

CHAPTER NO. 294

HOUSE BILL NO. 466

INTRODUCED BY HIRSCH

BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE HOUSE

January 30, 1979	Introduced and referred to Committee on Taxation.
February 9, 1979	Committee recommend bill do pass. Report adopted.
February 10, 1979	Printed and placed on members' desks.
February 12, 1979	Second reading, do pass.
February 13, 1979	Considered correctly engrossed.
February 15, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 16, 1979	Introduced and referred to Committee on Taxation.
March 5, 1979	Committee recommend bill be concurred in. Report adopted.
March 7, 1979	Second reading, concurred in as amended. Segregated from Committee of the Whole report
March 8, 1979	Second reading, pass consideration.
March 9, 1979	Second reading, concurred in.
March 13, 1979	Third reading, concurred in.

IN THE HOUSE

March 14, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 House BILL NO. 466
 2 INTRODUCED BY J. Hissach
 3 BY REQUEST OF THE DEPARTMENT OF REVENUE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE UNIFORM
 6 COLLECTION PROCEDURES FOR THE LICENSE TAXES ON TELEPHONE
 7 COMPANIES, EXPRESS COMPANIES, FREIGHT LINE COMPANIES, AND
 8 SLEEPING CAR COMPANIES; PROVIDING FOR PENALTIES AND INTEREST
 9 FOR UNPAID TAXES AND CREATING A LIEN UPON REAL PROPERTY FOR
 10 UNPAID TAXES; AMENDING SECTIONS 15-53-102, 15-54-102 THROUGH
 11 15-54-104, 15-56-102, 15-56-103, AND 15-56-107, MCA; AND
 12 REPEALING SECTIONS 15-52-101 THROUGH 15-52-103, MCA."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 15-53-102, MCA, is amended to read:
 16 "15-53-102. Statement required of telephone companies.
 17 (1) Each and every person, liable to tax under this chapter
 18 engaged in carrying on such telephone business in this state
 19 shall, within 60 days after the end of each quarter, make
 20 ~~out-in-duplicate~~ and file with the department of revenue
 21 ~~under-oath~~ a statement in such form as the department may
 22 require and prescribe, showing the total gross income of
 23 such person derived from the telephone business within this
 24 state, including the transmission of telephone messages
 25 originating and terminating within this state, but excluding

1 therefrom the gross income derived from the transmission of
 2 telephone messages passing through this state but both
 3 originating and terminating outside of this state and from
 4 those originating outside of but terminating within this
 5 state and from those originating within but terminating
 6 outside of this state, during the preceding quarter and
 7 containing such other information as the department may
 8 require, and shall accompany such statement with the payment
 9 to the department of a license tax in the amount equal to
 10 1.725%.

11 ~~(2) The department may grant a reasonable extension of~~
 12 ~~time for filing the statement upon good cause shown."~~

13 NEW SECTION. Section 2. Penalty and interest for
 14 delinquency -- waiver. (1) License taxes due under this
 15 chapter become delinquent if not paid within 60 days after
 16 the end of each calendar quarter. The department of revenue
 17 shall add to the amount of all delinquent telephone company
 18 license taxes a penalty of 10% of the amount of license
 19 taxes plus interest at the rate of 1% per month or fraction
 20 thereof computed on the total amount of license taxes and
 21 penalty. Interest is computed from the date the license
 22 taxes were due to the date of payment.

23 (2) The 10% penalty may be waived by the department if
 24 reasonable cause for the failure or neglect to file the
 25 statement required by 15-53-102 or pay the tax due is

1 provided to the department.

2 NEW SECTION. Section 3. Estimation of tax upon
3 failure to file statement or pay tax -- notice. (1) If a
4 person fails, neglects, or refuses to file the statement
5 required by 15-53-102 within the time required or fails to
6 pay the tax required by this chapter on or before the date
7 payment is due, the department of revenue shall proceed to
8 inform itself as best it may regarding the total gross
9 income of the person from its telephone business within this
10 state during the quarter.

11 (2) The department shall compute the amount of license
12 taxes due from the person and shall mail to the person a
13 letter and tax assessment statement setting forth the amount
14 of delinquent license tax, penalty, and interest due. The
15 letter shall advise that if payment is not made within 15
16 days a lien may be filed.

17 NEW SECTION. Section 4. Lien for collection of tax.
18 All tax, penalty, and interest due from any person under
19 this chapter shall be a lien upon all real property of the
20 person within a county when the department of revenue files
21 in the office of the clerk of court of any county where the
22 real property is situated a certified copy of its assessment
23 letter. The lien has precedence over any claim, lien, or
24 demand thereafter filed and recorded and may be enforced in
25 the name of the state of Montana in the same manner as

1 judgment liens are enforced by law.

2 NEW SECTION. Section 5. Disposal of license taxes.
3 License taxes collected under this chapter shall be credited
4 to the general fund of the state.

5 Section 6. Section 15-54-102, MCA, is amended to read:

6 "15-54-102. Rate of express company license tax ==
7 proceeds to general fund. (1) The department of revenue
8 shall ~~annually on the first Monday of August enter in a book~~
9 ~~provided for that purpose the amount of gross receipts of~~
10 ~~express companies doing business in this state for the year~~
11 ~~next preceding April 1, as determined by the provisions of~~
12 ~~this chapter. It shall be the duty of the state treasurer~~
13 ~~annually to collect from each such express company doing~~
14 ~~business in this state a sum in the nature of a license tax~~
15 ~~to be computed~~ compute the amount of license tax due by
16 taking 4% of the amount fixed by the department as the gross
17 receipts of such express company for business done within
18 the state for the year next preceding April 1, as
19 ~~determined and certified by the~~ The department ~~provided,~~
20 ~~however, that nothing shall on or before September 1 mail to~~
21 ~~each person making and filing the statement required by~~
22 ~~15-54-103 a written notice of the amount of license tax due~~
23 ~~and payable on or before the September 30 immediately~~
24 ~~following.~~ Nothing contained in this chapter shall exempt or
25 relieve any express company from the assessment and taxation

1 of its tangible property in the manner authorized and
2 provided by law.

