

# HOUSE BILL No. 1198

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-15-1.

**Synopsis:** Property tax assessment appeals. Provides that a county assessor may assess a \$50 penalty against a taxpayer for failure to appear at a hearing under certain circumstances. (Under current law, a \$50 penalty shall be assessed against a taxpayer for failure to appear at a hearing under certain circumstances.) Provides that the penalty may be added as an amount owed on the taxpayer's property tax statement. (Under current law, the penalty may not be added as an amount owed on the taxpayer's property tax statement.)

**Effective:** Upon passage.

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January 10, 2017, read first time and referred to Committee on Ways and Means.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1198

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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 6-1.1-15-1, AS AMENDED BY P.L.149-2016,  
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 1. (a) Except as provided in section 1.5 of this  
4 chapter, a taxpayer may obtain a review by the county board of a  
5 county or township official's action with respect to any of the following,  
6 or any combination of the following:  
7 (1) The assessment of the taxpayer's tangible property.  
8 (2) A deduction for which a review under this section is  
9 authorized by any of the following:  
10 (A) IC 6-1.1-12-25.5.  
11 (B) IC 6-1.1-12-28.5.  
12 (C) IC 6-1.1-12-35.5.  
13 (D) IC 6-1.1-12.1-5.  
14 (E) IC 6-1.1-12.1-5.3.  
15 (F) IC 6-1.1-12.1-5.4.  
16 (3) A determination concerning a common area under  
17 IC 6-1.1-10-37.5.



1 (b) At the time that notice of an action referred to in subsection (a)  
2 is given to the taxpayer, the taxpayer shall also be informed in writing  
3 of:

4 (1) the opportunity for a review under this section, including a  
5 preliminary informal meeting under subsection (h)(2) with the  
6 county or township official referred to in this subsection; and

7 (2) the procedures the taxpayer must follow in order to obtain a  
8 review under this section.

9 (c) In order to obtain a review of an assessment or deduction  
10 effective for the assessment date to which the notice referred to in  
11 subsection (b) applies, the taxpayer must file a notice in writing with  
12 the county or township official referred to in subsection (a) not later  
13 than forty-five (45) days after the date of the notice referred to in  
14 subsection (b).

15 (d) A taxpayer may obtain a review by the county board of the  
16 assessment of the taxpayer's tangible property effective for an  
17 assessment date for which a notice of assessment is not given as  
18 described in subsection (b). To obtain the review, the taxpayer must file  
19 a notice in writing with the township assessor, or the county assessor  
20 if the township is not served by a township assessor. The right of a  
21 taxpayer to obtain a review under this subsection for an assessment  
22 date for which a notice of assessment is not given does not relieve an  
23 assessing official of the duty to provide the taxpayer with the notice of  
24 assessment as otherwise required by this article. The notice to obtain  
25 a review must be filed not later than the later of:

26 (1) May 10 of the year; or

27 (2) forty-five (45) days after the date of the tax statement mailed  
28 by the county treasurer, regardless of whether the assessing  
29 official changes the taxpayer's assessment.

30 (e) A change in an assessment made as a result of a notice for  
31 review filed by a taxpayer under subsection (d) after the time  
32 prescribed in subsection (d) becomes effective for the next assessment  
33 date. A change in an assessment made as a result of a notice for review  
34 filed by a taxpayer under subsection (c) or (d) remains in effect from  
35 the assessment date for which the change is made until the next  
36 assessment date for which the assessment is changed under this article.

37 (f) The written notice filed by a taxpayer under subsection (c) or (d)  
38 must include the following information:

39 (1) The name of the taxpayer.

40 (2) The address and parcel or key number of the property.

41 (3) The address and telephone number of the taxpayer.

42 (g) The filing of a notice under subsection (c) or (d):



- 1 (1) initiates a review under this section; and  
 2 (2) constitutes a request by the taxpayer for a preliminary  
 3 informal meeting with the official referred to in subsection (a).  
 4 (h) A county or township official who receives a notice for review  
 5 filed by a taxpayer under subsection (c) or (d) shall:  
 6 (1) immediately forward the notice to the county board; and  
 7 (2) attempt to hold a preliminary informal meeting with the  
 8 taxpayer to resolve as many issues as possible by:  
 9 (A) discussing the specifics of the taxpayer's assessment or  
 10 deduction;  
 11 (B) reviewing the taxpayer's property record card;  
 12 (C) explaining to the taxpayer how the assessment or  
 13 deduction was determined;  
 14 (D) providing to the taxpayer information about the statutes,  
 15 rules, and guidelines that govern the determination of the  
 16 assessment or deduction;  
 17 (E) noting and considering objections of the taxpayer;  
 18 (F) considering all errors alleged by the taxpayer; and  
 19 (G) otherwise educating the taxpayer about:  
 20 (i) the taxpayer's assessment or deduction;  
 21 (ii) the assessment or deduction process; and  
 22 (iii) the assessment or deduction appeal process.  
 23 (i) Not later than ten (10) days after the informal preliminary  
 24 meeting, the official referred to in subsection (a) shall forward to the  
 25 county auditor and the county board the results of the conference on a  
 26 form prescribed by the department of local government finance that  
 27 must be completed and signed by the taxpayer and the official. The  
 28 official referred to in subsection (a) must attest on the form that the  
 29 official described to the taxpayer the taxpayer's right to a review of the  
 30 issues by the county board under this chapter and the taxpayer's right  
 31 to appeal to the Indiana board of tax review and to the Indiana tax  
 32 court. The form must indicate the following:  
 33 (1) Notwithstanding section 2.5 of this chapter, if the taxpayer  
 34 and the official agree on the resolution of all assessment or  
 35 deduction issues in the review, a statement of:  
 36 (A) those issues; and  
 37 (B) the assessed value of the tangible property or the amount  
 38 of the deduction that results from the resolution of those issues  
 39 in the manner agreed to by the taxpayer and the official.  
 40 (2) If the taxpayer and the official do not agree on the resolution  
 41 of all assessment or deduction issues in the review:  
 42 (A) a statement of those issues; and



