

ARTICLE 16. AMENDED PERSONAL PROPERTY RETURNS

Rule 1. Applicability

50 IAC 16-1-1 Applicability

Authority: IC 6-1.1-31-10

Affected: IC 6-1.1-3-7.5

Sec. 1. (a) This article applies to the filing of amended personal property returns under IC 6-1.1-3-7.5.

(b) The provisions of this article do not supersede, but are supplemental to, the provisions of 50 IAC 4.2. (*Department of Local Government Finance; 50 IAC 16-1-1; filed Mar 11, 1999, 5:05 p.m.: 22 IR 2484*)

Rule 2. Definitions

50 IAC 16-2-1 Applicability

Authority: IC 6-1.1-31-10

Affected: IC 6-1.1-3

Sec. 1. The definitions in this rule apply throughout this article. (*Department of Local Government Finance; 50 IAC 16-2-1; filed Mar 11, 1999, 5:05 p.m.: 22 IR 2484*)

50 IAC 16-2-2 "Assessed valuation" defined

Authority: IC 6-1.1-31-10

Affected: IC 6-1.1-3

Sec. 2. "Assessed valuation" means the proper assessed valuation of all nonexempt property reported on a taxpayer's personal property return and on which property taxes may be assessed under IC 6-1.1-3. (*Department of Local Government Finance; 50 IAC 16-2-2; filed Mar 11, 1999, 5:05 p.m.: 22 IR 2484*)

Rule 3. Filing Procedures

50 IAC 16-3-1 Amendments

Authority: IC 6-1.1-31-10

Affected: IC 6-1.1-3-7.5

Sec. 1. Subject to this article, a taxpayer who files a personal property tax return under IC 6-1.1-3 may file no more than one (1) amended return under IC 6-1.1-3-7.5. (*Department of Local Government Finance; 50 IAC 16-3-1; filed Mar 11, 1999, 5:05 p.m.: 22 IR 2485*)

50 IAC 16-3-2 Amended return form

Authority: IC 6-1.1-31-10

Affected: IC 6-1.1-3-7; IC 6-1.1-3-7.5

Sec. 2. (a) A taxpayer must file an amended return by completing the return and writing, typing, or otherwise indicating the word "Amended" at the top of the return. The amended return must be adequately completed and filed with the township assessor or county assessor (as applicable) in the same manner as is required for the initial personal property tax return.

(b) For a filing date after May 14, 2011, a taxpayer may file an amended return not more twelve (12) months after the later of the following:

(1) May 15, the filing date of the original personal property tax return under IC 6-1.1-3-7.

(2) The extension date for the original personal property tax return, if the taxpayer is granted an extension under IC 6-1.1-3-7.

(Department of Local Government Finance; 50 IAC 16-3-2; filed Mar 11, 1999, 5:05 p.m.: 22 IR 2485; filed Apr 27, 2016, 12:41 p.m.: 20160525-IR-050150166FRA)

Rule 4. Prohibited Amendments

50 IAC 16-4-1 Prohibited amendments

Authority: IC 6-1.1-31-10

Affected: IC 6-1.1-3

Sec. 1. A township assessor, if any, or the county assessor may, as part of the initial review required under 50 IAC 16-5, find an amended return defective if, in the discretion of the assessor, it is evident from the amended return that the original return provided false information intended for the purpose of avoiding taxes. *(Department of Local Government Finance; 50 IAC 16-4-1; filed Mar 11, 1999, 5:05 p.m.: 22 IR 2485; filed Apr 27, 2016, 12:41 p.m.: 20160525-IR-050150166FRA)*

Rule 5. Assessor Initial Review

50 IAC 16-5-1 Initial review

Authority: IC 6-1.1-31-10

Affected: IC 6-1.1-3

Sec. 1. A township assessor, if any, or the county assessor must provide an initial review of all amended returns within ten (10) days of the amended return being filed by the taxpayer. The initial review is for the purpose of verifying that the taxpayer has not made any amendments that result in the assessor finding the return defective under 50 IAC 16-4. If the township or county assessor finds the amended return defective, the assessor must immediately notify the taxpayer in writing that the amendment is defective and will not be processed. The taxpayer will then have ten (10) days to refile the amendment. If a refiled amendment is found defective, no additional amendments may be filed. If the taxpayer believes that an amendment has been improperly found defective by the assessor, the taxpayer may petition for a correction of error under IC 6-1.1-15-12 [*IC 6-1.1-15-12 was repealed by P.L.232-2017, SECTION 17, effective July 1, 2017.*]. *(Department of Local Government Finance; 50 IAC 16-5-1; filed Mar 11, 1999, 5:05 p.m.: 22 IR 2485; filed Apr 27, 2016, 12:41 p.m.: 20160525-IR-050150166FRA)*

