

1 HOUSE BILL 287

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO TAXATION; EXTENDING THE MAXIMUM TERM OF INSTALLMENT
12 AGREEMENTS FOR THE MONTHLY PAYMENT OF TAXES.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 7-1-21 NMSA 1978 (being Laws 1965,
16 Chapter 248, Section 23, as amended) is amended to read:

17 "7-1-21. INSTALLMENT PAYMENTS OF TAXES--INSTALLMENT
18 AGREEMENTS.--

19 A. Whenever justified by the circumstances, the
20 secretary or the secretary's delegate may enter into a written
21 agreement with a taxpayer in which the taxpayer admits
22 conclusive liability for the entire amount of taxes due and
23 agrees to make monthly installment payments according to the
24 terms of the agreement, but not for a period longer than
25 [~~sixty~~] one hundred twenty months. No installment agreement

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1 shall prevent the accrual of interest otherwise provided by
2 law.

3 B. The agreement provided for in this section is to
4 be known as an "installment agreement". If entered into after
5 a court acquires jurisdiction over the matter, the agreement
6 shall be part of a stipulated order or judgment disposing of
7 the case.

8 C. At the time of entering into an installment
9 agreement, the secretary shall require the affected taxpayer or
10 person to furnish security for payment of the taxes admitted to
11 be due according to the terms of the agreement, but if the
12 taxpayer does not provide security, the secretary shall cause a
13 notice of lien to be filed in accordance with the provisions of
14 Section 7-1-38 NMSA 1978, and when so filed it shall constitute
15 a lien upon all the property or rights to property of the
16 taxpayer in that county in the same manner as in the case of
17 the lien provided for in Section 7-1-37 NMSA 1978.

18 D. An installment agreement is conclusive as to
19 liability for payment of the amount of taxes specified therein
20 but does not preclude the assessment of any additional tax.

21 E. After entering into the agreement, except in
22 unusual circumstances as require the secretary in [~~his~~] the
23 secretary's discretion to take further action to protect the
24 interests of the state, no further attempts to enforce payment
25 of the tax by levy or injunction shall be made; however, if

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1 installment payments are not made on or before the times
2 specified in the agreement, if any other condition contained in
3 the agreement is not met or if the taxpayer does not make
4 payment of all other taxes for which ~~he~~ the taxpayer becomes
5 liable as they are due, the secretary may proceed to enforce
6 collection of the tax as if the agreement had not been made or
7 may proceed, as provided in Section 7-1-54 NMSA 1978, against
8 the security furnished.

9 F. Records of installment agreements in excess of
10 one thousand dollars (\$1,000) shall be available for inspection
11 by the public. The department shall keep the records for a
12 minimum of three years from the date of the installment
13 agreement."