3 ~~(2) All license taxes collected under the~~
4 ~~provisions of this chapter shall be accredited~~ credited ~~to~~
5 ~~the general fund of the state."~~

6 Section 7. Section 15-54-103, MCA, is amended to read:

7 "15-54-103. Statements required from express
8 companies. ~~(1) Any express company, as defined in 15-54-101,~~
9 ~~doing business in this state shall annually between April 1~~
10 ~~and April 30, under oath of the person constituting such~~
11 ~~company if a person or under oath of the president,~~
12 ~~treasurer, superintendent, or chief officer in this state of~~
13 ~~such association or corporation if an association or~~
14 ~~corporation, must, not later than July 1, make and file with~~
15 ~~the department of revenue a statement in such form as the~~
16 ~~department may prescribe, containing the following facts~~
17 The statement must show the following:

18 ~~(1)(a)~~ the name of the person or persons, association,
19 or corporation;

20 ~~(2)(b)~~ under the laws of what state or country
21 organized;

22 ~~(3)(c)~~ the location of its principal office;

23 ~~(4)(d)~~ the name and post-office address of the
24 president, secretary, auditor, treasurer, superintendent,
25 and general manager;

1 ~~(5)(e)~~ the name and post-office address of the chief
2 officer or managing agent of the company in this state;

3 ~~(6)(f)~~ the entire receipts (including all sums entered
4 or charged, whether actually received or not) for business
5 done by such company within this state, including its
6 proportion of gross receipts for business done by such
7 company within the state in connection with other companies;

8 ~~(7)(g)~~ such other facts and information as the
9 department may require in the form of return prescribed by
10 it.

11 (2) The department may grant a reasonable extension of
12 time for the filing of a statement upon good cause shown."

13 Section 8. Section 15-54-104, MCA, is amended to read:

14 "15-54-104. Computing express company gross receipts.
15 The department of revenue shall proceed to ascertain and
16 determine on or before ~~the first Monday of August~~ September
17 1 in each year the entire gross receipts of each of said
18 express companies for business done within the state of
19 Montana for the year next preceding April 1, and the amount
20 so ascertained by the department shall be held and deemed to
21 be the gross receipts of such express company for business
22 done within the state of ~~Montana~~ for the year under
23 consideration."

24 NEW SECTION. Section 9. Estimation of tax upon
25 failure to file statement -- notice. If a person fails,

1 neglects, or refuses to make and file the statement required
 2 by 15-54-103, the department of revenue shall determine as
 3 nearly as possible from any returns or reports filed with
 4 any state or county officer or board under any law of this
 5 state and from any other information that the department may
 6 be able to obtain the total gross receipts of the person
 7 from the business in this state during the year next
 8 preceding April 1.

9 (2) The department shall prepare a statement showing
 10 the amount of the gross receipts and shall compute and
 11 assess the amount of license taxes due from the person and
 12 shall give notice to the person in the same manner as though
 13 the statement had been filed on time and shall proceed to
 14 collect the license tax, if delinquent, together with
 15 penalty and interest as provided for other delinquencies.

16 NEW SECTION. Section 10. Penalty and interest for
 17 delinquency -- waiver. (1) License taxes assessed under this
 18 chapter become delinquent if not paid on or before September
 19 30 following the date assessed. The department of revenue
 20 shall add to the amount of all delinquent express company
 21 license taxes a penalty of 10% of the amount of license
 22 taxes plus interest at the rate of 1% per month or fraction
 23 thereof computed on the total amount of license taxes and
 24 penalty. Interest is computed from the date the license
 25 taxes become delinquent until paid.

1 (2) The 10% penalty may be waived by the department if
 2 reasonable cause for the failure or neglect to file the
 3 statement required by 15-54-103 or pay the tax due is
 4 provided to the department.

5 NEW SECTION. Section 11. Lien for collection of tax.
 6 All tax, penalty, and interest due from any person under
 7 this chapter shall be a lien upon all real property of the
 8 person within a county when the department of revenue files
 9 in the office of the clerk of court of any county where the
 10 real property is situated a certified copy of its assessment
 11 letter. The lien has precedence over any claim, lien, or
 12 demand thereafter filed and recorded and may be enforced in
 13 the name of the state of Montana in the same manner as
 14 judgment liens are enforced by law.

15 NEW SECTION. Section 12. Penalty and interest for
 16 delinquency -- waiver. (1) License taxes due under this
 17 chapter become delinquent if not paid by March 1. The
 18 department shall add to the amount of all delinquent freight
 19 line company license taxes a penalty of 10% of the amount of
 20 license taxes plus interest at the rate of 1% per month or
 21 fraction thereof computed on the total amount of license
 22 taxes and penalty. Interest is computed from the date the
 23 license taxes were due to the date of payment.

24 (2) The 10% penalty may be waived by the department if
 25 reasonable cause for the failure or neglect to file the

1 statement required by 15-55-103 or pay the tax due is
2 provided to the department.

3 NEW SECTION. Section 13. Lien for collection of tax.
4 All tax, penalty, and interest due from any person under
5 this chapter shall be a lien upon all real property of the
6 person within a county when the department files in the
7 office of the clerk of court of any county where the real
8 property is situated a certified copy of its letter
9 assessing tax, penalty, or interest under this chapter. The
10 lien has precedence over any claim, lien, or demand
11 thereafter filed and recorded and may be enforced in the
12 name of the state of Montana in the same manner as judgment
13 liens are enforced by law.

14 NEW SECTION. Section 14. Disposal of license taxes.
15 License taxes collected under this chapter shall be credited
16 to the general fund of the state.

