

HOUSE BILL No. 1524

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-15; IC 6-1.1-16-1.

Synopsis: Property tax assessment appeals. Provides that a taxpayer may file an appeal with the Indiana board of tax review (Indiana board) within 45 days after the maximum time elapses if more than 180 days have passed since the taxpayer filed a notice of appeal with the county property tax assessment board of appeals (county board) and the county board has not issued a determination. Provides that a party may initiate a proceeding for judicial review within 45 days after the maximum time elapses for the Indiana board to give notice of its final determination. Provides that a county assessor or county board must make a change in an assessed value, including a determination by the county board of an assessment changed by an assessing official, when the county board acts as the assessor, and give notice of the change.

Effective: July 1, 2019.

GiaQuinta

January 17, 2019, read first time and referred to Committee on Ways and Means.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1524

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 6-1.1-15-1.2, AS ADDED BY P.L.232-2017,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1.2. (a) A county or township official who
4 receives a written notice under section 1.1 of this chapter shall
5 schedule, at a time during business hours that is convenient to the
6 taxpayer, a preliminary informal meeting with the taxpayer in order to
7 resolve the appeal. At the preliminary informal meeting, in order to
8 facilitate understanding and the resolution of disputed issues, a county
9 or township official and the taxpayer shall exchange the information
10 that each party is relying on at the time of the preliminary informal
11 meeting to support the party's respective position on each disputed
12 issue concerning the assessment or deduction. If additional information
13 is obtained by the county or township official or the taxpayer after the
14 preliminary informal meeting and before the hearing held by the county
15 board, the party obtaining the information shall provide the information
16 to the other party. If the county or township official or the taxpayer
17 obtains additional information and provides the information to the



1 other party for the first time at the hearing held by the county board, the
2 county board, unless waived by the receiving party, shall continue the
3 hearing until a future hearing date of the county board so that the
4 receiving party has an opportunity to review all the information that the
5 offering party is relying on to support the offering party's positions on
6 the disputed issues concerning the assessment or deduction.

7 (b) The official shall report on a form prescribed by the department
8 of local government finance the results of the informal meeting. If the
9 taxpayer and the official agree on the resolution of all issues in the
10 appeal, the report shall state the agreed resolution of the matter and be
11 signed by the official and the taxpayer. If an informal meeting is not
12 held, or the informal meeting is unsuccessful, the official shall report
13 those facts on the form. The official shall forward the report on the
14 informal meeting to the county board.

15 (c) If the county board receives a report on the informal meeting
16 indicating an agreed resolution of the matter, the county board shall
17 vote to accept or deny the agreed resolution. If the county board accepts
18 the agreed resolution, the county board shall issue a notification of final
19 assessment determination adopting the agreed resolution and vacating
20 the hearing if scheduled.

21 (d) The county board, upon receipt of a written notice under section
22 1.1 of this chapter, shall hold a hearing on the appeal not later than one
23 hundred eighty (180) days after the filing date of the written notice.
24 The county board shall, by mail, give at least thirty (30) days notice of
25 the date, time, and place fixed for the hearing to the taxpayer, the
26 county or township official with whom the taxpayer filed the written
27 notice, and the county auditor. If the county board has notice that the
28 taxpayer is represented by a third person, any hearing notice shall be
29 mailed to the representative.

30 (e) If good cause is shown, the county board shall grant a request for
31 continuance filed in writing at least ten (10) days before the hearing,
32 and reschedule the hearing under subsection (d).

33 (f) A taxpayer may withdraw an appeal by filing a written request
34 at least ten (10) days before the hearing. The county board shall issue
35 a notification of final assessment determination indicating the
36 withdrawal and no change in the assessment. A withdrawal waives a
37 taxpayer's right to appeal to the Indiana board of tax review.

38 (g) The county board shall determine an appeal without a hearing if
39 requested by the taxpayer in writing at least twenty (20) days before the
40 hearing.

41 (h) If a taxpayer appeals the assessment of tangible property under
42 section 1.1 of this chapter, the taxpayer is not required to have an



1 appraisal of the property in order to initiate the appeal or prosecute the
2 appeal.

3 (i) At a hearing under subsection (d), the taxpayer shall have the
4 opportunity to present testimony and evidence regarding the matters on
5 appeal. If the matters on appeal are in the discretion of the county
6 auditor, the county auditor or the county auditor's representative shall
7 attend the hearing. A county or township official, or the county auditor
8 or the county auditor's representative, shall have an opportunity to
9 present testimony and evidence regarding the matters on appeal. The
10 county board may adjourn and continue the hearing to a later date in
11 order to make a physical inspection or consider the evidence presented.

