



March 29, 2019

ENGROSSED
SENATE BILL No. 233

DIGEST OF SB 233 (Updated March 27, 2019 4:03 pm - DI 134)

Citations Affected: IC 6-1.1; noncode.

Synopsis: Business personal property tax exemption. Provides that not later than 30 days prior to the filing date, the appropriate assessor shall provide notification to each person whose personal property is subject
(Continued next page)

Effective: July 1, 2019.

**Freeman, Garten, Holdman,
Messmer, Buchanan, Charbonneau,
Niezgodski, Buck, Bassler, Perfect,
Raatz, Spartz, Crane, Kruse, Leising,
Zay**

(HOUSE SPONSORS — SPEEDY, CHERRY, JUDY)

January 3, 2019, read first time and referred to Committee on Tax and Fiscal Policy.
January 22, 2019, amended, reported favorably — Do Pass.
January 24, 2019, read second time, amended, ordered engrossed.
January 25, 2019, engrossed.
January 28, 2019, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2019, read first time and referred to Committee on Ways and Means.
March 28, 2019, amended, reported — Do Pass.

ES 233—LS 6548/DI 134



Digest Continued

to assessment. Increases, from \$20,000 to \$40,000, the acquisition cost threshold for the business personal property tax exemption. Specifies that a taxpayer who is eligible for a personal property tax exemption must include on the taxpayer's personal property tax return: (1) information concerning whether the taxpayer's business personal property within the county is in one location or multiple locations; and (2) an address for the location of the property. Provides that the appropriate county officer designated by the county executive (rather than the assessor, under current law) is responsible for: (1) maintaining data files of the geographic information system characteristics of each parcel in the county as of each assessment date; and (2) submitting those files to the geographic information office of the office of technology. Repeals provisions in current law that allow a county council to impose a local service fee on each person that has exempt business personal property because the business personal property does not exceed the acquisition threshold. Removes outdated provisions.

ES 233—LS 6548/DI 134



March 29, 2019

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.

ENGROSSED SENATE BILL No. 233

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 6-1.1-3-6, AS AMENDED BY P.L.146-2008,
2 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 6. ~~Between the assessment date and Not later~~
4 **than thirty (30) days before** the filing date of each year, the
5 appropriate township assessor, or the county assessor if there is no
6 township assessor for the township, shall ~~furnish~~ **provide notification**
7 **to** each person whose personal property is subject to assessment for
8 that year. ~~with a personal property return.~~ **The notification must**
9 **include the date that personal property tax returns are due, the**
10 **telephone number and email address of the assessor's office, and**
11 **instruction to the taxpayer on how to obtain the appropriate**
12 **personal property tax forms. The notification must be sent by mail**
13 **unless the taxpayer consents to receiving it by electronic mail.**

14 SECTION 2. IC 6-1.1-3-7.2, AS AMENDED BY P.L.199-2016,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]: Sec. 7.2. (a) This section applies to assessment dates
17 occurring after December 31, 2015.

ES 233—LS 6548/DI 134



1 (b) As used in this section, "affiliate" means an entity that
 2 effectively controls or is controlled by a taxpayer or is associated with
 3 a taxpayer under common ownership or control, whether by
 4 shareholdings or other means.

5 (c) As used in this section, "business personal property" means
 6 personal property that:

7 (1) is otherwise subject to assessment and taxation under this
 8 article;

9 (2) is used in a trade or business or otherwise held, used, or
 10 consumed in connection with the production of income; and

11 (3) was:

12 (A) acquired by the taxpayer in an arms length transaction
 13 from an entity that is not an affiliate of the taxpayer, if the
 14 personal property has been previously used in Indiana before
 15 being placed in service in the county; or

16 (B) acquired in any manner, if the personal property has never
 17 been previously used in Indiana before being placed in service
 18 in the county.

