

1 AN ACT concerning taxes.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Property Tax Code is amended by changing
5 Sections 9-265, 21-15, 21-20, and 21-25 as follows:

6 (35 ILCS 200/9-265)

7 Sec. 9-265. Omitted property; interest; change in exempt
8 use or ownership. If any property is omitted in the
9 assessment of any year or years, so that the taxes, for which
10 the property was liable, have not been paid, or if by reason
11 of defective description or assessment, taxes on any property
12 for any year or years have not been paid, or if any taxes are
13 refunded under subsection (b) of Section 14-5 because the
14 taxes were assessed in the wrong person's name, the property,
15 when discovered, shall be listed and assessed by the board of
16 review or, in counties with 3,000,000 or more inhabitants, by
17 the county assessor either on his or her own initiative or
18 when so directed by the board of appeals or board of review.
19 For purposes of this Section, "defective description or
20 assessment" includes a description or assessment which omits
21 all the improvements thereon as a result of which part of the
22 taxes on the total value of the property as improved remain
23 unpaid. In the case of property subject to assessment by the
24 Department, the property shall be listed and assessed by the
25 Department. All such property shall be placed on the
26 assessment and tax books. Notwithstanding any other
27 provision of Sections 9-260 through 9-270, if a taxpayer
28 receives a tax bill for any property or portion of property
29 that was omitted for 2 or more years from assessment, the tax
30 bill for the omitted property must be paid within 16 months
31 after the date the taxpayer receives the tax bill. No

1 interest may be imposed on the tax bill for the omitted
 2 property during that 16-month period. Thereafter, interest
 3 shall be charged as with all other delinquent tax bills. The
 4 ~~arrearages--of-taxes-which-might-have-been-assessed, with 10%~~
 5 ~~interest thereon for each year--or--portion--thereof--from--2~~
 6 ~~years after the time the first correct tax bill ought to have~~
 7 ~~been--received,--shall be charged against the property by the~~
 8 ~~county clerk.~~

9 When property or acreage omitted by either incorrect
 10 survey or other ministerial assessor error is discovered and
 11 the owner has paid its tax bills as received for the year or
 12 years of omission of the parcel, then the interest authorized
 13 by this Section shall not be chargeable to the owner.
 14 However, nothing in this Section shall prevent the collection
 15 of the principal amount of back taxes due and owing.

16 If any property listed as exempt by the chief county
 17 assessment officer has a change in use, a change in leasehold
 18 estate, or a change in titleholder of record by purchase,
 19 grant, taking or transfer, it shall be the obligation of the
 20 transferee to notify the chief county assessment officer in
 21 writing within 30 days of the change. The notice shall be
 22 sent by certified mail, return receipt requested, and shall
 23 include the name and address of the taxpayer, the legal
 24 description of the property, and the property index number of
 25 the property when an index number exists. If the failure to
 26 give the notification results in the assessing official
 27 continuing to list the property as exempt in subsequent
 28 years, the property shall be considered omitted property for
 29 purposes of this Code.

30 (Source: P.A. 88-455; 89-126, eff. 7-11-95; 89-671, eff.
 31 8-14-96.)

32 (35 ILCS 200/21-15)

33 Sec. 21-15. General tax due dates; default by mortgage

1 lender. Except as otherwise provided in this Section or
2 Section 21-40, all property upon which the first installment
3 of taxes remains unpaid on June 1 annually shall be deemed
4 delinquent and shall bear interest after June 1 at the rate
5 of 1 1/2% per month or portion thereof. Except as otherwise
6 provided in this Section or Section 21-40, all property upon
7 which the second installment of taxes remains due and unpaid
8 on September 1, annually, shall be deemed delinquent and
9 shall bear interest after September 1 at the same interest
10 rate. All interest collected shall be paid into the general
11 fund of the county. Payment received by mail and postmarked
12 on or before the required due date is not delinquent.

13 Property not subject to the interest charge in Section
14 9-265 shall also not be subject to the interest charge
15 imposed by this Section. Property subject to the interest
16 charge as provided in Section 9-265 is subject to the
17 interest charge under this Section only after the 16-month
18 period has expired as provided in Section 9-265. until-such
19 ~~time-as-the-owner-of-the-property-receives-actual--notice--of~~
20 ~~and--is-billed-for-the-principal-amount-of-back-taxes-due-and~~
21 ~~owing-~~

22 If a member of a reserve component of the armed forces of
23 the United States who has an ownership interest in property
24 taxed under this Act is called to active duty for deployment
25 outside the continental United States and is on active duty
26 on the due date of any installment of taxes due under this
27 Act, he or she shall not be deemed delinquent in the payment
28 of the installment and no interest shall accrue or be charged
29 as a penalty on the installment until 30 days after that
30 member returns from active duty.

