

ENGROSSED SENATE
BILL NO. 606

BY: HERBERT of the SENATE

and

SEIKEL of the HOUSE

[AD VALOREM TAXATION - AMENDING 68 O.S., SECTIONS
2925, 2927, 2928 AND 2929 - COLLECTION AND PAYMENT
OF AD VALOREM TAXES -
EMERGENCY]

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

SECTION 1. AMENDATORY 68 O.S. 1991, Section 2925, is amended to read as follows:

Section 2925. Whenever personal property within the State of Oklahoma is sold at public sale or under order of a court after the first day of January of that year, it shall be the duty of the clerk of the sale, the administrator, executor, referee in bankruptcy, receiver, agent or other person making such sale to pay into the county treasury of the county in which said sale takes place, the amount of any and all taxes, interest and costs due on said personal property ~~for that year~~.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 2927, is amended to read as follows:

Section 2927. The person who has charge of the sale of property mentioned in Section ~~126~~ 2926 of this ~~act~~ title shall set aside the first money coming into his hands for the payment of taxes therein

referred to and he shall be entitled to retain five percent (5%) ~~commission of the money to,~~ which shall be paid into the county treasury as ~~compensation for his services in collecting such~~ all other taxes.

SECTION 3. AMENDATORY 68 O.S. 1991, Section 2928, is amended to read as follows:

Section 2928. Any person mentioned in Section ~~427~~ 2927 of this ~~act~~ title who fails or neglects to collect and pay into the county treasury such taxes shall be personally liable for the total amount of such taxes, ~~and shall then be entitled to no commission for collecting the same.~~

SECTION 4. AMENDATORY 68 O.S. 1991, Section 2929, is amended to read as follows:

Section 2929. If any person in this state, after his personal property is assessed and before the tax thereon is paid, shall sell ~~all of~~ the same to any ~~one~~ person, and not retain sufficient money to pay ~~the~~ all taxes thereon, the ~~tax for that year~~ taxes shall be a lien thereon, or if such property is about to be sold at auction, or about to be sold at cost, then in either such event ~~the tax~~ all taxes thereon shall at once become due and payable, and the county treasurer shall at once issue a tax warrant for the collection thereof, and the sheriff shall forthwith collect it as in other cases. The one owing such tax shall be civilly liable to any purchaser of such property for any tax he owes thereon, but the property so purchased shall be liable in the hands of the purchaser for such tax. If the property is sold in the ordinary course of retail trade, it shall not be so liable in the hands of the purchaser.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 4th day of March, 1992.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1992.

Speaker of the House of
Representatives