taxpayer must complete and return the notice with the required  
5 information and that failure to complete and return the notice may  
6 result in disqualification of property for deductions and credits  
7 listed in subdivision (8), must explain how to return the notice,  
8 and must be on a separate form printed on paper that is a different  
9 color than the tax statement. The notice must be prepared in the  
10 form prescribed by the department of local government finance  
11 and include any additional information required by the  
12 department of local government finance. This subdivision expires  
13 January 1, 2015.

14 (c) The county treasurer may mail or transmit the statement one (1)  
15 time each year at least fifteen (15) days before the date on which the  
16 first or only installment is due. Whenever a person's tax liability for a  
17 year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this  
18 chapter, a statement that is mailed must include the date on which the  
19 installment is due and denote the amount of money to be paid for the  
20 installment. Whenever a person's tax liability is due in two (2)  
21 installments, a statement that is mailed must contain the dates on which  
22 the first and second installments are due and denote the amount of  
23 money to be paid for each installment. If a statement is returned to the  
24 county treasurer as undeliverable and the forwarding order is expired,  
25 the county treasurer shall notify the county auditor of this fact. Upon  
26 receipt of the county treasurer's notice, the county auditor may, at the  
27 county auditor's discretion, treat the property as not being eligible for  
28 any deductions under IC 6-1.1-12 or any homestead credits under  
29 IC 6-1.1-20.4 and IC 6-3.5-6-13.

30 (d) All payments of property taxes and special assessments shall be  
31 made to the county treasurer. The county treasurer, when authorized by  
32 the board of county commissioners, may open temporary offices for the  
33 collection of taxes in cities and towns in the county other than the  
34 county seat.

35 (e) The county treasurer, county auditor, and county assessor shall  
36 cooperate to generate the information to be included in the statement  
37 under subsection (b).

38 (f) The information to be included in the statement under subsection  
39 (b) must be simply and clearly presented and understandable to the  
40 average individual.

41 (g) After December 31, 2007, a reference in a law or rule to  
42 IC 6-1.1-22-8 (expired January 1, 2008, and repealed) shall be treated

C  
o  
p  
y



1 as a reference to this section.

2 (h) Transmission of statements and other information under this  
3 subsection applies in a county only if the county legislative body adopts  
4 an authorizing ordinance. Subject to subsection (i), in a county in  
5 which an ordinance is adopted under this subsection for property taxes  
6 and special assessments first due and payable after 2009, a person may,  
7 in any manner permitted by subsection (n), direct the county treasurer  
8 and county auditor to transmit the following to the person by electronic  
9 mail:

10 (1) A statement that would otherwise be sent by the county  
11 treasurer to the person by regular mail under subsection (a)(1),  
12 including a statement that reflects installment payment due dates  
13 under section 9.5, ~~or 9.7~~ **(before its expiration), or 9.8** of this  
14 chapter.

15 (2) A provisional tax statement that would otherwise be sent by  
16 the county treasurer to the person by regular mail under  
17 IC 6-1.1-22.5-6.

18 (3) A reconciling tax statement that would otherwise be sent by  
19 the county treasurer to the person by regular mail under any of the  
20 following:

21 (A) Section 9 of this chapter.

22 (B) Section 9.7 of this chapter **(before its expiration)**.

23 **(C) Section 9.8 of this chapter.**

24 ~~(D)~~ **(D) IC 6-1.1-22.5-12**, including a statement that reflects  
25 installment payment due dates under IC 6-1.1-22.5-18.5  
26 **(before its expiration)**.

27 (4) Any other information that:

28 (A) concerns the property taxes or special assessments; and

29 (B) would otherwise be sent:

30 (i) by the county treasurer or the county auditor to the person  
31 by regular mail; and

32 (ii) before the last date the property taxes or special  
33 assessments may be paid without becoming delinquent.

34 The information listed in this subsection may be transmitted to a person  
35 by using electronic mail that provides a secure Internet link to the  
36 information.

37 (i) For property with respect to which more than one (1) person is  
38 liable for property taxes and special assessments, subsection (h) applies  
39 only if all the persons liable for property taxes and special assessments  
40 designate the electronic mail address for only one (1) individual  
41 authorized to receive the statements and other information referred to  
42 in subsection (h).

C  
o  
p  
y



1 (j) Before 2010, the department of local government finance shall  
 2 create a form to be used to implement subsection (h). The county  
 3 treasurer and county auditor shall:

4 (1) make the form created under this subsection available to the  
 5 public;

6 (2) transmit a statement or other information by electronic mail  
 7 under subsection (h) to a person who, at least thirty (30) days  
 8 before the anticipated general mailing date of the statement or  
 9 other information, files the form created under this subsection:

10 (A) with the county treasurer; or

11 (B) with the county auditor; and

12 (3) publicize the availability of the electronic mail option under  
 13 this subsection through appropriate media in a manner reasonably  
 14 designed to reach members of the public.

15 (k) The form referred to in subsection (j) must:

16 (1) explain that a form filed as described in subsection (j)(2)  
 17 remains in effect until the person files a replacement form to:

18 (A) change the person's electronic mail address; or

19 (B) terminate the electronic mail option under subsection (h);  
 20 and

21 (2) allow a person to do at least the following with respect to the  
 22 electronic mail option under subsection (h):

23 (A) Exercise the option.

24 (B) Change the person's electronic mail address.

25 (C) Terminate the option.

26 (D) For a person other than an individual, designate the  
 27 electronic mail address for only one (1) individual authorized  
 28 to receive the statements and other information referred to in  
 29 subsection (h).

