

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1129

By: Crain

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5  
6 AS INTRODUCED

7 An Act relating to ad valorem taxes; amending 68 O.S.  
8 2011, Sections 2913 and 2916, which relate to payment  
9 of taxes; creating exception to certain payment  
10 schedule; authorizing county treasurers to develop  
11 alternative method of, and schedule for, payment of  
12 taxes; requiring specific option; authorizing  
13 electronic payments at county treasurer option; and  
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2913, is  
17 amended to read as follows:

18 Section 2913. A. All taxes levied upon an ad valorem basis for  
19 each fiscal year shall become due and payable on the first day of  
20 November. Except for mortgage servicers or as provided in  
21 subsection H of this section, the exclusive method for payment shall  
22 be as follows:

23 1. Unless one-half (1/2) of the taxes so levied has been paid  
24 before the first day of January, the entire tax levy for such fiscal  
year shall become delinquent on that date.

1           2. If the first half of the taxes levied upon an ad valorem  
2 basis for any such fiscal year has been paid before the first day of  
3 January, the second half shall be paid before the first day of April  
4 thereafter and if not paid shall become delinquent on that date.

5           In no event may payment be made in more than two equal  
6 installments subject to the provisions of the payment schedule  
7 specified in this subsection.

8           B. Mortgage servicers, as defined in 24 C.F.R., part 3500.17,  
9 shall pay all accounts which they are servicing in one annual  
10 payment before the first day of January or the entire tax levy for  
11 such fiscal year shall become delinquent on that date.

12           C. If the total tax owed is Twenty-five Dollars (\$25.00) or  
13 less, then the total amount must be paid before January 1. If the  
14 total tax is not paid before January 1, the unpaid balance owing  
15 shall become delinquent on the first day of January and shall be  
16 subject to delinquent charges as provided for in this section.

17           D. All delinquent taxes shall bear interest at the rate of one  
18 and one-half percent (1 1/2%) per month or major fraction thereof  
19 until paid. In no event shall such interest exceed a sum equal to  
20 the unpaid principal amount of tax, and when such interest has  
21 accumulated to a sum equivalent to one hundred percent (100%) of the  
22 unpaid tax the further accumulation of interest shall cease.

23           E. In addition to any other penalties prescribed by law,  
24 delinquent taxes shall be subject to a late payment penalty of five

1 percent (5%) per month or a major fraction thereof until paid. The  
2 penalty assessed herein shall only apply to delinquent taxes that  
3 are due on property located in a dependent school district in a  
4 county with a population of less than seventy-five thousand (75,000)  
5 according to the most recent Federal Decennial Census and held by a  
6 nonindividual taxpayer when the tax has been paid delinquent for two  
7 (2) or more separate and consecutive years and the fair cash value  
8 of the property exceeds Five Hundred Thousand Dollars (\$500,000.00).

9 F. The county treasurer shall stamp the date of receipt on each  
10 letter received containing funds for payment of taxes and no  
11 interest shall be added or charged after the receipt of such letter  
12 or the amount due. It shall be the duty of every person subject to  
13 taxation according to the law to attend the county treasurer's  
14 office and pay his or her taxes. If any person neglects to pay his  
15 or her taxes until after they have become delinquent, the county  
16 treasurer is directed and required to collect the delinquent tax as  
17 provided for by law. The first half of taxes payable pursuant to  
18 the provisions of this section shall not become delinquent until  
19 thirty (30) days after the tax rolls have become completed and filed  
20 by the county assessor with the county treasurer.

21 G. The county treasurer may waive penalties or interest in any  
22 case where it is shown to the county treasurer that such penalties  
23 or interest were incurred through no fault of the taxpayer. Each  
24 waiver of penalties or interest shall be audited by the Office of

1 the State Auditor and Inspector each year during the annual audit of  
2 the county offices.

3 H. A county treasurer may develop procedures for an alternative  
4 method of, and schedule for, payment of ad valorem taxes for  
5 property which qualifies under the definition of homestead pursuant  
6 to Section 2888 of this title. Such alternative procedures shall  
7 permit the payment of taxes electronically and shall include the  
8 option for payment on a monthly or quarterly basis.

9 SECTION 2. AMENDATORY 68 O.S. 2011, Section 2916, is  
10 amended to read as follows:

11 Section 2916. All state, county, school district, city, town,  
12 or other taxes shall be paid to the county treasurer, either in  
13 lawful currency, or by check or draft upon a bank therein stated, or  
14 by post office or express order, or at the option of the county  
15 treasurer, by a nationally recognized credit or debit card as  
16 determined acceptable by the Oklahoma Tax Commission or by  
17 electronic means pursuant to the provisions of subsection H of  
18 Section 2913 of this title. If payment is made by a credit or debit  
19 card, the county treasurer may add an amount equal to the amount of  
20 the service charge incurred for the acceptance of such card. County  
21 treasurers may enter into contracts for credit card processing  
22 services according to applicable county purchasing law or may enter  
23 into agreements with the State Treasurer to participate in any  
24 credit card processing agreements entered into by the State

1 Treasurer. It shall be unlawful for any county treasurer to receive  
2 in payment of any taxes to be collected, any state, county, school  
3 district, city or town warrants. No county treasurer shall be  
4 required to execute a tax receipt for any taxes except those paid in  
5 lawful money, until the check, draft, post office or express order  
6 has been actually paid, and in case any such check, draft, post  
7 office or express order should prove to be worthless, it shall not  
8 operate as a payment of the tax for the payment of which it was  
9 given, and any tax receipt or other receipt given therefor shall be  
10 illegal and void. Further, the county treasurer has the option of  
11 requiring cash as the method of payment if the taxpayer has  
12 previously issued bad or hot checks.

13 SECTION 3. This act shall become effective January 1, 2017.

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