17 Section 15. Section 15-56-102, MCA, is amended to
18 read:

19 "15-56-102. Rate of license tax on sleeping car
20 companies ~~is~~ proceeds to general fund. (1) The department
21 shall ~~levy~~ compute the amount of license tax upon ~~the~~
22 ~~property of such sleeping car company due~~ at the rate of
23 1 1/2% on of the valuation found by it for the use of the
24 state ~~and the department shall certify such assessment and~~
25 ~~levy to the state treasurer who shall thereupon by~~

1 ~~certified or registered letter, notify the officer attesting~~
2 ~~the report of such company of the amount of the assessment,~~
3 ~~the rate of levy, and the amount of the tax. Such company~~
4 ~~shall have 30 days after the mailing of such notice within~~
5 ~~which to pay said tax to the state treasurer, determined~~
6 ~~under 15-56-105. Such tax when paid shall be turned in to~~
7 ~~the general fund of the state treasury. The department shall~~
8 ~~mail to each person making and filing the report required by~~
9 ~~15-56-103 a written notice of the value of the property~~
10 ~~subject to the license tax in this state and the amount of~~
11 ~~tax due which is payable within 60 days from the date of the~~
12 ~~notice.~~

13 (2) License taxes collected under this chapter shall
14 be credited to the general fund of the state."

15 Section 16. Section 15-56-103, MCA, is amended to
16 read:

17 "15-56-103. Statement Report required of sleeping car
18 companies. Every sleeping car company shall annually, on or
19 before March June 1 ~~and in such forms~~ and covering such
20 ~~period as the department of revenue shall prescribe the~~
21 preceding calendar year, make and file with it a statement
22 ~~verified by the oath of the person, agent, or officer making~~
23 ~~the same, setting forth the facts called for report.~~ The
24 department shall furnish forms upon which to make such
25 reports. Such the report shall must contain:

- 1 (1) the name of the company;
- 2 (2) the nature of the company; whether a person,
3 agent, trustee, lessee, receiver, or other person or a
4 joint-stock company, partnership, association, or
5 corporation;
- 6 (3) the location of its principal office and under the
7 laws of what state or country organized and when;
- 8 (4) the name and address of the president, secretary,
9 auditor, treasurer, and superintendent or general manager;
- 10 (5) the name and address of its chief officer or
11 managing agent in Montana;
- 12 (6) its capital stock:
- 13 (a) the amount authorized;
- 14 (b) the amount issued;
- 15 (c) the amount of capital stock invested in its
16 sleeping car business;
- 17 (d) the number of shares of stock:
- 18 (i) outstanding;
- 19 (ii) not issued;
- 20 (iii) treasury; and whether common or preferred;
- 21 (7) the amount of the bonds outstanding, when issued,
22 when due, and the rate of interest of each issue;
- 23 (8) the par market value of the stocks and bonds
24 issued and outstanding;
- 25 (9) the whole length and the names of railroad lines

- 1 over which its cars-were-transported equipment was used in
2 the state;
- 3 (10) the total car equipment mileage and the car
4 equipment mileage within this state;
- 5 (11) the gross and net earnings during the year;
- 6 (12) such other facts and information as such company
7 or the department may deem material upon the question of the
8 true and full value of said property within this state."
- 9 NEW SECTION. Section 17. Extension for filing report.
10 The department may grant a reasonable extension of time for
11 filing the report required by 15-56-103 upon good cause
12 shown.
- 13 Section 18. Section 15-56-107, MCA, is amended to
14 read:
- 15 "15-56-107. Tax receipt as license to do business. The
16 receipt by the state-treasurer department of the license tax
17 paid in full shall serve as a license to the sleeping car
18 company to conduct its business in the state during the year
19 when issued."
- 20 NEW SECTION. Section 19. Penalty and interest for
21 delinquency -- waiver. (1) License taxes assessed under this
22 chapter become delinquent if not paid within 60 days
23 following the date assessed. The department shall add to the
24 amount of all delinquent sleeping car company license taxes
25 a penalty of 10% of the amount of license taxes plus

1 interest at the rate of 1% per month or fraction thereof
2 computed on the total amount of license taxes and penalty.
3 Interest is computed from the date the taxes become
4 delinquent until paid.

5 (2) The 10% penalty may be waived by the department if
6 reasonable cause for the failure or neglect to file the
7 report required by 15-56-103 or pay the tax due is provided
8 to the department.

9 NEW SECTION. Section 20. Estimation of tax upon
10 failure to file return. (1) If a person fails to make the
11 report required by 15-56-103, the department shall determine
12 the value of the property of that person in this state from
13 any information that the department may be able to obtain.

14 (2) The department shall prepare a statement showing
15 the amount of the valuation determined and shall compute and
16 assess the amount of license taxes due and shall give notice
17 to the person failing to make the report in the same manner
18 as though a report had been filed as required by 15-56-103.

19 NEW SECTION. Section 21. Lien for collection of tax.
20 All tax, penalty, and interest due from any person under
21 this chapter shall be a lien upon all real property of the
22 person within a county when the department files in the
23 office of the clerk of court of any county where the real
24 property is situated a certified copy of its assessment
25 letter. The lien has precedence over any claim, lien, or

1 demand thereafter filed and recorded and may be enforced in
2 the name of the state of Montana in the same manner as
3 judgment liens are enforced by law.

4 Section 22. Repealer. Sections 15-52-101 through
5 15-52-103, MCA, are repealed.

6 Section 23. Codification. It is intended that:

7 (1) sections 2 through 5 be codified as an integral
8 part of Title 15, chapter 53, part 1, and the provisions
9 contained in Title 15, chapter 53, part 1, apply to sections
10 2 through 5;

11 (2) sections 9 through 11 be codified as an integral
12 part of Title 15, chapter 54, part 1, and the provisions
13 contained in Title 15, chapter 54, part 1, apply to sections
14 9 through 11;

15 (3) sections 12 through 14 be codified as an integral
16 part of Title 15, chapter 55, part 1, and the provisions
17 contained in Title 15, chapter 55, part 1, apply to sections
18 12 through 14;

19 (4) section 17 and sections 19 through 21 be codified
20 as an integral part of Title 15, chapter 56, part 1, and the
21 provisions contained in Title 15, chapter 56, part 1, apply
22 to section 17 and sections 19 through 21.

-End-

HE 466

STATE OF MONTANA

REQUEST NO. 231 -79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 5, 19 79, there is hereby submitted a Fiscal Note for House Bill 466 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION

This proposed bill provides uniform collection procedures for the license taxes on telephone companies, express companies, freight line companies, and sleeping car companies; providing for penalties and interest for unpaid taxes and creating a lien upon real property for unpaid taxes.

ASSUMPTIONS

- 1) This legislation provides uniform administrative procedures for the license taxes on telephone companies, express companies, freight line companies, and sleeping car companies.
- 2) No change in administrative costs.