30 (E) For property with respect to which more than one (1)  
 31 person is liable for property taxes and special assessments,  
 32 designate the electronic mail address for only one (1)  
 33 individual authorized to receive the statements and other  
 34 information referred to in subsection (h).

35 (l) The form created under subsection (j) is considered filed with the  
 36 county treasurer or the county auditor on the postmark date or on the  
 37 date it is electronically submitted. If the postmark is missing or  
 38 illegible, the postmark is considered to be one (1) day before the date  
 39 of receipt of the form by the county treasurer or the county auditor.

40 (m) The county treasurer shall maintain a record that shows at least  
 41 the following:

42 (1) Each person to whom a statement or other information is

C  
O  
P  
Y



1 transmitted by electronic mail under this section.

2 (2) The information included in the statement.

3 (3) Whether the county treasurer received a notice that the  
4 person's electronic mail was undeliverable.

5 (n) A person may direct the county treasurer and county auditor to  
6 transmit information by electronic mail under subsection (h) on a form  
7 prescribed by the department submitted:

8 (1) in person;

9 (2) by mail; or

10 (3) in an online format developed by the county and approved by  
11 the department.

12 SECTION 2. IC 6-1.1-22-9, AS AMENDED BY P.L.87-2009,  
13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2013]: Sec. 9. (a) Except as provided in subsection (b), the  
15 property taxes assessed for a year under this article are due in two (2)  
16 equal installments on May 10 and November 10 of the following year.

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

19 (1) Subsection (c).

20 (2) Subsection (d).

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

22 (4) Section 9.5 of this chapter.

23 (5) Section 9.7 of this chapter **(before its expiration)**.

24 **(6) Section 9.8 of this chapter.**

25 (c) A county council may adopt an ordinance to require a person to  
26 pay the person's property tax liability in one (1) installment, if the tax  
27 liability for a particular year is less than twenty-five dollars (\$25). If the  
28 county council has adopted such an ordinance, then whenever a tax  
29 statement mailed under section 8.1 of this chapter shows that the  
30 person's property tax liability for a year is less than twenty-five dollars  
31 (\$25) for the property covered by that statement, the tax liability for  
32 that year is 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:

C  
o  
p  
y



- 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.
- 27 (g) Notwithstanding any other law, a property tax liability of less  
 28 than five dollars (\$5) is increased to five dollars (\$5). The difference  
 29 between the actual liability and the five dollar (\$5) amount that appears  
 30 on the statement is a statement processing charge. The statement  
 31 processing charge is considered a part of the tax liability.
- 32 (h) This subsection applies only if a statement for payment of  
 33 property taxes and special assessments by electronic mail is transmitted  
 34 to a person under section 8.1(h) of this chapter. If a response to the  
 35 transmission of electronic mail to a person indicates that the electronic  
 36 mail was not received, the county treasurer shall mail to the person a  
 37 hard copy of the statement in the manner required by section 8.1(a) of  
 38 this chapter for persons who do not opt to receive statements by  
 39 electronic mail. The due date for the property taxes and special  
 40 assessments under a statement mailed to a person under this subsection  
 41 is the due date indicated in the statement transmitted to the person by  
 42 electronic mail.

C  
 O  
 P  
 Y



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

5 SECTION 3. IC 6-1.1-22-9.7, AS AMENDED BY P.L.120-2012,  
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2013]: Sec. 9.7. (a) As used in this section, "current year"  
 8 refers to the calendar year in which property taxes are first due and  
 9 payable and are subject to payment during the payment period under  
 10 this section.

11 (b) As used in this section, "monthly payment plan" means a plan  
 12 that:

13 (1) is adopted under this section; and

14 (2) provides for the monthly payment of tax liability either by:

15 (A) an automatic monthly deduction during the payment  
 16 period from an account of the taxpayer that is held by a  
 17 financial institution; or

18 (B) the taxpayer making payments on a monthly basis during  
 19 the payment period either by written instrument or  
 20 electronically;

21 or both.

22 (c) As used in this section, "payment period" means the months  
 23 designated under this section during which monthly payments may be  
 24 made. The period may not exceed twelve (12) months and may not  
 25 begin before December 1 of the preceding year or end after November  
 26 30 of the current year.

27 (d) As used in this section, "preceding year" refers to the calendar  
 28 year that immediately precedes the current year.

29 (e) As used in this section, "tax liability" includes liability for  
 30 special assessments and refers to liability for property taxes after the  
 31 application of all allowed deductions and credits.

32 (f) The county fiscal body (as defined in IC 36-1-2-6) may ~~at any~~  
 33 ~~time~~ adopt an ordinance **before July 1, 2013**, to allow all county  
 34 taxpayers to pay one (1) or more installments of property taxes by  
 35 making payments under a monthly payment plan during a designated  
 36 payment period.

37 (g) An ordinance adopted under subsection (f):

38 (1) may apply to more than one (1) calendar year; and

39 (2) must include at least the following:

40 (A) Identification of the property tax installment or  
 41 installments and designation of the months of the payment  
 42 period for which payment under a monthly payment plan is

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

authorized.  
(B) Provisions for notice to county taxpayers of the option to pay one (1) or more property tax installments under a monthly payment plan.

(C) Authority for the county treasurer to make available to county taxpayers a form to be completed by a taxpayer and submitted to the county treasurer to:

(i) direct the county treasurer to accept payment of the taxpayer's property taxes by automatic monthly deduction during the payment period from an account of the taxpayer that is held by a financial institution; and

(ii) authorize the financial institution that holds the taxpayer's account to deduct monthly during the designated payment period the appropriate amount from the account and to pay that amount to the county treasurer.