19 The term does not include mobile homes assessed under IC 6-1.1-7,
 20 personal property held as an investment, or personal property that is
 21 assessed under IC 6-1.1-8 and is owned by a public utility subject to
 22 regulation by the Indiana utility regulatory commission. However, the
 23 term does include the personal property of a telephone company or a
 24 communications service provider if that personal property meets the
 25 requirements of subdivisions (1) through (3), regardless of whether that
 26 personal property is assessed under IC 6-1.1-8 and regardless of
 27 whether the telephone company or communications service provider is
 28 subject to regulation by the Indiana utility regulatory commission.

29 (d) Notwithstanding section 7 of this chapter, if the acquisition cost
 30 of a taxpayer's total business personal property in a county is less than
 31 ~~twenty thousand dollars (\$20,000)~~ **forty thousand dollars (\$40,000)**
 32 for that assessment date, the taxpayer's business personal property in
 33 the county for that assessment date is exempt from taxation.

34 (e) ~~Except as provided in subsection (f);~~ A taxpayer that is eligible
 35 for the exemption under this section for an assessment date shall
 36 ~~indicate~~ **include the following information** on the taxpayer's personal
 37 property tax return:

38 **(1) A declaration** that the taxpayer's business personal property
 39 in the county is exempt from property taxation. ~~for the assessment~~
 40 ~~date.~~

41 **(2) Whether the taxpayer's business personal property within**
 42 **the county is in one (1) location or multiple locations.**



1 **(3) An address for the location of the property.**

2 **If the business personal property is in multiple locations within a**
 3 **county, the taxpayer shall provide an address for the location**
 4 **where the sum of acquisition costs for business personal property**
 5 **is greatest. If two (2) or more addresses contain the greatest**
 6 **equivalent sum of acquisition costs for business personal property**
 7 **within a given county, the taxpayer shall choose only one (1)**
 8 **address to list on the return.**

9 (f) For purposes of the January 1, 2016, assessment date, a taxpayer
 10 that is eligible for the exemption under this section may file with the
 11 county assessor before May 17, 2016, a certification of the taxpayer's
 12 eligibility for the exemption under this section instead of indicating the
 13 taxpayer's eligibility for the exemption on the taxpayer's personal
 14 property tax return.

15 SECTION 3. IC 6-1.1-3-7.3 IS REPEALED [EFFECTIVE JULY 1,
 16 2019]. Sec. 7.3: (a) A county fiscal body may adopt an ordinance to
 17 impose a local service fee on each person that indicates on the person's
 18 personal property tax return or, for purposes of the January 1, 2016,
 19 assessment date, on the person's certification under section 7.2(f) of
 20 this chapter that the person's business personal property in the county
 21 is exempt from taxation under section 7.2 of this chapter for an
 22 assessment date after December 31, 2015.

23 (b) The county fiscal body shall specify the amount of the local
 24 service fee in the ordinance. A local service fee imposed on a person
 25 under this section may not exceed fifty dollars (\$50).

26 (c) A local service fee imposed for an assessment date is due and
 27 payable at the same time that property taxes for that assessment date
 28 are due and payable. A county may collect a delinquent local service
 29 fee in the same manner as delinquent property taxes are collected.

30 (d) The revenue from a local service fee:

31 (1) shall be allocated in the same manner and proportion and at
 32 the same time as property taxes are allocated to each taxing unit
 33 in the county; and

34 (2) may be used by a taxing unit for any lawful purpose of the
 35 taxing unit.

36 SECTION 4. IC 6-1.1-4-25, AS AMENDED BY P.L.203-2016,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: Sec. 25. (a) Each township assessor and each county
 39 assessor shall keep the assessor's reassessment data and records current
 40 by securing the necessary field data and by making changes in the
 41 assessed value of real property as changes occur in the use of the real
 42 property. The township or county assessor's records shall at all times



1 show the assessed value of real property in accordance with this
 2 chapter. The township assessor shall ensure that the county assessor
 3 has full access to the assessment records maintained by the township
 4 assessor.

