

**Superseded 5/10/2016**

**59-2-1308.5 Equal payment agreements.**

- (1)
  - (a) The commission may enter into an agreement with a commercial or industrial taxpayer to provide for equal, or approximately equal, property tax payments over a reasonable period of years, not to exceed 20 years, if:
    - (i) the payment schedule is based on an accepted valuation methodology that reasonably estimates the property's anticipated fair market value over the period of the proposed equal payments;
    - (ii) the agreement includes a provision making the initial equal payment schedule subject to an annual adjustment, as necessary, to account for differences between the property's fair market value as of the annual lien date and the property's fair market value that formed the basis of the initial equal payment schedule;
    - (iii) the commission, the taxpayer, and each affected taxing entity approve the agreement; and
    - (iv) the total amount the taxpayer pays under the agreement is no less than the amount the taxpayer would have paid in the absence of the agreement.
  - (b) A taxing entity may not approve an agreement under this section on behalf of another taxing entity.
- (2)
  - (a) Subject to Subsection (2)(b), a tax lien under this chapter against the taxpayer's property is not affected by a payment pursuant to an agreement under this section to the extent of the difference between the amount the taxpayer would have been required to pay in the absence of the agreement and the amount of the payment under the agreement.
  - (b) For purposes of enforcing a tax lien under this chapter, a taxpayer's failure to pay the full amount of taxes that the taxpayer would have been required to pay in the absence of an agreement under this section does not constitute a failure to pay the full amount of taxes owing:
    - (i) if the taxpayer pays the full amount of the payment owing under the agreement; and
    - (ii) unless the taxpayer:
      - (A) files for bankruptcy;
      - (B) transfers ownership of the property that is the subject of the property taxes; or
      - (C) has a change in ownership and the new owner does not assume all responsibility and liability under the agreement.
- (3)
  - (a) The commission may revise, accelerate, or cancel an equal payment agreement under this section to the same extent and for the same reasons that the commission may revise, accelerate, or cancel an installment agreement under Section 59-1-1004.
  - (b) The commission shall give the taxpayer reasonable notice of its intent to revise or cancel an equal payment agreement under this section.
- (4) The commission shall promulgate rules to ensure that tax revenue derived from payments pursuant to an agreement under this section do not affect the calculation of the certified tax rate under Section 59-2-924.
- (5)
  - (a) The commission shall annually provide to the Revenue and Taxation Interim Committee an assessment of the effects of equal payment agreements under this section.
  - (b) The Revenue and Taxation Interim Committee shall annually review and assess the effects of equal payment agreements under this section.