However, this clause applies only if the county fiscal body has adopted an ordinance under this section to allow taxpayers to pay property taxes by automatic monthly deductions during the designated payment period from an account of the taxpayer that is held by a financial institution.

(D) Authority for the county treasurer to accept payment of the taxpayer's property taxes on a monthly basis during the designated payment period either by written instrument or electronically. However, this clause applies only if the county fiscal body has adopted an ordinance under this section to allow taxpayers to pay property taxes on a monthly basis during the designated payment period either by written instrument or electronically.

An ordinance adopted under subsection (f) may include a provision authorizing taxpayers to make monthly payments in an amount determined by the taxpayer that is different from the amount otherwise determined by the county treasurer under subsection (i), (j), (k), or (l).

(h) If an ordinance is adopted under subsection (f) to allow taxpayers to pay property taxes by automatic monthly deductions during the designated payment period from an account of the taxpayer that is held by a financial institution, the county treasurer shall provide to each county taxpayer that submits to the county treasurer the form referred to in subsection (g)(2)(C) a statement that includes at least the following:

- (1) The amount to be deducted monthly from the taxpayer's account.
- (2) The designated payment period and identification of the day

C  
o  
p  
y



- 1 each month, as chosen by the taxpayer, when the deduction will
- 2 be made.
- 3 (3) A calculation of the amount to be deducted.
- 4 (4) An explanation of the manner in which property taxes for the
- 5 current year will be reconciled under subsection (o) and notice
- 6 that any property tax payments for the current year made by the
- 7 taxpayer by means other than automatic deduction from the
- 8 taxpayer's account will be taken into account in the reconciliation.
- 9 (5) An explanation of the penalties that apply if there are
- 10 insufficient funds in the taxpayer's account to cover one (1) or
- 11 more automatic deductions.
- 12 (i) This subsection applies only if the county treasurer determines
- 13 that at the time the calculation under subsection (h)(3) is made the
- 14 amount of tax liability for the current year has not been determined.
- 15 Subject to subsections (j) and (k), the county treasurer shall do the
- 16 following:
- 17 (1) Determine the following:
- 18 (A) For a parcel of real property, the most recently determined
- 19 amount of tax liability that applied to the parcel for the
- 20 preceding year.
- 21 (B) For a personal property return, the most recently
- 22 determined amount of tax liability that applied for the personal
- 23 property return for the same location for the preceding year.
- 24 (C) For distributable property, the most recently determined
- 25 amount of tax liability that applied with respect to the
- 26 statement filed by the taxpayer under IC 6-1.1-8-19 for the
- 27 preceding year.
- 28 (D) For a mobile home subject to IC 6-1.1-7, the most recently
- 29 determined amount of tax liability that applied to the mobile
- 30 home for the preceding year.
- 31 (2) Determine the amount of the monthly payment due under a
- 32 monthly payment plan by using the following STEPS:
- 33 STEP ONE: Determine under subdivision (1) the amount of
- 34 tax liability that applied for the preceding year.
- 35 STEP TWO: Determine the quotient of:
- 36 (i) the number of property tax installments for the current
- 37 year identified in the ordinance under subsection (g)(2)(A);
- 38 divided by
- 39 (ii) the total number of property tax installments for the
- 40 current year.
- 41 STEP THREE: Multiply the STEP ONE result by the STEP
- 42 TWO result.

COPY



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

STEP FOUR: Determine the quotient of:

- (i) the STEP THREE result; divided by
- (ii) the number of months in the designated payment period.

(j) The county treasurer may determine the monthly payment due under a monthly payment plan in an amount different from the amount determined under subsection (i) if the county treasurer determines that changes in circumstances have caused the amount determined under subsection (i) to differ substantially from the tax liability likely to be determined for the current year.

(k) This subsection applies only if before an ordinance is adopted under subsection (f) the county treasurer determines to use provisional property tax statements under IC 6-1.1-22.5 for the current year. For purposes of determining the amount of the taxpayer's monthly payment under a monthly payment plan, the county treasurer shall substitute for the tax liability that applied to the parcel for the preceding year under subsection (i) the tax liability to be indicated on the provisional statement.

(l) This subsection applies only if the county treasurer determines that at the time the calculation under subsection (h)(3) is made the amount of tax liability for the current year has been determined. The amount of the taxpayer's monthly payment under a monthly payment plan is the amount of the tax liability for the current year payable in the installment or installments identified in the ordinance under subsection (g)(2)(A) divided by the number of months in the designated payment period.

(m) Tax liability paid under this section by automatic deduction from an account of the taxpayer that is held by a financial institution is not finally discharged and the person has not paid the tax until the taxpayer's account is charged for the payment.

(n) Penalties apply under IC 6-1.1-37-10 as specified in this section to taxes payable under a monthly payment plan under this section.

(o) After the last monthly payment under a monthly payment plan under this section for the current year has been made and after the amount of tax liability for the current year has been determined, the county treasurer shall issue a reconciling statement to the taxpayer. Each reconciling statement must indicate at least the following:

- (1) The sum of:
  - (A) the taxpayer's actual tax liability for the current year; plus
  - (B) any penalty that applies for the current year.
- (2) The total amount paid for the current year under a monthly payment plan, and by means other than under a monthly payment plan.