FISCAL IMPACT

No fiscal impact.

PREPARED BY DEPARTMENT OF REVENUE

Richard L. Drury for

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/8/79

Approved by Committee
on Taxation

House BILL NO. 466

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INTRODUCED BY L. Hiasch
BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE UNIFORM
COLLECTION PROCEDURES FOR THE LICENSE TAXES ON TELEPHONE
COMPANIES, EXPRESS COMPANIES, FREIGHT LINE COMPANIES, AND
SLEEPING CAR COMPANIES; PROVIDING FOR PENALTIES AND INTEREST
FOR UNPAID TAXES AND CREATING A LIEN UPON REAL PROPERTY FOR
UNPAID TAXES; AMENDING SECTIONS 15-53-102, 15-54-102 THROUGH
15-54-104, 15-56-102, 15-56-103, AND 15-56-107, MCA; AND
REPEALING SECTIONS 15-52-101 THROUGH 15-52-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 15-53-102, MCA, is amended to read:
"15-53-102. Statement required of telephone companies.
(1) Each and every person, liable to tax under this chapter
engaged in carrying on such telephone business in this state
shall, within 60 days after the end of each quarter, make
~~out-in-duplicate~~ and file with the department of revenue
~~under-oath~~ a statement in such form as the department may
require and prescribe, showing the total gross income of
such person derived from the telephone business within this
state, including the transmission of telephone messages
originating and terminating within this state, but excluding

1 therefrom the gross income derived from the transmission of
2 telephone messages passing through this state but both
3 originating and terminating outside of this state and from
4 those originating outside of but terminating within this
5 state and from those originating within but terminating
6 outside of this state, during the preceding quarter and
7 containing such other information as the department may
8 require, and shall accompany such statement with the payment
9 to the department of a license tax in the amount equal to
10 1.725%.

11 (2) The department may grant a reasonable extension of
12 time for filing the statement upon good cause shown."

13 NEW SECTION. Section 2. Penalty and interest for
14 delinquency -- waiver. (1) License taxes due under this
15 chapter become delinquent if not paid within 60 days after
16 the end of each calendar quarter. The department of revenue
17 shall add to the amount of all delinquent telephone company
18 license taxes a penalty of 10% of the amount of license
19 taxes plus interest at the rate of 1% per month or fraction
20 thereof computed on the total amount of license taxes and
21 penalty. Interest is computed from the date the license
22 taxes were due to the date of payment.

23 (2) The 10% penalty may be waived by the department if
24 reasonable cause for the failure or neglect to file the
25 statement required by 15-53-102 or pay the tax due is

1 provided to the department.

2 NEW SECTION. Section 3. Estimation of tax upon
3 failure to file statement or pay tax -- notice. (1) If a
4 person fails, neglects, or refuses to file the statement
5 required by 15-53-102 within the time required or fails to
6 pay the tax required by this chapter on or before the date
7 payment is due, the department of revenue shall proceed to
8 inform itself as best it may regarding the total gross
9 income of the person from its telephone business within this
10 state during the quarter.

11 (2) The department shall compute the amount of license
12 taxes due from the person and shall mail to the person a
13 letter and tax assessment statement setting forth the amount
14 of delinquent license tax, penalty, and interest due. The
15 letter shall advise that if payment is not made within 15
16 days a lien may be filed.

17 NEW SECTION. Section 4. Lien for collection of tax.
18 All tax, penalty, and interest due from any person under
19 this chapter shall be a lien upon all real property of the
20 person within a county when the department of revenue files
21 in the office of the clerk of court of any county where the
22 real property is situated a certified copy of its assessment
23 letter. The lien has precedence over any claim, lien, or
24 demand thereafter filed and recorded and may be enforced in
25 the name of the state of Montana in the same manner as

1 judgment liens are enforced by law.

2 NEW SECTION. Section 5. Disposal of license taxes.
3 License taxes collected under this chapter shall be credited
4 to the general fund of the state.

5 Section 6. Section 15-54-102, MCA, is amended to read:

6 "15-54-102. Rate of express company license tax ==
7 proceeds to general fund. (1) The department of revenue
8 shall ~~annually on the first Monday of August enter in a book~~
9 ~~provided for that purpose the amount of gross receipts of~~
10 ~~express companies doing business in this state for the year~~
11 ~~next preceding April as determined by the provisions of~~
12 ~~this chapter. It shall be the duty of the state treasurer~~
13 ~~annually to collect from each such express company doing~~
14 ~~business in this state a sum in the nature of a license tax~~
15 ~~to be computed~~ compute the amount of license tax due by
16 taking 4% of the amount fixed by the department as the gross
17 receipts of such express company for business done within
18 the state for the year next preceding April ~~as~~
19 ~~determined and certified by the~~ The department ~~provided~~
20 ~~however, that nothing shall on or before September 1 mail to~~
21 each person making and filing the statement required by
22 15-54-102 a written notice of the amount of license tax due
23 and payable on or before the September 30 immediately
24 following. Nothing contained in this chapter shall exempt or
25 relieve any express company from the assessment and taxation

1 of its tangible property in the manner authorized and
2 provided by law.

3 (2) ~~All license~~ license taxes collected under the
4 provisions of this chapter shall be ~~accredited~~ credited to
5 the general fund of the state."

6 Section 7. Section 15-54-103, MCA, is amended to read:

7 "15-54-103. Statements required from express
8 companies. (1) Any express company, as defined in 15-54-101,
9 doing business in this state ~~shall annually between April 1~~
10 ~~and April 30, under oath of the person constituting such~~
11 ~~company if a person or under oath of the president,~~
12 ~~treasurer, superintendent, or chief officer in this state of~~
13 ~~such association or corporation if an association or~~
14 ~~corporation, must, not later than July 1,~~ make and file with
15 the department of revenue a statement in such form as the
16 department may prescribe, ~~containing the following facts~~
17 The statement must show the following:

18 (1)(a) the name of the person or persons, association,
19 or corporation;

20 (2)(b) under the laws of what state or country
21 organized;

22 (3)(c) the location of its principal office;

23 (4)(d) the name and post-office address of the
24 president, secretary, auditor, treasurer, superintendent,
25 and general manager;

1 (5)(e) the name and post-office address of the chief
2 officer or managing agent of the company in this state;

3 (6)(f) the entire receipts (including all sums entered
4 or charged, whether actually received or not) for business
5 done by such company within this state, including its
6 proportion of gross receipts for business done by such
7 company within the state in connection with other companies;

8 (7)(g) such other facts and information as the
9 department may require in the form of return prescribed by
10 it.