5 (b) ~~The township assessor (if any) in a county having a consolidated~~
 6 ~~city, the county assessor if there are no township assessors in a county~~
 7 ~~having a consolidated city, or the county assessor in every other county~~
 8 shall:

9 (1) maintain an electronic data file of:

10 (A) the parcel characteristics and parcel assessments of all
 11 parcels; **and**

12 (B) the personal property return characteristics and
 13 assessments by return; **and**

14 ~~(C) the geographic information system characteristics of each~~
 15 ~~parcel;~~

16 for each township in the county as of each assessment date;

17 (2) maintain the electronic file in a form that formats the
 18 information in the file with the standard data, field, and record
 19 coding required and approved by:

20 (A) the legislative services agency; and

21 (B) the department of local government finance; **and**

22 (3) **before September 1 of each year**, transmit the data in the file
 23 with respect to the assessment date of **each that year before**
 24 **October 1 of a year ending before January 1, 2016; and before**
 25 **September 1 of a year beginning after December 31, 2015; to:**

26 (A) the legislative services agency; and

27 **(B) the department of local government finance. for data**
 28 **described in subdivision (1)(A) and (1)(B); and**

29 ~~(B) the geographic information office of the office of~~
 30 ~~technology; for data described in subdivision (1)(C);~~

31 **(c) The appropriate county officer, as designated by the county**
 32 **executive, shall:**

33 **(1) maintain an electronic data file of the geographic**
 34 **information system characteristics of each parcel for each**
 35 **township in the county as of each assessment date;**

36 **(2) maintain the electronic file in a form that formats the**
 37 **information in the file with the standard data, field, and**
 38 **record coding required and approved by the office of**
 39 **technology; and**

40 **(3) before September 1 of each year, transmit the data in the**
 41 **file with respect to the assessment date of that year to the**
 42 **geographic information office of the office of technology.**



1 **(d) An assessor under subsection (b) and an appropriate county**
 2 **officer under subsection (c) shall do the following:**

3 **(1) Transmit the data** in a manner that meets the data export and
 4 transmission requirements in a standard format, as prescribed by
 5 the office of technology established by IC 4-13.1-2-1 and
 6 approved by the legislative services agency. ~~and~~

7 ~~(2)~~ **(2) Resubmit the data** in the form and manner required under
 8 ~~this subsection (b) or (c)~~ upon request of the legislative services
 9 agency, the department of local government finance, or the
 10 geographic information office of the office of technology, as
 11 applicable, if data previously submitted under ~~this subsection (b)~~
 12 ~~or (c)~~ does not comply with the requirements of ~~this subsection;~~
 13 **subsection (b) or (c)**, as determined by the legislative services
 14 agency, the department of local government finance, or the
 15 geographic information office of the office of technology, as
 16 applicable.

17 An electronic data file maintained for a particular assessment date may
 18 not be overwritten with data for a subsequent assessment date until a
 19 copy of an electronic data file that preserves the data for the particular
 20 assessment date is archived in the manner prescribed by the office of
 21 technology established by IC 4-13.1-2-1 and approved by the
 22 legislative services agency.

23 SECTION 5. IC 6-1.1-37-7, AS AMENDED BY P.L.199-2016,
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]: Sec. 7. (a) If a person fails to file a required personal
 26 property return on or before the due date, the county auditor shall add
 27 a penalty of twenty-five dollars (\$25) to the person's next property tax
 28 installment. The county auditor shall also add an additional penalty to
 29 the taxes payable by the person if the person fails to file the personal
 30 property return within thirty (30) days after the due date. The amount
 31 of the additional penalty is twenty percent (20%) of the taxes finally
 32 determined to be due with respect to the personal property which
 33 should have been reported on the return.

34 (b) For purposes of this section, a personal property return is not due
 35 until the expiration of any extension period granted by the township or
 36 county assessor under IC 6-1.1-3-7(b).

37 (c) The penalties prescribed under this section do not apply to an
 38 individual or the individual's dependents if the individual:

39 (1) is in the military or naval forces of the United States on the
 40 assessment date; and

41 (2) is covered by the federal Servicemembers Civil Relief Act (50
 42 U.S.C. App. 501 et seq.) or IC 10-16-20.



1 (d) If a person subject to IC 6-1.1-3-7(c) fails to include on a
 2 personal property return the information, if any, that the department of
 3 local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13,
 4 the county auditor shall add a penalty to the property tax installment
 5 next due for the return. The amount of the penalty is twenty-five dollars
 6 (\$25).