12 (j) The county board shall determine the assessment by motion and
13 majority vote. A county board may, based on the evidence before it,
14 increase an assessment. The county board shall issue a written
15 decision. Written notice of the decision shall be given to the township
16 official, county official, county auditor, and the taxpayer.

17 (k) If more than one hundred eighty (180) days have passed since
18 the date the notice of appeal was filed, and the county board has not
19 issued a determination, a taxpayer may initiate ~~any~~ **an** appeal with the
20 Indiana board of tax review under section 3 of this chapter **within**
21 **forty-five (45) days after the maximum time elapses.**

22 (l) The county assessor may assess a penalty of fifty dollars (\$50)
23 against the taxpayer if the taxpayer or representative fails to appear at
24 a hearing under subsection (d) and, under subsection (e), the taxpayer's
25 request for continuance is denied, or the taxpayer's request for
26 continuance, request for the board to take action without a hearing, or
27 withdrawal is not timely filed. A taxpayer may appeal the assessment
28 of the penalty to the Indiana board or directly to the tax court. The
29 penalty may not be added as an amount owed on the property tax
30 statement under IC 6-1.1-22 or IC 6-1.1-22.5.

31 SECTION 2. IC 6-1.1-15-5, AS AMENDED BY P.L.219-2007,
32 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2019]: Sec. 5. (a) Not later than fifteen (15) days after the
34 Indiana board gives notice of its final determination under section 4 of
35 this chapter to the party or the maximum allowable time for the
36 issuance of a final determination by the Indiana board under section 4
37 of this chapter expires, a party to the proceeding may request a
38 rehearing before the Indiana board. The Indiana board may conduct a
39 rehearing and affirm or modify its final determination, giving the same
40 notices after the rehearing as are required by section 4 of this chapter.
41 The Indiana board has fifteen (15) days after receiving a petition for a
42 rehearing to determine whether to grant a rehearing. Failure to grant a



1 rehearing not later than fifteen (15) days after receiving the petition
 2 shall be treated as a final determination to deny the petition. A petition
 3 for a rehearing does not toll the time in which to file a petition for
 4 judicial review unless the petition for rehearing is granted. If the
 5 Indiana board determines to rehear a final determination, the Indiana
 6 board:

7 (1) may conduct the additional hearings that the Indiana board
 8 determines necessary or review the written record without
 9 additional hearings; and

10 (2) shall issue a final determination not later than ninety (90) days
 11 after notifying the parties that the Indiana board will rehear the
 12 final determination.

13 If the Indiana board fails to make a final determination within the time
 14 allowed under subdivision (2), the entity that initiated the petition for
 15 rehearing may take no action and wait for the Indiana board to make a
 16 final determination or petition for judicial review under subsection (g).

17 (b) A party may petition for judicial review of the final
 18 determination of the Indiana board regarding the assessment or
 19 exemption of tangible property. In order to obtain judicial review under
 20 this section, a party must:

21 (1) file a petition with the Indiana tax court;

22 (2) serve a copy of the petition on:

23 (A) the county assessor;

24 (B) the attorney general; and

25 (C) any entity that filed an amicus curiae brief with the Indiana
 26 board; and

27 (3) file a written notice of appeal with the Indiana board
 28 informing the Indiana board of the party's intent to obtain judicial
 29 review.

30 Petitions for judicial review may be consolidated at the request of the
 31 appellants if it can be done in the interest of justice. The department of
 32 local government finance may intervene in an action taken under this
 33 subsection if the interpretation of a rule of the department is at issue in
 34 the action. The county assessor is a party to the review under this
 35 section.

36 (c) Except as provided in subsection (g), to initiate a proceeding for
 37 judicial review under this section, a party must take the action required
 38 by subsection (b) not later than:

39 (1) forty-five (45) days after the Indiana board gives the person
 40 notice of its final determination, unless a rehearing is conducted
 41 under subsection (a); or

42 (2) forty-five (45) days after the Indiana board gives the person



1 notice under subsection (a) of its final determination, if a
 2 rehearing is conducted under subsection (a) or the maximum time
 3 elapses for the Indiana board to make a determination under this
 4 section.