11 (2) The department may grant a reasonable extension of
12 time for the filing of a statement upon good cause shown."

13 Section 8. Section 15-54-104, MCA, is amended to read:

14 "15-54-104. Computing express company gross receipts.
15 The department of revenue shall proceed to ascertain and
16 determine on or before ~~the first Monday of August~~ September
17 1 in each year the entire gross receipts of each of said
18 express companies for business done within the state of
19 Montana for the year next preceding April 1, and the amount
20 so ascertained by the department shall be held and deemed to
21 be the gross receipts of such express company for business
22 done within the state of ~~Montana~~ for the year under
23 consideration."

24 NEW SECTION. Section 9. Estimation of tax upon
25 failure to file statement -- notice. If a person fails,

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1 neglects, or refuses to make and file the statement required
 2 by 15-54-103, the department of revenue shall determine as
 3 nearly as possible from any returns or reports filed with
 4 any state or county officer or board under any law of this
 5 state and from any other information that the department may
 6 be able to obtain the total gross receipts of the person
 7 from the business in this state during the year next
 8 preceding April 1.

9 (2) The department shall prepare a statement showing
 10 the amount of the gross receipts and shall compute and
 11 assess the amount of license taxes due from the person and
 12 shall give notice to the person in the same manner as though
 13 the statement had been filed on time and shall proceed to
 14 collect the license tax, if delinquent, together with
 15 penalty and interest as provided for other delinquencies.

16 NEW SECTION. Section 10. Penalty and interest for
 17 delinquency -- waiver. (1) License taxes assessed under this
 18 chapter become delinquent if not paid on or before September
 19 30 following the date assessed. The department of revenue
 20 shall add to the amount of all delinquent express company
 21 license taxes a penalty of 10% of the amount of license
 22 taxes plus interest at the rate of 1% per month or fraction
 23 thereof computed on the total amount of license taxes and
 24 penalty. Interest is computed from the date the license
 25 taxes become delinquent until paid.

1 (2) The 10% penalty may be waived by the department if
 2 reasonable cause for the failure or neglect to file the
 3 statement required by 15-54-103 or pay the tax due is
 4 provided to the department.

5 NEW SECTION. Section 11. Lien for collection of tax.
 6 All tax, penalty, and interest due from any person under
 7 this chapter shall be a lien upon all real property of the
 8 person within a county when the department of revenue files
 9 in the office of the clerk of court of any county where the
 10 real property is situated a certified copy of its assessment
 11 letter. The lien has precedence over any claim, lien, or
 12 demand thereafter filed and recorded and may be enforced in
 13 the name of the state of Montana in the same manner as
 14 judgment liens are enforced by law.

15 NEW SECTION. Section 12. Penalty and interest for
 16 delinquency -- waiver. (1) License taxes due under this
 17 chapter become delinquent if not paid by March 1. The
 18 department shall add to the amount of all delinquent freight
 19 line company license taxes a penalty of 10% of the amount of
 20 license taxes plus interest at the rate of 1% per month or
 21 fraction thereof computed on the total amount of license
 22 taxes and penalty. Interest is computed from the date the
 23 license taxes were due to the date of payment.

24 (2) The 10% penalty may be waived by the department if
 25 reasonable cause for the failure or neglect to file the

1 statement required by 15-55-103 or pay the tax due is
2 provided to the department.

3 NEW SECTION. Section 13. Lien for collection of tax.
4 All tax, penalty, and interest due from any person under
5 this chapter shall be a lien upon all real property of the
6 person within a county when the department files in the
7 office of the clerk of court of any county where the real
8 property is situated a certified copy of its letter
9 assessing tax, penalty, or interest under this chapter. The
10 lien has precedence over any claim, lien, or demand
11 thereafter filed and recorded and may be enforced in the
12 name of the state of Montana in the same manner as judgment
13 liens are enforced by law.

14 NEW SECTION. Section 14. Disposal of license taxes.
15 License taxes collected under this chapter shall be credited
16 to the general fund of the state.

17 Section 15. Section 15-56-102, MCA, is amended to
18 read:

19 "15-56-102. Rate of license tax on sleeping car
20 companies ~~-- proceeds to general fund.~~ (1) The department
21 shall ~~levy a~~ compute the amount of license tax upon ~~the~~
22 ~~property of such sleeping car company due~~ at the rate of
23 ~~1 1/2% on of the valuation found by it for the use of the~~
24 ~~state and the department shall certify such assessment and~~
25 ~~levy to the state treasurer who shall thereupon by~~

1 ~~certified or registered letter, notify the officer attesting~~
2 ~~the report of such company of the amount of the assessment,~~
3 ~~the rate of levy, and the amount of the tax. Such company~~
4 ~~shall have 30 days after the mailing of such notice within~~
5 ~~which to pay said tax to the state treasurer, determined~~
6 ~~under 15-56-105. Such tax when paid shall be turned in to~~
7 ~~the general fund of the state treasury. The department shall~~
8 ~~mail to each person making and filing the report required by~~
9 ~~15-56-103 a written notice of the value of the property~~
10 ~~subject to the license tax in this state and the amount of~~
11 ~~tax due which is payable within 60 days from the date of the~~
12 ~~notice.~~

13 (2) License taxes collected under this chapter shall
14 be credited to the general fund of the state."

