

1 **SENATE FLOOR VERSION**

2 February 23, 2016

3 **AS AMENDED**

4 SENATE BILL NO. 1129

5 By: Crain

6 [**ad valorem taxes - exception to certain payment**
7 **schedule - alternative method - county treasurer**
8 **option - effective date**]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

1 In no event may payment be made in more than two equal
2 installments subject to the provisions of the payment schedule
3 specified in this subsection.

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

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

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

19 E. In addition to any other penalties prescribed by law,
20 delinquent taxes shall be subject to a late payment penalty of five
21 percent (5%) per month or a major fraction thereof until paid. The
22 penalty assessed herein shall only apply to delinquent taxes that
23 are due on property located in a dependent school district in a
24 county with a population of less than seventy-five thousand (75,000)

1 according to the most recent Federal Decennial Census and held by a
2 nonindividual taxpayer when the tax has been paid delinquent for two
3 (2) or more separate and consecutive years and the fair cash value
4 of the property exceeds Five Hundred Thousand Dollars (\$500,000.00).

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

17 G. The county treasurer may waive penalties or interest in any
18 case where it is shown to the county treasurer that such penalties
19 or interest were incurred through no fault of the taxpayer. Each
20 waiver of penalties or interest shall be audited by the Office of
21 the State Auditor and Inspector each year during the annual audit of
22 the county offices.

23 H. A county treasurer may develop procedures for an alternative
24 method of, and schedule for, payment of ad valorem taxes for

1 property which qualifies under the definition of homestead pursuant
2 to Section 2888 of this title. Such alternative procedures shall
3 permit the payment of taxes electronically and shall include the
4 option for payment on a monthly or quarterly basis.

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

7 Section 2916. All state, county, school district, city, town,
8 or other taxes shall be paid to the county treasurer, either in
9 lawful currency, or by check or draft upon a bank therein stated, or
10 by post office or express order, or at the option of the county
11 treasurer, by a nationally recognized credit or debit card as
12 determined acceptable by the Oklahoma Tax Commission or by
13 electronic means pursuant to the provisions of subsection H of
14 Section 2913 of this title. If payment is made by a credit or debit
15 card, the county treasurer may add an amount equal to the amount of
16 the service charge incurred for the acceptance of such card. County
17 treasurers may enter into contracts for credit card processing
18 services according to applicable county purchasing law or may enter
19 into agreements with the State Treasurer to participate in any
20 credit card processing agreements entered into by the State
21 Treasurer. It shall be unlawful for any county treasurer to receive
22 in payment of any taxes to be collected, any state, county, school
23 district, city or town warrants. No county treasurer shall be
24 required to execute a tax receipt for any taxes except those paid in

1 lawful money, until the check, draft, post office or express order
2 has been actually paid, and in case any such check, draft, post
3 office or express order should prove to be worthless, it shall not
4 operate as a payment of the tax for the payment of which it was
5 given, and any tax receipt or other receipt given therefor shall be
6 illegal and void. Further, the county treasurer has the option of
7 requiring cash as the method of payment if the taxpayer has
8 previously issued bad or hot checks.

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

10 COMMITTEE REPORT BY: COMMITTEE ON FINANCE
11 February 23, 2016 - DO PASS AS AMENDED
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