

PROPERTY TAX PENALTIES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the penalty related to delinquent personal property information.

Highlighted Provisions:

This bill:

▶ reduces the penalty for failure to file a timely signed or completed statement or to appear and testify as requested regarding personal property;

▶ implements a lower penalty if the failure is remedied within a specified time period;

and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

59-2-307, as last amended by Laws of Utah 2011, Chapter 163

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **59-2-307** is amended to read:

59-2-307. Failure or refusal by taxpayer to file signed statement -- Penalty --



28 **Assessor to estimate value -- Reporting information to other counties.**

29 (1) (a) Each person [~~who~~] that fails to file the signed statement required by Section
30 [59-2-306](#), fails to file the signed statement with respect to name and place of residence, or fails
31 to appear and testify when requested by the assessor[;] shall pay a penalty [~~equal to 10% of the~~
32 ~~estimated tax due, but not less than \$25 for each failure to file a signed and completed~~
33 ~~statement~~].

34 (b) The penalty described in Subsection (1)(a) is equal to 1% of the estimated tax due,
35 but not less than \$10, if:

36 (i) the signed statement was due on or before May 15, and the person remedies the
37 failure described in Subsection (1)(a) on or before July 15; or

38 (ii) the signed statement was due after May 15, and the person remedies the failure
39 described in Subsection (1)(a) within 60 days after the date described in Subsection (2)(b)(ii).

40 (c) The penalty described in Subsection (1)(a) is equal to 2.5% of the estimated tax
41 due, but not less than \$10, if:

42 (i) the signed statement was due on or before May 15, and the person does not remedy
43 the failure described in Subsection (1)(a) on or before July 15; or

44 (ii) the signed statement was due after May 15, and the person does not remedy the
45 failure described in Subsection (1)(a) within 60 days after the date described in Subsection
46 (2)(b)(ii).

47 (d) A person is subject to a penalty under this Subsection (1) only once per year in the
48 county where the person fails to:

49 (i) file the signed statement required by Section [59-2-306](#);

50 (ii) file the signed statement with respect to name and place of residence;

51 (iii) appear and testify when requested by the assessor; or

52 (iv) do a combination of the requirements described in Subsections (1)(d)(i) through
53 (iii).

54 [~~(b)~~] (e) Each penalty under Subsection (1)(a) shall be collected in the manner
55 provided by Sections [59-2-1302](#) and [59-2-1303](#), except as otherwise provided for in this
56 section, or by a judicial proceeding brought in the name of the assessor.

57 [~~(c)~~] All money recovered by any assessor under this section shall be paid into the
58 county treasury.

59 (f) The assessor shall pay all money recovered under this section into the county
 60 treasury.

61 (2) (a) ~~[The]~~ An assessor, a county, a county board of equalization, or the commission
 62 may not waive or reduce a penalty imposed by Subsection (1)(a) ~~[may not be waived or~~
 63 ~~reduced by the assessor, county, county Board of Equalization, or commission]~~ except pursuant
 64 to a procedure for the review and approval of reductions and waivers adopted by county
 65 ordinance[;] or by administrative rule adopted in accordance with Title 63G, Chapter 3, Utah
 66 Administrative Rulemaking Act.

67 ~~[(b) (i) Except as provided in Subsection (2)(b)(ii), a penalty under Subsection (1)(a)~~
 68 ~~may be imposed on or after May 16 of the year the statement described in Section 59-2-306 is~~
 69 ~~requested by the county assessor.]~~

70 (b) (i) Except as provided in Subsection (2)(b)(ii), an assessor shall impose a penalty
 71 under Subsection (1)(a) on or after May 16 of the year that the county assessor requested the
 72 statement described in Section 59-2-306.

73 (ii) ~~[A]~~ An assessor may not impose a penalty under Subsection (1)(a) ~~[may not be~~
 74 ~~imposed]~~ until 30 days after the postmark date of mailing of a subsequent notice if the signed
 75 statement described in Section 59-2-306 is requested:

76 (A) on or after March 16; or

77 (B) by a county assessor of a county of the first class.

78 (3) (a) If an owner neglects or refuses to file a signed statement requested by an
 79 assessor as required under Section 59-2-306:

80 (i) the assessor shall:

81 (A) make a record of the failure to file; and

82 (B) make an estimate of the value of the property of the owner based on known facts
 83 and circumstances; and

84 (ii) the assessor of a county of the first class:

85 (A) shall make a subsequent request by mail for the signed statement, informing the
 86 owner of the consequences of not filing a signed statement; and

87 (B) may impose a fee for the actual and necessary expenses of the mailing under
 88 Subsection (3)(a)(ii)(A).

89 (b) The county board of equalization or the commission may not reduce the value fixed

90 by the assessor in accordance with Subsection (3)(a)(i) [~~may not be reduced by the county~~
91 ~~board of equalization or by the commission~~].

92 (4) If the signed statement discloses property in any other county, the assessor shall file
93 the signed statement and send a copy to the assessor of each county in which the property is
94 located.

95 Section 2. **Effective date.**

96 This bill takes effect on January 1, 2022.