15 Section 16. Section 15-56-103, MCA, is amended to
16 read:

17 "15-56-103. Statement Report required of sleeping car
18 companies. Every sleeping car company shall annually, on or
19 before March June 1 ~~and in such forms~~ and covering such
20 ~~period as the department of revenue shall prescribe the~~
21 preceding calendar year, make and file with it a statement
22 ~~verified by the oath of the person, agent, or officer making~~
23 ~~the same, setting forth the facts called for report.~~ The
24 department shall furnish forms upon which to make such
25 reports. Such the report shall must contain:

- 1 (1) the name of the company;
- 2 (2) the nature of the company; whether a person,
- 3 agent, trustee, lessee, receiver, or other person or a
- 4 joint-stock company, partnership, association, or
- 5 corporation;
- 6 (3) the location of its principal office and under the
- 7 laws of what state or country organized and when;
- 8 (4) the name and address of the president, secretary,
- 9 auditor, treasurer, and superintendent or general manager;
- 10 (5) the name and address of its chief officer or
- 11 managing agent in Montana;
- 12 (6) its capital stock:
- 13 (a) the amount authorized;
- 14 (b) the amount issued;
- 15 (c) the amount of capital stock invested in its
- 16 sleeping car business;
- 17 (d) the number of shares of stock:
- 18 (i) outstanding;
- 19 (ii) not issued;
- 20 (iii) treasury; and whether common or preferred;
- 21 (7) the amount of the bonds outstanding, when issued,
- 22 when due, and the rate of interest of each issue;
- 23 (8) the par market value of the stocks and bonds
- 24 issued and outstanding;
- 25 (9) the whole length and the names of railroad lines

- 1 over which its ~~cars-were-transported~~ equipment was used in
- 2 the state;
- 3 (10) the total ~~car~~ equipment mileage and the ~~car~~
- 4 equipment mileage within this state;
- 5 (11) the gross and net earnings during the year;
- 6 (12) such other facts and information as such company
- 7 or the department may deem material upon the question of the
- 8 true and full value of said property within this state."
- 9 NEW SECTION. Section 17. Extension for filing report.
- 10 The department may grant a reasonable extension of time for
- 11 filing the report required by 15-56-103 upon good cause
- 12 shown.
- 13 Section 18. Section 15-56-107, MCA, is amended to
- 14 read:
- 15 "15-56-107. Tax receipt as license to do business. The
- 16 receipt by the ~~state-treasurer~~ department of the license tax
- 17 paid in full shall serve as a license to the sleeping car
- 18 company to conduct its business in the state during the year
- 19 when issued."
- 20 NEW SECTION. Section 19. Penalty and interest for
- 21 delinquency -- waiver. (1) License taxes assessed under this
- 22 chapter become delinquent if not paid within 60 days
- 23 following the date assessed. The department shall add to the
- 24 amount of all delinquent sleeping car company license taxes
- 25 a penalty of 10% of the amount of license taxes plus

1 interest at the rate of 1% per month or fraction thereof
 2 computed on the total amount of license taxes and penalty.
 3 Interest is computed from the date the taxes become
 4 delinquent until paid.

5 (2) The 10% penalty may be waived by the department if
 6 reasonable cause for the failure or neglect to file the
 7 report required by 15-56-103 or pay the tax due is provided
 8 to the department.

9 NEW SECTION. Section 20. Estimation of tax upon
 10 failure to file return. (1) If a person fails to make the
 11 report required by 15-56-103, the department shall determine
 12 the value of the property of that person in this state from
 13 any information that the department may be able to obtain.

14 (2) The department shall prepare a statement showing
 15 the amount of the valuation determined and shall compute and
 16 assess the amount of license taxes due and shall give notice
 17 to the person failing to make the report in the same manner
 18 as though a report had been filed as required by 15-56-103.

19 NEW SECTION. Section 21. Lien for collection of tax.
 20 All tax, penalty, and interest due from any person under
 21 this chapter shall be a lien upon all real property of the
 22 person within a county when the department files in the
 23 office of the clerk of court of any county where the real
 24 property is situated a certified copy of its assessment
 25 letter. The lien has precedence over any claim, lien, or

1 demand thereafter filed and recorded and may be enforced in
 2 the name of the state of Montana in the same manner as
 3 judgment liens are enforced by law.

4 Section 22. Repealer. Sections 15-52-101 through
 5 15-52-103, MCA, are repealed.

6 Section 23. Codification. It is intended that:

7 (1) sections 2 through 5 be codified as an integral
 8 part of Title 15, chapter 53, part 1, and the provisions
 9 contained in Title 15, chapter 53, part 1, apply to sections
 10 2 through 5;

11 (2) sections 9 through 11 be codified as an integral
 12 part of Title 15, chapter 54, part 1, and the provisions
 13 contained in Title 15, chapter 54, part 1, apply to sections
 14 9 through 11;

15 (3) sections 12 through 14 be codified as an integral
 16 part of Title 15, chapter 55, part 1, and the provisions
 17 contained in Title 15, chapter 55, part 1, apply to sections
 18 12 through 14;

19 (4) section 17 and sections 19 through 21 be codified
 20 as an integral part of Title 15, chapter 56, part 1, and the
 21 provisions contained in Title 15, chapter 56, part 1, apply
 22 to section 17 and sections 19 through 21.

-End-

1 HOUSE BILL NO. 466

2 INTRODUCED BY HIRSCH

3 BY REQUEST OF THE DEPARTMENT OF REVENUE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE UNIFORM
6 COLLECTION PROCEDURES FOR THE LICENSE TAXES ON TELEPHONE
7 COMPANIES, EXPRESS COMPANIES, FREIGHT LINE COMPANIES, AND
8 SLEEPING CAR COMPANIES; PROVIDING FOR PENALTIES AND INTEREST
9 FOR UNPAID TAXES AND CREATING A LIEN UPON REAL PROPERTY FOR
10 UNPAID TAXES; AMENDING SECTIONS 15-53-102, 15-54-102 THROUGH
11 15-54-104, 15-56-102, 15-56-103, AND 15-56-107, MCA; AND
12 REPEALING SECTIONS 15-52-101 THROUGH 15-52-103, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 15-53-102, MCA, is amended to read:

16 "15-53-102. Statement required of telephone companies.