C  
o  
p  
y



- 1 (3) If the amount under subdivision (1) exceeds the amount under
- 2 subdivision (2), the deficiency is payable by the taxpayer:
- 3 (A) as a final reconciliation of the tax liability; and
- 4 (B) not later than thirty (30) days after the date of the
- 5 reconciling statement.
- 6 (4) If the amount under subdivision (2) exceeds the amount under
- 7 subdivision (1), that the county treasurer will apply the excess as
- 8 a credit against the taxpayer's tax liability for the immediately
- 9 succeeding calendar year unless the taxpayer makes a claim for
- 10 refund of the excess under IC 6-1.1-26.
- 11 (p) The county treasurer shall deposit the tax collections under this
- 12 section under IC 5-13-6-3(a). The collections must remain in the funds
- 13 in which they are deposited until the county auditor makes the
- 14 distributions to the appropriate taxing units at the semiannual
- 15 settlements under IC 6-1.1-27. However, this subsection does not
- 16 prohibit a county treasurer from making an advance to a political
- 17 subdivision under IC 5-13-6-3 of a portion of the taxes collected.
- 18 (q) IC 6-1.1-15:
- 19 (1) does not apply to a statement provided under subsection (h);
- 20 and
- 21 (2) applies to a reconciling statement issued under subsection (o).
- 22 (r) The following apply to a taxpayer that makes monthly payments
- 23 under this section:
- 24 (1) If a taxpayer has approval to use a monthly payment plan and
- 25 makes timely monthly payments of property taxes in the amount
- 26 determined by the county treasurer under subsection (i), (j), (k),
- 27 or (l), the taxpayer's property tax payments shall not be considered
- 28 delinquent for purposes of IC 6-1.1-37-10 and the taxpayer is not
- 29 subject to penalties under that section.
- 30 (2) If:
- 31 (A) a taxpayer makes monthly payments of property taxes in
- 32 an amount that is less than the amount determined by the
- 33 county treasurer under subsection (i), (j), (k), or (l); and
- 34 (B) the total amount of property taxes paid by the taxpayer
- 35 under the monthly payment plan or any other method by the
- 36 November approved monthly due date is less than the amount
- 37 determined by the county treasurer under subsection (i), (j),
- 38 (k), or (l) that should have been paid by the taxpayer by the
- 39 November approved monthly due date;
- 40 the penalty provisions of IC 6-1.1-37-10 apply to the delinquent
- 41 property taxes.
- 42 (s) IC 6-1.1-37-10 applies to any amounts due under a reconciling

C  
o  
p  
y



1 statement issued under subsection (o) that are not paid within thirty  
2 (30) days after the date of the reconciling statement, as required under  
3 subsection (o)(3).

4 (t) For purposes of IC 6-1.1-24-1(a)(1):

5 (1) property taxes to be paid under a monthly payment plan under  
6 this section before June of the current year are considered to be  
7 the taxpayer's spring installment of property taxes; and

8 (2) payment on a reconciling statement issued under subsection  
9 (o) is considered to be due before the due date of the first  
10 installment of property taxes payable in the year immediately  
11 following the current year.

12 (u) **This subsection applies to a county in which an ordinance  
13 adopted under subsection (f) is in effect on November 30, 2013. The  
14 county treasurer of a county to which this subsection applies shall  
15 issue a final reconciling statement under this section before  
16 December 15, 2013, to all county taxpayers who have a monthly  
17 payment plan in effect on November 30, 2013, in accordance with  
18 subsection (o).**

19 (v) **If an ordinance adopted under this section is in effect in a  
20 county on January 31, 2014, the ordinance expires January 31,  
21 2014.**

22 (w) **This section expires February 1, 2014.**

23 SECTION 4. IC 6-1.1-22-9.8 IS ADDED TO THE INDIANA  
24 CODE AS A NEW SECTION TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2013]: **Sec. 9.8. (a) The following definitions  
26 apply throughout this section:**

27 (1) **"Current year" refers to the calendar year in which some  
28 date or event occurs that is specified by the context.**

29 (2) **"Monthly payment plan" means a plan that provides for  
30 the monthly payment of tax liability by:**

31 (A) **an automatic monthly deduction from an account of  
32 the taxpayer that is held by a financial institution;**

33 (B) **the taxpayer making payments on a monthly basis  
34 either by written instrument or electronically; or**

35 (C) **both methods described in clauses (A) and (B).**

36 (3) **"Preceding year" refers to the calendar year that  
37 immediately precedes the current year.**

38 (4) **"Reconciling statement period" means, for a specific  
39 taxpayer and a specific reconciling statement, the period:**

40 (A) **beginning on the later of:**

41 (i) **the date the taxpayer elects to pay the taxpayer's tax  
42 liability on a monthly payment plan; or**

C  
o  
p  
y



1 (ii) the day following the closing date of the immediately  
 2 preceding reconciling statement issued to the taxpayer,  
 3 including a final reconciling statement issued under  
 4 section 9.7(u) of this chapter (before its expiration); and

5 (B) ending on the reconciling statement closing date.

6 (5) "Tax liability" includes liability for special assessments  
 7 and refers to liability for property taxes after the application  
 8 of all allowed deductions and credits.

9 (b) After November 30, 2013, if a person liable for any property  
 10 taxes or special assessment, as shown on the tax duplicate or  
 11 special assessment records, does not have an arrangement with a  
 12 mortgagee under which the mortgagee pays the person's property  
 13 taxes and special assessments from an escrow account maintained  
 14 by the mortgagee, the person may elect to pay the property taxes  
 15 and special assessments for which the person is liable under a  
 16 monthly payment plan, as provided in this section.

17 (c) After November 30, 2013, a taxpayer who is eligible to pay  
 18 the taxpayer's tax liability on a monthly payment plan may make  
 19 the election to do so by submitting, in the manner prescribed by the  
 20 department, the information described in subsection (f)(1) to the  
 21 county treasurer of the county where the property that gave rise to  
 22 the tax liability is assessed. However, the authorization of an  
 23 eligible taxpayer who had a monthly payment plan under section  
 24 9.7 of this chapter (before its expiration) in effect on November 30,  
 25 2012, is deemed to be an election to participate in a monthly  
 26 payment plan under this section on the same terms as the  
 27 authorization furnished under section 9.7 of this chapter (before its  
 28 expiration).