Rule 6. Assessor Reports

50 IAC 16-6-1 Assessor reports

Authority: IC 6-1.1-31-10

Affected: IC 6-1.1-3

Sec. 1. (a) If, after the initial review required under 50 IAC 16-5, the township or county assessor finds that the amended return is not defective, the township or county assessor must report the amended return to the county auditor on forms prescribed by the department.

(b) Within ten (10) days of receipt of a report submitted under subsection (a), the county auditor shall reflect the amendments on the auditor's records of assessed valuation. *(Department of Local Government Finance; 50 IAC 16-6-1; filed Mar 11, 1999, 5:05 p.m.: 22 IR 2485; filed Apr 27, 2016, 12:41 p.m.: 20160525-IR-050150166FRA)*

Rule 7. Substantial Reductions (Repealed)

(Repealed by Department of Local Government Finance; filed Apr 27, 2016, 12:41 p.m.: 20160525-IR-050150166FRA)

Rule 7.1. Reductions

50 IAC 16-7.1-1 Reductions and refunds

Authority: IC 6-1.1-31-10

Affected: IC 6-1.1-3-7; IC 6-1.1-3-7.5

Sec. 1. (a) A taxpayer is not entitled to interest on the refund if:

(1) the taxpayer files an amended personal property tax return under IC 6-1.1-3-7.5 in order to correct an error made by the taxpayer on the taxpayer's original personal property tax return; and

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

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

(c) If a taxpayer files an amended personal property tax return after July 15 of that year, the taxpayer shall pay taxes payable in the immediately succeeding year based on the assessed value reported on the taxpayer's original personal property tax return. Subject to subsection (i), a taxpayer that paid taxes under this subsection is entitled to a credit in the amount of taxes paid by the taxpayer on the remainder of:

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

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

Except as provided in subsection (h), the county auditor may apply the credit against the taxpayer's property taxes on personal property payable in the year or years that immediately succeed the year in which the taxes were paid, as applicable. The county is not required to pay interest on any amounts that a taxpayer is entitled to receive as a credit under this section.

(d) The county auditor may carry a credit to which the taxpayer is entitled under subsection (c) forward to the immediately succeeding year or years, as applicable, and use the credit against the taxpayer's property taxes on personal property as follows:

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

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

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

(e) If an excess credit remains after the credit is applied in the final year to which the credit may be carried forward under subsection (d), the county auditor shall refund to the taxpayer the amount of any excess credit that remains after application of the credit under subsection (d) not later than December 31 of the final year to which the excess credit may be carried.

(f) The taxpayer is not required to file an application for a credit under subsection (c) or (d) or a refund under subsection (e).

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

(h) The county auditor may refund a credit amount to a taxpayer before the time the credit would otherwise be applied against property tax payments under this section.

(i) The county auditor shall reduce the credit or refund payable to a taxpayer if:

(1) the taxpayer files an amended personal property tax return more than six (6) months, but less than twelve (12) months, after the filing date or the extension date for the original property tax return being amended if the taxpayer is granted an extension under IC 6-1.1-3-7; and

(2) the taxpayer is entitled to a credit or refund as a result of the amended return.

The amount of the reduction is ten percent (10%) of the credit or refund amount. (*Department of Local Government Finance; 50 IAC 16-7.1-1; filed Apr 27, 2016, 12:41 p.m.: 20160525-IR-050150166FRA*)

Rule 8. Miscellaneous

50 IAC 16-8-1 Miscellaneous

Authority: IC 6-1.1-31-10

Affected: IC 6-1.1-3

Sec. 1. Notwithstanding the provisions of this article, an amended return remains subject to the review and adjustment of assessing officials under 50 IAC 4.2-3.1. (*Department of Local Government Finance; 50 IAC 16-8-1; filed Mar 11, 1999, 5:05 p.m.: 22 IR 2486; filed Apr 27, 2016, 12:41 p.m.: 20160525-IR-050150166FRA*)

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