17 (1) Each and every person, liable to tax under this chapter
18 engaged in carrying on such telephone business in this state
19 shall, within 60 days after the end of each quarter, make
20 ~~out--in--duplicate~~ and file with the department of revenue
21 under oath, a statement in such form as the department may
22 require and prescribe, showing the total gross income of
23 such person derived from the telephone business within this
24 state, including the transmission of telephone messages
25 originating and terminating within this state, but excluding

1 therefrom the gross income derived from the transmission of
2 telephone messages passing through this state but both
3 originating and terminating outside of this state and from
4 those originating outside of but terminating within this
5 state and from those originating within but terminating
6 outside of this state, during the preceding quarter and
7 containing such other information as the department may
8 require, and shall accompany such statement with the payment
9 to the department of a license tax in the amount equal to
10 1.725%.

11 ~~(2) The department may grant a reasonable extension of~~
12 ~~time for filing the statement upon good cause shown."~~

13 NEW SECTION. Section 2. Penalty and interest for
14 delinquency -- waiver. (1) License taxes due under this
15 chapter become delinquent if not paid within 60 days after
16 the end of each calendar quarter. The department of revenue
17 shall add to the amount of all delinquent telephone company
18 license taxes a penalty of 10% of the amount of license
19 taxes plus interest at the rate of 1% per month or fraction
20 thereof computed on the total amount of license taxes and
21 penalty. Interest is computed from the date the license
22 taxes were due to the date of payment.

23 (2) The 10% penalty may be waived by the department if
24 reasonable cause for the failure or neglect to file the
25 statement required by 15-53-102 or pay the tax due is

1 provided to the department.

2 NEW SECTION. Section 3. Estimation of tax upon
 3 failure to file statement or pay tax -- notice. (1) If a
 4 person fails, neglects, or refuses to file the statement
 5 required by 15-53-102 within the time required or fails to
 6 pay the tax required by this chapter on or before the date
 7 payment is due, the department of revenue shall proceed to
 8 inform itself as best it may regarding the total gross
 9 income of the person from its telephone business within this
 10 state during the quarter.

11 (2) The department shall compute the amount of license
 12 taxes due from the person and shall mail to the person a
 13 letter and tax assessment statement setting forth the amount
 14 of delinquent license tax, penalty, and interest due. The
 15 letter shall advise that if payment is not made within 15
 16 days a lien may be filed.

17 NEW SECTION. Section 4. Lien for collection of tax.
 18 All tax, penalty, and interest due from any person under
 19 this chapter shall be a lien upon all real property of the
 20 person within a county when the department of revenue files
 21 in the office of the clerk of court of any county where the
 22 real property is situated a certified copy of its assessment
 23 letter. The lien has precedence over any claim, lien, or
 24 demand thereafter filed and recorded and may be enforced in
 25 the name of the state of Montana in the same manner as

1 judgment liens are enforced by law.

2 NEW SECTION. Section 5. Disposal of license taxes.
 3 License taxes collected under this chapter shall be credited
 4 to the general fund of the state.

5 Section 6. Section 15-54-102, MCA, is amended to read:

6 "15-54-102. Rate of express company license tax ==
 7 proceeds to general fund. (1) The department of revenue
 8 shall ~~annually on the first Monday of August enter in a book~~
 9 ~~provided for that purpose the amount of gross receipts of~~
 10 ~~express companies doing business in this state for the year~~
 11 ~~next preceding April 15 as determined by the provisions of~~
 12 ~~this chapter it shall be the duty of the state treasurer~~
 13 ~~annually to collect from each such express company doing~~
 14 ~~business in this state a sum in the nature of a license tax~~
 15 ~~to be computed~~ compute the amount of license tax due by
 16 taking 4% of the amount fixed by the department as the gross
 17 receipts of such express company for business done within
 18 the state for the year next preceding April 15 as
 19 ~~determined and certified by the~~ the department provided
 20 ~~however that nothing shall on or before September 1 mail to~~
 21 each person making and filing the statement required by
 22 15-54-103 a written notice of the amount of license tax due
 23 and payable on or before the September 30 immediately
 24 following. ~~Nothing~~ contained in this chapter shall exempt or
 25 relieve any express company from the assessment and taxation

1 of its tangible property in the manner authorized and
2 provided by law.

3 (2) ~~Att-license~~ License taxes collected under the
4 provisions--of this chapter shall be accredited credited to
5 the general fund of the state."

6 Section 7. Section 15-54-103, MCA, is amended to read:

7 "15-54-103. Statements required from express
8 companies. (1) Any express company, as defined in 15-54-101,
9 doing business in this state shall ~~annually between April 1~~
10 ~~and April 30, under oath of the person constituting such~~
11 ~~company if a person or under oath of the president,~~
12 ~~treasurer, superintendent, or chief officer in this state of~~
13 ~~such association or corporation if an association or~~
14 ~~corporation, must, not later than July 1,~~ make and file with
15 the department of revenue a statement in such form as the
16 department may prescribe, ~~containing the following facts~~
17 The statement must show the following:

18 (1)(a) the name of the person or persons, association,
19 or corporation;

20 (2)(b) under the laws of what state or country
21 organized;

22 (3)(c) the location of its principal office;

23 (4)(d) the name and post-office address of the
24 president, secretary, auditor, treasurer, superintendent,
25 and general manager;

1 (5)(e) the name and post-office address of the chief
2 officer or managing agent of the company in this state;

3 (6)(f) the entire receipts (including all sums entered
4 or charged, whether actually received or not) for business
5 done by such company within this state, including its
6 proportion of gross receipts for business done by such
7 company within the state in connection with other companies;

8 (7)(g) such other facts and information as the
9 department may require in the form of return prescribed by
10 it.

11 (2) The department may grant a reasonable extension of
12 time for the filing of a statement upon good cause shown."

13 Section 8. Section 15-54-104, MCA, is amended to read:

14 "15-54-104. Computing express company gross receipts.
15 The department of revenue shall proceed to ascertain and
16 determine on or before ~~the first Monday of August~~ September
17 1 in each year the entire gross receipts of each of said
18 express companies for business done within the state of
19 Montana for the year next preceding April 1, and the amount
20 so ascertained by the department shall be held and deemed to
21 be the gross receipts of such express company for business
22 done within the state of--Montana for the year under
23 consideration."