7 (e) If the total assessed value that a person reports on a personal
 8 property return is less than the total assessed value that the person is
 9 required by law to report and if the amount of the undervaluation
 10 exceeds five percent (5%) of the value that should have been reported
 11 on the return, then the county auditor shall add a penalty of twenty
 12 percent (20%) of the additional taxes finally determined to be due as
 13 a result of the undervaluation. The penalty shall be added to the
 14 property tax installment next due for the return on which the property
 15 was undervalued. If a person has complied with all of the requirements
 16 for claiming a deduction, an exemption, or an adjustment for abnormal
 17 obsolescence, then the increase in assessed value that results from a
 18 denial of the deduction, exemption, or adjustment for abnormal
 19 obsolescence is not considered to result from an undervaluation for
 20 purposes of this subsection.

21 (f) If a person required by IC 6-1.1-3-7.2(e) to **indicate declare** on
 22 the taxpayer's personal property tax return ~~or, for purposes of the~~
 23 ~~January 1, 2016, assessment date, on the taxpayer's certification under~~
 24 ~~IC 6-1.1-3-7.2(f) that the taxpayer's business personal property is~~
 25 ~~exempt fails to timely file either the taxpayer's personal property tax~~
 26 ~~return with the indication, or, for purposes of the January 1, 2016,~~
 27 ~~assessment date, the certification declaration,~~ the county auditor shall
 28 impose a penalty of twenty-five dollars (\$25), that must be paid by the
 29 person with the next property tax installment that is collected.

30 (g) A penalty is due with an installment under subsection (a), (d),
 31 (e), or (f) whether or not an appeal is filed under IC 6-1.1-15-5 with
 32 respect to the tax due on that installment.

33 **SECTION 6. [EFFECTIVE JULY 1, 2019] (a) IC 6-1.1-3-7.2, as**
 34 **amended by this act, applies to assessment dates after December**
 35 **31, 2019.**

36 **(b) This SECTION expires June 30, 2022.**



COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 233, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 21 through 25, begin a new paragraph and insert:

"(e) ~~Except as provided in subsection (f);~~ A taxpayer that is eligible for the exemption under this section for an assessment date shall ~~indicate~~ **include the following information** on the taxpayer's personal property tax return:

(1) A declaration that the taxpayer's business personal property in the county is exempt from property taxation. ~~for the assessment date.~~

(2) Whether the taxpayer's business personal property within the county is in one (1) location or multiple locations.

(3) An address for the location of the property.

If the business personal property is in multiple locations within a county, the taxpayer shall provide an address for the location where the sum of acquisition costs for business personal property is greatest. If two (2) or more addresses contain the greatest equivalent sum of acquisition costs for business personal property within a given county, the taxpayer shall choose only one (1) address to list on the return."

Page 2, strike lines 26 through 31.

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-3-7.3 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 7.3: (a) A county fiscal body may adopt an ordinance to impose a local service fee on each person that indicates on the person's personal property tax return or, for purposes of the January 1, 2016, assessment date, on the person's certification under section 7.2(f) of this chapter that the person's business personal property in the county is exempt from taxation under section 7.2 of this chapter for an assessment date after December 31, 2015:

(b) The county fiscal body shall specify the amount of the local service fee in the ordinance. A local service fee imposed on a person under this section may not exceed fifty dollars (\$50).

(c) A local service fee imposed for an assessment date is due and payable at the same time that property taxes for that assessment date are due and payable. A county may collect a delinquent local service fee in the same manner as delinquent property taxes are collected.

(d) The revenue from a local service fee:

ES 233—LS 6548/DI 134



- (1) shall be allocated in the same manner and proportion and at the same time as property taxes are allocated to each taxing unit in the county; and
- (2) may be used by a taxing unit for any lawful purpose of the taxing unit.

