
STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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TO: County Treasurers
FROM: Wesley R. Bennett, Commissioner
RE: Legislation Affecting Property Tax Bills
DATE: June 18, 2021

Please note that this memorandum is for informational purposes only, and it is not a substitute for reading the law.

Tax Bill Proof of Mailing Date

On April 22, 2021, Governor Eric J. Holcomb signed into law Senate Enrolled Act 195-2021 (“SEA 195”). Section 1 of SEA 195, effective July 1, 2021, amends Ind. Code § 6-1.1-37-10, which currently outlines the penalties for delinquent taxes.

Section 1 of SEA 195 provides additional criteria for property tax payments submitted with metered postage. Under this section, a payment to the county treasurer that is deposited in the United States first class mail is to be considered timely if:

- (1) the envelope is properly addressed to the principal office of the county treasurer;
- (2) the envelope has sufficient metered postage from a meter postage provider approved by the United States Postal Service;
- (3) the postage meter stamp affixed to the envelope bears the actual date the postage meter stamp was affixed to the envelope, which must be on or before the due date; and
- (4) the payment is received by the county treasurer not later than five (5) business days after the due date.

Section 1 of SEA 195 also removes Ind. Code § 6-1.1-37-10(f), which currently states that “postmarked” does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment. In other words, payments can now be considered as paid by the due date if postmarked by a United State Postal Service approved postage meter stamp as mailed on or before the due date, and the payment is received within five (5) business days of the due date.

Additionally, Section 1 of SEA 195 outlines the penalty a taxpayer is subject to if they make a payment within the “initial penalty period,” which is defined as the period after the due date and

not later than thirty (30) days after the due date. A person who makes a payment to the county treasurer within the initial penalty period is subject to a penalty equal to five percent (5%) of the amount of the delinquent taxes. A payment to the county treasurer is considered to have been paid within the initial penalty period if it is:

- (1) mailed or deposited with a parcel carrier by the thirtieth (30th) day after the due date and the postmark, certificate of delivery, or other evidence indicates the date of mailing or deposit; or
- (2) mailed and affixed with a metered postage stamp indicating a date not later than the thirtieth (30th) day after the due date and the payment is received by the county treasurer not later than five (5) business days after the thirtieth (30th) day after the due date.

Section 1 of SEA 195 provides that if a payment is mailed and received after the initial penalty period without a legible correct postmark, the person is considered to have made the payment within the initial penalty period if the person can show by reasonable evidence that the payment was timely mailed. Additionally, if a payment is mailed or sent by parcel carrier but not received by the designated person within the initial penalty period, the person is considered to have made the payment within the initial penalty period if the person can show by reasonable evidence that the payment was timely mailed and makes a duplicate payment within thirty (30) days after the person is notified that the payment was not received.

Contact Information

Questions may be directed to Kelly Elliott, Deputy General Counsel, at (317) 233-9219 or KElliott@dlgf.in.gov.