29 (d) A taxpayer who has a monthly payment plan in effect may  
 30 terminate the taxpayer's monthly payment plan at any time by  
 31 notifying the county treasurer of the county where the property  
 32 that gave rise to the tax liability is assessed in the manner  
 33 prescribed by the department that the taxpayer desires to  
 34 terminate the taxpayer's monthly payment plan. If the taxpayer  
 35 does not specify the date on which to terminate the taxpayer's  
 36 monthly payment plan in the taxpayer's notification, the taxpayer's  
 37 monthly payment plan is terminated immediately upon receipt of  
 38 the notification by the county treasurer.

39 (e) The department shall prescribe a form with at least the  
 40 following elements that a county treasurer may furnish to  
 41 taxpayers:

42 (1) An explanation of a taxpayer's option under this section to

C  
o  
p  
y



1 pay the taxpayer's tax liability on a monthly payment plan,  
2 including the condition of eligibility.

3 **(2) Fields to display:**

4 **(A) the recommended amount to be deducted monthly**  
5 **from the taxpayer's account; and**

6 **(B) a calculation of the recommended amount to be**  
7 **deducted.**

8 **(3) An explanation of the manner in which the taxpayer's tax**  
9 **liability and payments will be reconciled if the taxpayer elects**  
10 **to pay the taxpayer's tax liability on a monthly payment plan**  
11 **and notice that any property tax payments made by the**  
12 **taxpayer by means other than automatic deduction from the**  
13 **taxpayer's account will be taken into account in the**  
14 **reconciliation.**

15 **(4) An explanation of the penalties that apply if there are**  
16 **insufficient funds in the taxpayer's account to cover one (1) or**  
17 **more automatic deductions.**

18 **(5) An explanation of the manner in which the taxpayer may**  
19 **terminate the taxpayer's monthly payment plan, if the**  
20 **taxpayer has a monthly payment plan in effect.**

21 **(f) The department shall prescribe a form by means of which a**  
22 **taxpayer may:**

23 **(1) elect to pay the taxpayer's tax liability on a monthly**  
24 **payment plan under this section by:**

25 **(A) affirming that the taxpayer is eligible to pay the**  
26 **taxpayer's tax liability on a monthly payment plan;**

27 **(B) specifying the payment amount to be deducted monthly**  
28 **from the taxpayer's account held by a financial institution,**  
29 **which may be:**

30 **(i) the amount calculated in accordance with subsection**  
31 **(j); or**

32 **(ii) some other amount of the taxpayer's choosing;**

33 **(C) directing the appropriate county treasurer to accept**  
34 **payment of the taxpayer's tax liability by automatic**  
35 **monthly deduction from an account of the taxpayer that is**  
36 **held by a financial institution;**

37 **(D) authorizing the financial institution that holds the**  
38 **taxpayer's account to deduct the amount specified by the**  
39 **taxpayer from the account monthly and to pay that**  
40 **amount to the county treasurer; and**

41 **(E) specifying the day each month when the deduction will**  
42 **be made, subject to the restriction that the taxpayer may**

C  
o  
p  
y



- 1 not specify the 29th, 30th, or 31st day; or
- 2 (2) if the taxpayer has a monthly payment plan in effect,
- 3 terminate the taxpayer's monthly payment plan.
- 4 (g) The department may combine the forms described in
- 5 subsections (e) and (f) into a single form if the department
- 6 determines that a combined form is expedient. If the department
- 7 does prescribe a combined form under this subsection, an
- 8 occurrence of the phrase "the forms described in subsections (e)
- 9 and (f)" in this section refers to the combined form prescribed
- 10 under this subsection.
- 11 (h) This subsection applies after December 31, 2013. Each year
- 12 before August 1, a county treasurer shall prepare and mail the
- 13 forms described in subsections (e) and (f) to each county taxpayer
- 14 who, at the time the forms are prepared for mailing:
- 15 (1) has a monthly payment plan in effect; or
- 16 (2) does not have a monthly payment plan in effect but,
- 17 according to information available to the county treasurer
- 18 and the county auditor, is eligible to pay the taxpayer's tax
- 19 liability on a monthly payment plan.
- 20 (i) After September 30, 2013, in addition to the preparation and
- 21 the mailing or transmitting of the forms described in subsections
- 22 (e) and (f) as directed in subsection (h), a county treasurer shall
- 23 prepare and make the forms described in subsections (e) and (f)
- 24 available to a county taxpayer upon the taxpayer's request.
- 25 (j) When a county treasurer prepares the forms described in
- 26 subsections (e) and (f) under subsections (h) or (i), the
- 27 recommended amount of a taxpayer's monthly payment of
- 28 property taxes for a monthly payment plan on the date the forms
- 29 are prepared is the amount determined in STEP FIVE of the
- 30 following STEPS:
- 31 STEP ONE: Subject to subsection (k), determine the
- 32 following:
- 33 (A) For a parcel of real property:
- 34 (i) the amount of tax liability, if known, that applies to
- 35 the parcel for the current year; or
- 36 (ii) the most recently determined amount of tax liability
- 37 that applied to the parcel for the preceding year, if item
- 38 (i) does not apply.
- 39 (B) For a personal property return:
- 40 (i) the amount of tax liability that applies for the
- 41 personal property return for the same location for the
- 42 current year, if known; or

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

(ii) the most recently determined amount of tax liability that applied for the personal property return for the same location for the preceding year, if item (i) does not apply.