SECTION 3. IC 6-1.1-4-25, AS AMENDED BY P.L.203-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25. (a) Each township assessor and each county assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township or county assessor's records shall at all times show the assessed value of real property in accordance with this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The township assessor (if any) in a county having a consolidated city, the county assessor if there are no township assessors in a county having a consolidated city, or the county assessor in every other county shall:

- (1) maintain an electronic data file of:
- (A) the parcel characteristics and parcel assessments of all parcels; **and**
 - (B) the personal property return characteristics and assessments by return; **and**
 - ~~(C) the geographic information system characteristics of each parcel;~~
- for each township in the county as of each assessment date;
- (2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:
- (A) the legislative services agency; and
 - (B) the department of local government finance;
- (3) **before September 1 of each year**, transmit the data in the file with respect to the assessment date of **each that year before October 1 of a year ending before January 1, 2016, and before September 1 of a year beginning after December 31, 2015**; to:
- (A) the legislative services agency; and
 - (B) the department of local government finance. for data described in subdivision (1)(A) and (1)(B); and**
 - ~~(B) the geographic information office of the office of technology, for data described in subdivision (1)(C);~~



(c) The appropriate county officer, as designated by the county executive, shall:

(1) maintain an electronic data file of the geographic information system characteristics of each parcel for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by the office of technology; and

(3) before September 1 of each year, transmit the data in the file with respect to the assessment date of that year to the geographic information office of the office of technology.

(d) An assessor under subsection (b) and an appropriate county officer under subsection (c) shall do the following:

(1) Transmit the data in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency. ~~and~~

~~(2)~~ **(2)** Resubmit the data in the form and manner required under ~~this subsection (b) or (c)~~ upon request of the legislative services agency, the department of local government finance, or the geographic information office of the office of technology, as applicable, if data previously submitted under ~~this subsection (b) or (c)~~ does not comply with the requirements of ~~this subsection; subsection (b) or (c)~~, as determined by the legislative services agency, the department of local government finance, or the geographic information office of the office of technology, as applicable.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 4. IC 6-1.1-37-7, AS AMENDED BY P.L.199-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) If a person fails to file a required personal property return on or before the due date, the county auditor shall add a penalty of twenty-five dollars (\$25) to the person's next property tax installment. The county auditor shall also add an additional penalty to the taxes payable by the person if the person fails to file the personal property return within thirty (30) days after the due date. The amount



of the additional penalty is twenty percent (20%) of the taxes finally determined to be due with respect to the personal property which should have been reported on the return.

(b) For purposes of this section, a personal property return is not due until the expiration of any extension period granted by the township or county assessor under IC 6-1.1-3-7(b).

(c) The penalties prescribed under this section do not apply to an individual or the individual's dependents if the individual:

(1) is in the military or naval forces of the United States on the assessment date; and

(2) is covered by the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) or IC 10-16-20.

(d) If a person subject to IC 6-1.1-3-7(c) fails to include on a personal property return the information, if any, that the department of local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13, the county auditor shall add a penalty to the property tax installment next due for the return. The amount of the penalty is twenty-five dollars (\$25).

(e) If the total assessed value that a person reports on a personal property return is less than the total assessed value that the person is required by law to report and if the amount of the undervaluation exceeds five percent (5%) of the value that should have been reported on the return, then the county auditor shall add a penalty of twenty percent (20%) of the additional taxes finally determined to be due as a result of the undervaluation. The penalty shall be added to the property tax installment next due for the return on which the property was undervalued. If a person has complied with all of the requirements for claiming a deduction, an exemption, or an adjustment for abnormal obsolescence, then the increase in assessed value that results from a denial of the deduction, exemption, or adjustment for abnormal obsolescence is not considered to result from an undervaluation for purposes of this subsection.

(f) If a person required by IC 6-1.1-3-7.2(e) to indicate on the taxpayer's personal property tax return or, for purposes of the January 1, 2016, assessment date, on the taxpayer's certification under IC 6-1.1-3-7.2(f) that the taxpayer's business personal property is exempt fails to timely file either the taxpayer's personal property tax return with the indication or, for purposes of the January 1, 2016, assessment date, the certification, the county auditor shall impose a penalty of twenty-five dollars (\$25) that must be paid by the person with the next property tax installment that is collected.