5 (d) The failure of the Indiana board to conduct a hearing within the
 6 period prescribed in section 4(e) or 4(f) of this chapter does not
 7 constitute notice to the party of an Indiana board final determination.

8 (e) The county assessor may petition for judicial review to the tax
 9 court in the manner prescribed in this section.

10 (f) The county assessor may not be represented by the attorney
 11 general in a judicial review initiated under subsection (b) by the county
 12 assessor.

13 (g) If the maximum time elapses for the Indiana board to give notice
 14 of its final determination under subsection (a) or section 4 of this
 15 chapter, a party may initiate a proceeding for judicial review by taking
 16 the action required by subsection (b) **at any time within forty-five (45)**
 17 **days** after the maximum time elapses. If:

18 (1) a judicial proceeding is initiated under this subsection; and

19 (2) the Indiana board has not issued a determination;

20 the tax court shall determine the matter de novo.

21 SECTION 3. IC 6-1.1-16-1, AS AMENDED BY P.L.232-2017,
 22 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: Sec. 1. (a) Except as provided in section 2 of this
 24 chapter, an assessing official or county property tax assessment board
 25 of appeals may not change the assessed value claimed by a taxpayer on
 26 a personal property return unless the assessing official or county
 27 property tax assessment board of appeals takes the action and gives the
 28 notice required by IC 6-1.1-3-20 within the following periods:

29 (1) A township assessor (if any) must make a change in the
 30 assessed value and give the notice of the change on or before the
 31 later of:

32 (A) September 15 of the year for which the assessment is
 33 made; or

34 (B) four (4) months from the date the personal property return
 35 is filed if the return is filed after the filing date for the personal
 36 property tax return.

37 (2) A county assessor or county property tax assessment board of
 38 appeals must make **a the** change in the assessed value, including
 39 **the final a** determination by the board of an assessment changed
 40 by an assessing official, **when the board acts as the assessor**,
 41 and give the notice of the change on or before the later of:

42 (A) October 30 of the year for which the assessment is made;



- 1 or
- 2 (B) five (5) months from the date the personal property return
- 3 is filed if the return is filed after the filing date for the personal
- 4 property tax return.
- 5 (3) The department of local government finance must make a
- 6 preliminary change in the assessed value and give the notice of
- 7 the change on or before the later of:
- 8 (A) October 1 of the year immediately following the year for
- 9 which the assessment is made; or
- 10 (B) sixteen (16) months from the date the personal property
- 11 return is filed if the return is filed after the filing date for the
- 12 personal property tax return.
- 13 (b) Except as provided in section 2 of this chapter, if an assessing
- 14 official or a county property tax assessment board of appeals fails to
- 15 change an assessment and give notice of the change within the time
- 16 prescribed by this section, the assessed value claimed by the taxpayer
- 17 on the personal property return is final.
- 18 (c) This section does not limit the authority of a county auditor to
- 19 correct errors in a tax duplicate under IC 6-1.1-15-12.1.
- 20 (d) This section does not apply if the taxpayer:
- 21 (1) fails to file a personal property return which substantially
- 22 complies with this article and the regulations of the department of
- 23 local government finance; or
- 24 (2) files a fraudulent personal property return with the intent to
- 25 evade the payment of property taxes.
- 26 (e) A taxpayer may appeal a preliminary determination of the
- 27 department of local government finance under subsection (a)(3) to the
- 28 Indiana board. An appeal under this subdivision shall be conducted in
- 29 the same manner as an appeal under IC 6-1.1-15-4 through
- 30 IC 6-1.1-15-8. A preliminary determination that is not appealed under
- 31 this subsection is a final unappealable order of the department of local
- 32 government finance.
- 33 **SECTION 4. [EFFECTIVE JULY 1, 2019] (a) IC 6-1.1-15-1.2 and**
- 34 **IC 6-1.1-15-5, both as amended by this act, apply to filings for**
- 35 **which the maximum time has not elapsed for a decision by the**
- 36 **county property tax assessment board of appeals or the Indiana**
- 37 **board of tax review on or before July 1, 2019.**
- 38 **(b) For a filing for which the maximum time has elapsed for a**
- 39 **decision by the county property tax assessment board of appeals or**
- 40 **the Indiana board of tax review on or before July 1, 2019, the filing**
- 41 **deadline is October 1, 2019.**
- 42 **(c) This SECTION expires July 1, 2020.**