- 1 (B) the identification of:  
 2 (i) the issues on which the taxpayer and the official agree;  
 3 and  
 4 (ii) the issues on which the taxpayer and the official  
 5 disagree.
- 6 (j) If the county board receives a form referred to in subsection  
 7 (i)(1) before the hearing scheduled under subsection (k):  
 8 (1) the county board shall cancel the hearing;  
 9 (2) the county official referred to in subsection (a) shall give  
 10 notice to the taxpayer, the county board, the county assessor, and  
 11 the county auditor of the assessment or deduction in the amount  
 12 referred to in subsection (i)(1)(B); and  
 13 (3) if the matter in issue is the assessment of tangible property,  
 14 the county board may reserve the right to change the assessment  
 15 under IC 6-1.1-13.
- 16 (k) If:  
 17 (1) subsection (i)(2) applies; or  
 18 (2) the county board does not receive a form referred to in  
 19 subsection (i) not later than one hundred twenty (120) days after  
 20 the date of the notice for review filed by the taxpayer under  
 21 subsection (c) or (d);  
 22 the county board shall hold a hearing on a review under this subsection  
 23 not later than one hundred eighty (180) days after the date of that  
 24 notice. The county board shall, by mail, give at least thirty (30) days  
 25 notice of the date, time, and place fixed for the hearing to the taxpayer,  
 26 the taxpayer's representative (if any), and the county or township  
 27 official with whom the taxpayer filed the notice for review. The  
 28 taxpayer and the county or township official with whom the taxpayer  
 29 filed the notice for review are parties to the proceeding before the  
 30 county board. A taxpayer may request a continuance of the hearing by  
 31 filing, at least twenty (20) days before the hearing date, a request for  
 32 continuance with the board and the county or township official with  
 33 evidence supporting a just cause for the continuance. The board shall,  
 34 not later than ten (10) days after the date the request for a continuance  
 35 is filed, either find that the taxpayer has demonstrated a just cause for  
 36 a continuance and grant the taxpayer the continuance, or deny the  
 37 continuance. A taxpayer may request that the board take action without  
 38 the taxpayer being present and that the board make a decision based on  
 39 the evidence already submitted to the board by filing, at least eight (8)  
 40 days before the hearing date, a request with the board and the county  
 41 or township official. A taxpayer may withdraw a petition by filing, at  
 42 least eight (8) days before the hearing date, a notice of withdrawal with



1 the board and the county or township official.

2 (l) At the hearing required under subsection (k):

3 (1) the taxpayer may present the taxpayer's reasons for  
4 disagreement with the assessment or deduction; and

5 (2) the county or township official with whom the taxpayer filed  
6 the notice for review must present:

7 (A) the basis for the assessment or deduction decision; and

8 (B) the reasons the taxpayer's contentions should be denied.

9 **At the discretion of the county assessor**, a penalty of fifty dollars  
10 (\$50) ~~shall~~ **may** be assessed against the taxpayer if the taxpayer or  
11 representative fails to appear at the hearing and, under subsection (k),  
12 the taxpayer's request for continuance is denied, or the taxpayer's  
13 request for continuance, request for the board to take action without the  
14 taxpayer being present, or withdrawal is not timely filed. A taxpayer  
15 may appeal the assessment of the penalty to the Indiana board or  
16 directly to the tax court. The penalty may ~~not~~ be added as an amount  
17 owed on the property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

18 (m) The official referred to in subsection (a) may not require the  
19 taxpayer to provide documentary evidence at the preliminary informal  
20 meeting under subsection (h). The county board may not require a  
21 taxpayer to file documentary evidence or summaries of statements of  
22 testimonial evidence before the hearing required under subsection (k).  
23 If the action for which a taxpayer seeks review under this section is the  
24 assessment of tangible property, the taxpayer is not required to have an  
25 appraisal of the property in order to do the following:

26 (1) Initiate the review.

27 (2) Prosecute the review.

28 (n) The county board shall prepare a written decision resolving all  
29 of the issues under review. The written decision may be in the form of  
30 a stipulated determination under section 2.5 of this chapter. The county  
31 board shall, by mail, give notice of its determination not later than:

32 (1) one hundred twenty (120) days after the hearing under  
33 subsection (k); or

34 (2) thirty (30) days after an entry of a stipulated determination  
35 under section 2.5 of this chapter;

36 to the taxpayer, the official referred to in subsection (a), the county  
37 assessor, and the county auditor.

38 (o) If the maximum time elapses:

39 (1) under subsection (k) for the county board to hold a hearing; or

40 (2) under subsection (n) for the county board to give notice of its  
41 determination;

42 the taxpayer may initiate a proceeding for review before the Indiana



1 board by taking the action required by section 3 of this chapter at any  
2 time after the maximum time elapses.

3 SECTION 2. **An emergency is declared for this act.**