**(C) For distributable property:**

(i) the amount of tax liability that applies with respect to the statement filed by the taxpayer under IC 6-1.1-8-19 for the current year, if known; or

(ii) the most recently determined amount of tax liability that applied with respect to the statement filed by the taxpayer under IC 6-1.1-8-19 for the preceding year, if item (i) does not apply.

**(D) For a mobile home subject to IC 6-1.1-7:**

(i) the amount of tax liability that applies to the mobile home for the current year, if known; or

(ii) the most recently determined amount of tax liability that applied to the mobile home for the preceding year, if item (i) does not apply.

**STEP TWO: Determine a reasonable adjustment to the result of STEP ONE, if any, positive or negative, that in the discretion of the county treasurer would be advisable to reduce the absolute value of the amount of the taxpayer's accrued but unpaid tax liability on the property at the time the next reconciling statement is expected to be prepared under subsection (n).**

**STEP THREE: Add:**

**(A) the STEP ONE result; and**

**(B) the STEP TWO result.**

**STEP FOUR: Determine the greater of:**

**(A) the STEP THREE result; or**

**(B) zero (0).**

**STEP FIVE: Divide:**

**(A) the STEP FOUR result; by**

**(B) twelve (12).**

**(k) This subsection applies only if the county treasurer determines to use provisional property tax statements under IC 6-1.1-22.5 for the current year. For purposes of determining the amount of the taxpayer's recommended monthly payment under a monthly payment plan, the county treasurer shall substitute the tax liability to be indicated on the provisional statement for the tax liability that applied to the parcel for the preceding year under subsection (j).**

C  
O  
P  
Y



1 (l) Tax liability paid under this section by automatic deduction  
2 from an account of the taxpayer that is held by a financial  
3 institution is not finally discharged and the taxpayer has not paid  
4 the tax until the taxpayer's account is charged for the payment.

5 (m) Penalties under IC 6-1.1-37-10 apply as specified in this  
6 section to taxes payable under a monthly payment plan under this  
7 section.

8 (n) This subsection applies after December 31, 2013. At the  
9 times a county treasurer issues statements under section 8.1 of this  
10 chapter, the county treasurer shall also issue a reconciling  
11 statement described in subsection (o) to those county taxpayers  
12 who:

13 (1) have a monthly payment plan in effect in the county on the  
14 closing date of the reconciling statement period; or

15 (2) had a monthly payment plan in effect in the county at  
16 some time during the reconciling statement period but  
17 terminated the monthly payment plan before the closing date  
18 of the reconciling statement period.

19 (o) Each reconciling statement must indicate at least the  
20 following:

21 (1) The amount of:  
22 (A) the taxpayer's accrued but unpaid tax liability; or  
23 (B) the amount of any credit owed to the taxpayer;  
24 at the beginning of the reconciling statement period.

25 (2) The amount of any accrued but unpaid penalties owed by  
26 the taxpayer at the beginning of the reconciling statement  
27 period.

28 (3) The taxpayer's tax liability that became first due and  
29 payable during the reconciling statement period.

30 (4) Any penalty assessed against the taxpayer during the  
31 reconciling statement period.

32 (5) The total amount paid during the reconciling statement  
33 period under a monthly payment plan and by means other  
34 than under a monthly payment plan.

35 (6) The total amount refunded to the taxpayer during the  
36 reconciling statement period.

37 (p) If the sum of the amounts described under subsection (o)(1)  
38 through (o)(6), construing the amounts described in subsection  
39 (o)(1)(B) and (o)(5) as negative, is greater than zero (0), the  
40 deficiency is payable by the taxpayer:

41 (1) as a final reconciliation of the tax liability and penalties  
42 owed on the closing date of the reconciling statement period;

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

and

(2) not later than thirty (30) days after the date of the reconciling statement.

If the sum of the amounts described under subsection (o)(1) through (o)(6), construing the amounts described in subsection (o)(1)(B) and (o)(5) as negative, is less than zero (0), the county treasurer shall apply the excess as a credit against the taxpayer's tax liability for the immediately following reconciling statement period unless the taxpayer makes a claim for refund of the excess under IC 6-1.1-26.

(q) The county treasurer shall deposit the tax collections under this section under IC 5-13-6-3(a). The collections must remain in the funds in which they are deposited until the county auditor makes the distributions to the appropriate taxing units at the semiannual settlements under IC 6-1.1-27. However, this subsection does not prohibit a county treasurer from making an advance to a political subdivision under IC 5-13-6-3 of a portion of the taxes collected.

(r) IC 6-1.1-15:

(1) does not apply to the forms described under subsections (e) and (f); and

(2) applies to a reconciling statement issued under subsection (n).

(s) IC 6-1.1-37-10 applies to any amount due that is shown on a reconciling statement issued under subsection (n) and remains unpaid at the end of the due date specified in subsection (p)(2) for the reconciling statement.

(t) For purposes of IC 6-1.1-24-1(a)(1), if a taxpayer has a monthly payment plan under this section in effect on May 10 of a year, the delinquent amount of a taxpayer's spring installment of property taxes and special assessments and any previous installments is the taxpayer's tax liability that remains unpaid on the day immediately following the due date specified under subsection (p)(2) for the first reconciling statement of the year issued under subsection (n).

