

Senate Bill 216

By: Senator Mullis of the 53rd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad
2 valorem taxation of property, so as to allow local governments to accept prepayments of ad
3 valorem taxes; to provide for conditions, limitations, and procedures; to provide for an
4 effective date; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem
9 taxation of property, is amended by adding a new Code section to read as follows:

10 "48-5-31.1.

11 (a) As used in this Code section, the term 'local government' means the governing body
12 of any county or any municipal corporation which has the authority to collect ad valorem
13 taxes.

14 (b) Notwithstanding any provision of law to the contrary, and subject to the conditions
15 specified in this Code section, any taxpayer may enter into an agreement with any local
16 government for the prepayment of ad valorem taxes. Any such agreement shall be a lawful
17 and binding contract enforceable by and against the local government and the taxpayer.

18 (c) No tax prepayment agreement authorized under this Code section shall become
19 effective until the local government has adopted a resolution authorizing such agreements
20 and the subsequent execution of the prepayment of taxes agreement by the taxpayer and
21 the local government. Such tax prepayment agreement shall provide for the prepayment
22 to the local government of not more than the amount of ad valorem taxes assessed on the
23 subject property for the preceding tax year. The amount of taxes thus prepaid, without
24 interest, shall be subsequently credited by the local government against taxes due in the
25 current tax year. Prepayments may be made by installments as provided for in the

26 agreement. Such prepaid funds shall be maintained in separate taxpayer accounts and shall
27 not be expended except for payment of the taxpayer's ad valorem tax liability.

28 (d) Nothing contained in this Code section shall be construed to require a local government
29 to enter into a tax prepayment agreement.

30 (e) Notwithstanding any other provision of law, no tax prepayment shall create a debt of
31 the local government. To the extent that annual credits for prepaid taxes may exceed taxes
32 due in any particular year pursuant to annual assessments of the subject property, the
33 excess annual credit otherwise due that year shall be carried forward in the taxpayer's
34 account and in no event shall the taxpayer or any other person be allowed to claim a refund
35 of any part of a prepayment."

36 **SECTION 2.**

37 This Act shall become effective on July 1, 2019.

38 **SECTION 3.**

39 All laws and parts of laws in conflict with this Act are repealed.