31 Notwithstanding any other provision of law, when any
32 unpaid taxes become delinquent under this Section through the
33 fault of the mortgage lender, (i) the interest assessed under
34 this Section for delinquent taxes shall be charged against

1 the mortgage lender and not the mortgagor and (ii) the
2 mortgage lender shall pay the taxes, redeem the property and
3 take all necessary steps to remove any liens accruing against
4 the property because of the delinquency. In the event that
5 more than one entity meets the definition of mortgage lender
6 with respect to any mortgage, the interest shall be assessed
7 against the mortgage lender responsible for servicing the
8 mortgage. Unpaid taxes shall be deemed delinquent through
9 the fault of the mortgage lender only if: (a) the mortgage
10 lender has received all payments due the mortgage lender for
11 the property being taxed under the written terms of the
12 mortgage or promissory note secured by the mortgage, (b) the
13 mortgage lender holds funds in escrow to pay the taxes, and
14 (c) the funds are sufficient to pay the taxes after deducting
15 all amounts reasonably anticipated to become due for all
16 hazard insurance premiums and mortgage insurance premiums and
17 any other assessments to be paid from the escrow under the
18 terms of the mortgage. For purposes of this Section, an
19 amount is reasonably anticipated to become due if it is
20 payable within 12 months from the time of determining the
21 sufficiency of funds held in escrow. Unpaid taxes shall not
22 be deemed delinquent through the fault of the mortgage lender
23 if the mortgage lender was directed in writing by the
24 mortgagor not to pay the property taxes, or if the failure to
25 pay the taxes when due resulted from inadequate or inaccurate
26 parcel information provided by the mortgagor, a title or
27 abstract company, or by the agency or unit of government
28 assessing the tax.

29 (Source: P.A. 90-336, eff. 1-1-98; 90-575, eff. 3-20-98;
30 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

31 (35 ILCS 200/21-20)

32 Sec. 21-20. Due dates; accelerated billing in counties
33 of less than 3,000,000. Except as otherwise provided in

1 Section 21-40, in counties with less than 3,000,000
2 inhabitants in which the accelerated method of billing and
3 paying taxes provided for in Section 21-30 is in effect, the
4 estimated first installment of unpaid taxes shall be deemed
5 delinquent and shall bear interest after a date not later
6 than June 1 annually as provided for in the ordinance or
7 resolution of the county board adopting the accelerated
8 method, at the rate of 1 1/2% per month or portion thereof
9 until paid or forfeited. The second installment of unpaid
10 taxes shall be deemed delinquent and shall bear interest
11 after August 1 annually at the same interest rate until paid
12 or forfeited. Payment received by mail and postmarked on or
13 before the required due date is not delinquent.

14 Property subject to the interest charge as provided in
15 Section 9-265 is subject to the interest charge under this
16 Section only after the 16-month period has expired as
17 provided in Section 9-265.

18 If a member of a reserve component of the armed forces of
19 the United States who has an ownership interest in property
20 taxed under this Act is called to active duty for deployment
21 outside the continental United States and is on active duty
22 on the due date of any installment of taxes due under this
23 Act, he or she shall not be deemed delinquent in the payment
24 of the installment and no interest shall accrue or be charged
25 as a penalty on the installment until 30 days after that
26 member returns from active duty.

27 (Source: P.A. 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

28 (35 ILCS 200/21-25)

29 Sec. 21-25. Due dates; accelerated billing in counties
30 of 3,000,000 or more. Except as hereinafter provided and as
31 provided in Section 21-40, in counties with 3,000,000 or more
32 inhabitants in which the accelerated method of billing and
33 paying taxes provided for in Section 21-30 is in effect, the

1 estimated first installment of unpaid taxes shall be deemed
2 delinquent and shall bear interest after March 1 at the rate
3 of 1 1/2% per month or portion thereof until paid or
4 forfeited. The second installment of unpaid taxes shall be
5 deemed delinquent and shall bear interest after August 1
6 annually at the same interest rate until paid or forfeited.

7 If the county board elects by ordinance adopted prior to
8 July 1 of a levy year to provide for taxes to be paid in 4
9 installments, each installment for that levy year and each
10 subsequent year shall be deemed delinquent and shall begin to
11 bear interest 30 days after the date specified by the
12 ordinance for mailing bills, at the rate of 1 1/2% per month
13 or portion thereof, until paid or forfeited.

14 Property subject to the interest charge as provided in
15 Section 9-265 is subject to the interest charge under this
16 Section only after the 16-month period has expired as
17 provided in Section 9-265.

18 Payment received by mail and postmarked on or before the
19 required due date is not delinquent.

20 Taxes levied on homestead property in which a member of
21 the National Guard or reserves of the armed forces of the
22 United States who was called to active duty on or after
23 August 1, 1990, and who has an ownership interest, shall not
24 be deemed delinquent and no interest shall accrue or be
25 charged as a penalty on such taxes due and payable in 1991 or
26 1992 until one year after that member returns to civilian
27 status.

28 If a member of a reserve component of the armed forces of
29 the United States who has an ownership interest in property
30 taxed under this Act is called to active duty for deployment
31 outside the continental United States and is on active duty
32 on the due date of any installment of taxes due under this
33 Act, he or she shall not be deemed delinquent in the payment
34 of the installment and no interest shall accrue or be charged

1 as a penalty on the installment until 30 days after that
2 member returns to civilian status.

3 (Source: P.A. 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.