SECTION 5. IC 6-1.1-22.5-12, AS AMENDED BY P.L.172-2011, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Except as provided by subsection (c), each reconciling statement must be on a form prescribed by the department of local government finance and must indicate:

(1) the actual property tax liability under this article for the calendar year for which the reconciling statement is issued;

C  
o  
p  
y



- 1 (2) the total amount paid under the provisional statement for the
- 2 property for which the reconciling statement is issued;
- 3 (3) if the amount under subdivision (1) exceeds the amount under
- 4 subdivision (2), that the excess is payable by the taxpayer:
  - 5 (A) as a final reconciliation of the tax liability; and
  - 6 (B) not later than:
    - 7 (i) thirty (30) days after the date of the reconciling
    - 8 statement;
    - 9 (ii) if the county treasurer requests in writing that the
    - 10 commissioner designate a later date, the date designated by
    - 11 the commissioner; or
    - 12 (iii) the date specified in an ordinance adopted under section
    - 13 18.5 of this chapter **(before its expiration)**; and
    - 14 (4) if the amount under subdivision (2) exceeds the amount under
    - 15 subdivision (1), that the taxpayer may claim a refund of the excess
    - 16 under IC 6-1.1-26.
- 17 (b) If, upon receipt of the abstract required by IC 6-1.1-22-5 or upon
- 18 determination of the tax rate of the cross-county entity referred to in
- 19 section 6.5 of this chapter, the county treasurer determines that it is
- 20 possible to complete the:
  - 21 (1) preparation; and
  - 22 (2) mailing or transmittal;
- 23 of the reconciling statement at least thirty (30) days before the due date
- 24 of the second installment specified in the provisional statement, the
- 25 county treasurer may request in writing that the department of local
- 26 government finance permit the county treasurer to issue a reconciling
- 27 statement that adjusts the amount of the second installment that was
- 28 specified in the provisional statement. If the department approves the
- 29 county treasurer's request, the county treasurer shall prepare and mail
- 30 or transmit the reconciling statement at least thirty (30) days before the
- 31 due date of the second installment specified in the provisional
- 32 statement.
- 33 (c) A reconciling statement prepared under subsection (b) must
- 34 indicate:
  - 35 (1) the actual property tax liability under this article for the
  - 36 calendar year for the property for which the reconciling statement
  - 37 is issued;
  - 38 (2) the total amount of the first installment paid under the
  - 39 provisional statement for the property for which the reconciling
  - 40 statement is issued;
  - 41 (3) if the amount under subdivision (1) exceeds the amount under
  - 42 subdivision (2), the adjusted amount of the second installment

C  
O  
P  
Y



1 that is payable by the taxpayer:

2 (A) as a final reconciliation of the tax liability; and

3 (B) not later than:

4 (i) November 10; or

5 (ii) if the county treasurer requests in writing that the  
6 commissioner designate a later date, the date designated by  
7 the commissioner; and

8 (4) if the amount under subdivision (2) exceeds the amount under  
9 subdivision (1), that the taxpayer may claim a refund of the excess  
10 under IC 6-1.1-26.

11 ~~(d) At the election of a county auditor, a checklist required by~~  
12 ~~IC 6-1.1-22-8.1(b)(8) and a notice required by IC 6-1.1-22-8.1(b)(9)~~  
13 ~~may be sent to a taxpayer with a reconciling statement under this~~  
14 ~~section. This subsection expires January 1, 2013.~~

15 ~~(e) (d)~~ In a county in which an authorizing ordinance is adopted  
16 under IC 6-1.1-22-8.1(h), a person may direct the county treasurer to  
17 transmit a reconciling statement by electronic mail under  
18 IC 6-1.1-22-8.1(h).

19 ~~(f) (e)~~ A reconciling statement may include any adjustment  
20 authorized by the department of local government finance under  
21 section 8(e) of this chapter and approved by the county treasurer.

22 SECTION 6. IC 6-1.1-22.5-18, AS AMENDED BY P.L.146-2008,  
23 SECTION 255, IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2013]: Sec. 18. For purposes of  
25 IC 6-1.1-24-1(a)(1):

26 (1) the first installment on a provisional statement is considered  
27 to be the taxpayer's spring installment of property taxes;

28 (2) except as provided in subdivision (3) or section 18.5 of this  
29 chapter **(before its expiration)**, payment on a reconciling  
30 statement is considered to be due before the due date of the first  
31 installment of property taxes payable in the following year; and

32 (3) payment on a reconciling statement described in section 12(b)  
33 of this chapter is considered to be the taxpayer's fall installment  
34 of property taxes.

35 SECTION 7. IC 6-1.1-22.5-18.5, AS ADDED BY P.L.146-2008,  
36 SECTION 256, IS AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2013]: Sec. 18.5. (a) A county council may  
38 adopt an ordinance **before July 1, 2013**, to allow a taxpayer to make  
39 installment payments under this section of a tax payment due under a  
40 reconciling statement issued under this chapter or any other provision.

41 (b) An ordinance adopted under this section must specify:

42 (1) the reconciling statement to which the ordinance applies; and

C  
o  
p  
y



- 1 (2) the installment due dates for taxpayers that choose to make
- 2 installment payments.
- 3 (c) An ordinance adopted under this section must give taxpayers in
- 4 the county the option of:
- 5 (1) making a single payment of the tax payment due under the
- 6 reconciling statement on the date specified in the reconciling
- 7 statement; or
- 8 (2) paying installments of the tax payment due under the
- 9 reconciling statement over the installment period specified in the
- 10 ordinance.
- 11 (d) If the total amount due on an installment date under this section
- 12 is not completely paid on or before that installment date, the amount
- 13 unpaid is considered delinquent and a penalty is added to the unpaid
- 14 amount. The penalty is equal to an amount determined as follows:
- 15 (1) If:
- 16 (A) the delinquent amount of real property taxes is completely
- 17 paid on or before the date thirty (30) days after the installment
- 18 date; and
- 19 (B) the taxpayer is not liable for delinquent property taxes first
- 20 due and payable in a previous year for the same parcel;
- 21 the amount of the penalty is equal to five percent (5%) of the
- 22 delinquent amount.
- 23 (2) If:
- 24 (A) the delinquent amount of personal property taxes is
- 25 completely paid on or before the date thirty (30) days after the
- 26 installment date; and
- 27 (B) the taxpayer is not liable for delinquent property taxes first
- 28 due and payable in a previous year for a personal property tax
- 29 return for property in the same taxing district;
- 30 the amount of the penalty is equal to five percent (5%) of the
- 31 delinquent amount.
- 32 (3) If neither subdivision (1) nor (2) applies, the amount of the
- 33 penalty is equal to ten percent (10%) of the delinquent amount.
- 34 (e) An additional penalty equal to ten percent (10%) of any taxes
- 35 due on an installment date that remain unpaid shall be added on the day
- 36 immediately following the date of the final installment payment.
- 37 (f) The penalties under this section are imposed on only the
- 38 principal amount of the delinquent taxes.
- 39 (g) Notwithstanding any other provision, an ordinance adopted
- 40 under this section may apply to the payment of amounts due under any
- 41 reconciling statements issued by a county.
- 42 (h) Approval by the department of local government finance is not

COPY



required for the adoption of an ordinance under this section.

**(i) If an ordinance adopted under this section is in effect in a county on December 31, 2013, the ordinance expires December 31, 2013.**

**(j) This section expires January 1, 2014.**

SECTION 8. IC 6-1.1-22.6-26, AS ADDED BY P.L.112-2012, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26. (a) The department may prescribe forms, adopt emergency rules under IC 6-1.1-22.5-20, issue administrative orders, set deadlines and other timetables for required activities, and issue interpretive bulletins to carry out this chapter, including rules, orders, and bulletins related to the scope of the duties to be performed by a special master under this chapter.

(b) Notwithstanding any other law, the department shall require that:

(1) trending and other adjustments to the assessed value of real property under IC 6-1.1-4-4.5 be applied separately to each assessment date subject to this chapter with the resulting assessments rolled over to be used as the valuation that is adjusted for the following assessment date;

(2) the information required to be submitted to the department or the legislative services agency, or both, under IC 6-1.1-4-18.5, IC 6-1.1-4-19.5, IC 6-1.1-4-25, IC 6-1.1-5.5-3, IC 6-1.1-11-8, IC 6-1.1-31.5-3.5, IC 6-1.1-33.5-3, or IC 36-2-9-20 be submitted separately for each assessment date subject to this chapter not later than sixty (60) days after the information becomes available to the local official possessing the information;

(3) a homestead eligible for a standard deduction under IC 6-1.1-12-37 on which payments on a reconciliation statement subject to this section are delinquent, including an installment payment under IC 6-1.1-22.5-18.5 **(before its expiration)**, may not be placed on a list for tax sale for at least twelve (12) months after the payment, including an installment payment under IC 6-1.1-22.5-18.5 **(before its expiration)** is otherwise due;

(4) the period in which property eligible for a deduction or credit provided by law for an assessment date for which delayed property taxes are imposed is extended to the later of July 1 in the year in which the county becomes a covered county or a date that is forty-five (45) days after the reconciliation statement for those taxes is mailed or otherwise transmitted under IC 6-1.1-22.5-12, and that the current owner of the property may file the application for the deduction or credit;

C  
O  
P  
Y



1 (5) the current owner of property may file a petition under  
 2 IC 6-1.1-15 for an assessment date for which delayed property  
 3 taxes are due and payable under a reconciliation statement issued  
 4 by a covered county as provided in this chapter; and

5 (6) **before July 1, 2013**, the fiscal body of a covered county shall  
 6 establish an installment payment plan in accordance with  
 7 IC 6-1.1-22.5-18.5 (**before its expiration**) under which taxpayers  
 8 are required to pay delayed property taxes either:

9 (A) by paying the delayed property taxes over an installment  
 10 period (of at least six (6) months) determined by the county  
 11 fiscal body; or

12 (B) by making a single payment of the delayed property taxes  
 13 after the end of a period (of at least six (6) months) determined  
 14 by the county fiscal body;

15 as specified by ordinance of the county fiscal body. **Before July**  
 16 **1, 2013**, the fiscal body of a covered county may adopt an  
 17 ordinance under IC 6-1.1-22.5-18.5 (**before its expiration**)  
 18 extending the installment period or the due date of the single  
 19 payment.

20 Reconciliation statements issued by a covered county after March 15,  
 21 2012, must include a statement in at least 10-point bold type that  
 22 explains a taxpayer's rights under subdivision (4) to file a deduction or  
 23 credit application. Any overpayment of delayed property taxes that  
 24 result after the application of a deduction or credit granted after the  
 25 payment of the delayed property taxes shall be first applied without the  
 26 filing of a claim under IC 6-1.1-26. The county treasurer shall apply the  
 27 excess payment first to any delinquent property taxes owed by the  
 28 taxpayer who owned the property in the year to which the credit or  
 29 deduction applies, and, second, as a credit against property taxes for the  
 30 affected property that become first due and payable after the excess  
 31 payment is determined.

32 (c) Subject to the requirements of this chapter, the department may  
 33 set schedules and take other actions necessary or appropriate to provide  
 34 for the earliest possible issuance of property tax bills for the collection  
 35 of delayed property taxes and a return to a normal collection cycle for  
 36 property taxes in covered counties.

C  
o  
p  
y

