

CHAPTER 926

H.B. No. 1158

AN ACT

relating to penalties and interest on property taxes included in certain tax bills returned undelivered to the tax collector by the postal service.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 31, Tax Code, is amended by adding Section 31.015 to read as follows:

Sec. 31.015. CERTAIN TAX BILLS: PENALTY AND INTEREST EXCLUDED. (a) If a tax bill is returned undelivered to the taxing unit by the United States Postal Service, penalties and interest on the amount of the tax to which the bill applies shall be waived if:

(1) the taxing unit does not send another tax bill on the property in question at least 21 days before the delinquency date to the current mailing address furnished by the property owner and the property owner establishes that a current mailing address was furnished to the appraisal district by the property owner for the tax bill before September 1 of the year in which the tax is assessed; or

(2) *the tax bill was returned because of an act or omission of an officer, employee, or agent of the taxing unit or the appraisal district in which the taxing unit participates and the taxing unit or appraisal district did not send another tax bill on the property in question at least 21 days before the delinquency date to the proper mailing address.*

(b) *For the purposes of this section, a property owner is considered to have furnished a current mailing address to the taxing unit or to the appraisal district if the current address is expressly communicated to the appraisal district in writing or if the appraisal district received a copy of a recorded instrument transferring ownership of real property and the current mailing address of the new owner is included in the instrument or in accompanying communications or letters of transmittal.*

(c) *A request for a waiver of penalties and interest under this section must be made within six months of the delinquency date.*

(d) *Penalties and interest do not accrue during the period that a bill is not sent under Section 31.01(f).*

(e) *A property owner is not entitled to relief under this section if the property owner or the owner's agent furnished an incorrect mailing address to the appraisal district or the taxing unit or to an employee or agent of the district or unit. Taxes for which penalties and interest have been waived under this section must be paid within 21 days of the property owner having received a bill for those taxes at the current mailing address.*

SECTION 2. Sections 31.01(a) and (f), Tax Code, are amended to read as follows:

(a) Except as provided by Subsection (f) of this section, the assessor for each taxing unit shall prepare and mail a tax bill to each person in whose name the property is listed on the tax roll or to his authorized agent. The assessor shall mail tax bills by October 1 or as soon thereafter as practicable. The assessor shall mail to the state agency or institution the tax bill for any taxable property owned by the agency or institution. The agency or institution shall pay the taxes from funds appropriated for payment of the taxes or, if there are none, from funds appropriated for the administration of the agency or institution. *The outside of the envelope in which a tax bill is sent must show the return address of the taxing unit and must contain, in all capital letters, the words "ADDRESS CORRECTION REQUESTED".*

(f) A collector may provide that a tax bill not be sent until the total amount of unpaid taxes the collector collects on the property for all taxing units the collector serves is \$15 or more. A collector may not send a tax bill for an amount of taxes less than \$15 if before the tax bill is prepared the property owner files a written request with the collector that a tax bill not be sent until the total amount of unpaid taxes the collector collects on the property is \$15 or more. The request applies to all subsequent taxes the collector collects on the property until the property owner in writing revokes the request or the person no longer owns the property. ~~[Penalties and interest do not accrue during a period when a bill is not sent under this subsection.]~~

SECTION 3. This Act takes effect September 1, 1993, and applies to a tax bill sent on or after that date. The application of penalties and interest on property taxes for tax bills sent before the effective date of this Act is governed by the law in effect at the time the tax bill was sent, and that law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 11, 1993, by a non-record vote; the House refused to concur in Senate amendments on May 27, 1993, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on May 29, 1993, by a non-record vote; passed by the Senate, with amendments, on May 25, 1993, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on May 29, 1993, by a viva-voce vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.