(f) The penalties prescribed under this section do not apply to a



person who fails to timely indicate on the taxpayer's personal property tax return that the taxpayer's business personal property is exempt as required by IC 6-1.1-3-7.2(e).

(g) A penalty is due with an installment under subsection (a), (d), **or** (e) ~~or~~ (f) whether or not an appeal is filed under IC 6-1.1-15-5 with respect to the tax due on that installment."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 233 as introduced.)

HOLDMAN, Chairperson

Committee Vote: Yeas 12, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 233 be amended to read as follows:

Page 5, delete lines 10 through 42.

Page 6, delete lines 1 through 23.

Renumber all SECTIONS consecutively.

(Reference is to SB 233 as printed January 23, 2019.)

FREEMAN

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-3-6, AS AMENDED BY P.L.146-2008, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. **Between the assessment date and Not later than thirty (30) days before** the filing date of each year, the appropriate township assessor, or the county assessor if there is no

ES 233—LS 6548/DI 134



township assessor for the township, shall ~~furnish~~ **provide notification to** each person whose personal property is subject to assessment for that year. ~~with a personal property return.~~ **The notification must include the date that personal property tax returns are due, the telephone number and email address of the assessor's office, and instruction to the taxpayer on how to obtain the appropriate personal property tax forms. The notification must be sent by mail unless the taxpayer consents to receiving it by electronic mail."**

Page 4, line 8, after "finance;" insert "and".

Page 5, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-37-7, AS AMENDED BY P.L.199-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) If a person fails to file a required personal property return on or before the due date, the county auditor shall add a penalty of twenty-five dollars (\$25) to the person's next property tax installment. The county auditor shall also add an additional penalty to the taxes payable by the person if the person fails to file the personal property return within thirty (30) days after the due date. The amount of the additional penalty is twenty percent (20%) of the taxes finally determined to be due with respect to the personal property which should have been reported on the return.

(b) For purposes of this section, a personal property return is not due until the expiration of any extension period granted by the township or county assessor under IC 6-1.1-3-7(b).

(c) The penalties prescribed under this section do not apply to an individual or the individual's dependents if the individual:

(1) is in the military or naval forces of the United States on the assessment date; and

(2) is covered by the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) or IC 10-16-20.

(d) If a person subject to IC 6-1.1-3-7(c) fails to include on a personal property return the information, if any, that the department of local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13, the county auditor shall add a penalty to the property tax installment next due for the return. The amount of the penalty is twenty-five dollars (\$25).

(e) If the total assessed value that a person reports on a personal property return is less than the total assessed value that the person is required by law to report and if the amount of the undervaluation exceeds five percent (5%) of the value that should have been reported on the return, then the county auditor shall add a penalty of twenty percent (20%) of the additional taxes finally determined to be due as



a result of the undervaluation. The penalty shall be added to the property tax installment next due for the return on which the property was undervalued. If a person has complied with all of the requirements for claiming a deduction, an exemption, or an adjustment for abnormal obsolescence, then the increase in assessed value that results from a denial of the deduction, exemption, or adjustment for abnormal obsolescence is not considered to result from an undervaluation for purposes of this subsection.

(f) If a person required by IC 6-1.1-3-7.2(e) to ~~indicate~~ **declare** on the taxpayer's personal property tax return ~~or, for purposes of the January 1, 2016, assessment date, on the taxpayer's certification under IC 6-1.1-3-7.2(f)~~ that the taxpayer's business personal property is exempt fails to timely file ~~either the taxpayer's personal property tax return with the indication; or, for purposes of the January 1, 2016, assessment date, the certification~~ **declaration**, the county auditor shall impose a penalty of twenty-five dollars (\$25), that must be paid by the person with the next property tax installment that is collected.

(g) A penalty is due with an installment under subsection (a), (d), (e), or (f) whether or not an appeal is filed under IC 6-1.1-15-5 with respect to the tax due on that installment."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 233 as reprinted January 25, 2019.)

HUSTON

Committee Vote: yeas 16, nays 7.