24 NEW SECTION. Section 9. Estimation of tax upon
25 failure to file statement -- notice. If a person fails,

1 neglects, or refuses to make and file the statement required
 2 by 15-54-103, the department of revenue shall determine as
 3 nearly as possible from any returns or reports filed with
 4 any state or county officer or board under any law of this
 5 state and from any other information that the department may
 6 be able to obtain the total gross receipts of the person
 7 from the business in this state during the year next
 8 preceding April 1.

9 (2) The department shall prepare a statement showing
 10 the amount of the gross receipts and shall compute and
 11 assess the amount of license taxes due from the person and
 12 shall give notice to the person in the same manner as though
 13 the statement had been filed on time and shall proceed to
 14 collect the license tax, if delinquent, together with
 15 penalty and interest as provided for other delinquencies.

16 NEW SECTION. Section 10. Penalty and interest for
 17 delinquency -- waiver. (1) License taxes assessed under this
 18 chapter become delinquent if not paid on or before September
 19 30 following the date assessed. The department of revenue
 20 shall add to the amount of all delinquent express company
 21 license taxes a penalty of 10% of the amount of license
 22 taxes plus interest at the rate of 1% per month or fraction
 23 thereof computed on the total amount of license taxes and
 24 penalty. Interest is computed from the date the license
 25 taxes become delinquent until paid.

1 (2) The 10% penalty may be waived by the department if
 2 reasonable cause for the failure or neglect to file the
 3 statement required by 15-54-103 or pay the tax due is
 4 provided to the department.

5 NEW SECTION. Section 11. Lien for collection of tax.
 6 All tax, penalty, and interest due from any person under
 7 this chapter shall be a lien upon all real property of the
 8 person within a county when the department of revenue files
 9 in the office of the clerk of court of any county where the
 10 real property is situated a certified copy of its assessment
 11 letter. The lien has precedence over any claim, lien, or
 12 demand thereafter filed and recorded and may be enforced in
 13 the name of the state of Montana in the same manner as
 14 judgment liens are enforced by law.

15 NEW SECTION. Section 12. Penalty and interest for
 16 delinquency -- waiver. (1) License taxes due under this
 17 chapter become delinquent if not paid by March 1. The
 18 department shall add to the amount of all delinquent freigh. c
 19 line company license taxes a penalty of 10% of the amount of
 20 license taxes plus interest at the rate of 1% per month or
 21 fraction thereof computed on the total amount of license
 22 taxes and penalty. Interest is computed from the date the
 23 license taxes were due to the date of payment.

24 (2) The 10% penalty may be waived by the department if
 25 reasonable cause for the failure or neglect to file the

1 statement required by 15-55-103 or pay the tax due is
2 provided to the department.

3 NEW SECTION. Section 13. Lien for collection of tax.
4 All tax, penalty, and interest due from any person under
5 this chapter shall be a lien upon all real property of the
6 person within a county when the department files in the
7 office of the clerk of court of any county where the real
8 property is situated a certified copy of its letter
9 assessing tax, penalty, or interest under this chapter. The
10 lien has precedence over any claim, lien, or demand
11 thereafter filed and recorded and may be enforced in the
12 name of the state of Montana in the same manner as judgment
13 liens are enforced by law.

14 NEW SECTION. Section 14. Disposal of license taxes.
15 License taxes collected under this chapter shall be credited
16 to the general fund of the state.

17 Section 15. Section 15-56-102, MCA, is amended to
18 read:

19 "15-56-102. Rate of license tax on sleeping car
20 companies ~~is~~ proceeds to general fund. (1) The department
21 shall ~~levy and compute the amount of~~ license tax upon ~~the~~
22 ~~property of such sleeping car company~~ due at the rate of
23 1 1/2% on ~~of~~ the valuation found by it for the use of the
24 state ~~and the department shall certify such assessment and~~
25 ~~levy to the state treasurer who shall thereupon by~~

1 ~~certified or registered letter, notify the officer attesting~~
2 ~~the report of such company of the amount of the assessment,~~
3 ~~the rate of levy, and the amount of the tax. Such company~~
4 ~~shall have 30 days after the mailing of such notice within~~
5 ~~which to pay said tax to the state treasurer, determined~~
6 ~~under 15-56-105. Such tax when paid shall be turned in to~~
7 ~~the general fund of the state treasury. The department shall~~
8 ~~mail to each person making and filing the report required by~~
9 ~~15-56-103 a written notice of the value of the property~~
10 ~~subject to the license tax in this state and the amount of~~
11 ~~tax due which is payable within 60 days from the date of the~~
12 ~~notice.~~

13 (2) License taxes collected under this chapter shall
14 be credited to the general fund of the state."

15 Section 16. Section 15-56-103, MCA, is amended to
16 read:

17 "15-56-103. Statement Report required of sleeping car
18 companies. Every sleeping car company shall annually, on or
19 before March ~~June~~ 1 ~~and in such forms~~ and covering such
20 period ~~as the department of revenue shall prescribe the~~
21 preceding calendar year, make and file with it a statement
22 ~~verified by the oath of the person, agent, or officer making~~
23 ~~the same, setting forth the facts called for report.~~ The
24 department shall furnish forms upon which to make such
25 reports. Such ~~the~~ report shall must contain:

- 1 (1) the name of the company;
- 2 (2) the nature of the company; whether a person,
- 3 agent, trustee, lessee, receiver, or other person or a
- 4 joint-stock company, partnership, association, or
- 5 corporation;
- 6 (3) the location of its principal office and under the
- 7 laws of what state or country organized and when;
- 8 (4) the name and address of the president, secretary,
- 9 auditor, treasurer, and superintendent or general manager;
- 10 (5) the name and address of its chief officer or
- 11 managing agent in Montana;
- 12 (6) its capital stocks:
- 13 (a) the amount authorized;
- 14 (b) the amount issued;
- 15 (c) the amount of capital stock invested in its
- 16 sleeping car business;
- 17 (d) the number of shares of stock:
- 18 (i) outstanding;
- 19 (ii) not issued;
- 20 (iii) treasury; and whether common or preferred;
- 21 (7) the amount of the bonds outstanding, when issued,
- 22 when due, and the rate of interest of each issue;
- 23 (8) the par market value of the stocks and bonds
- 24 issued and outstanding;
- 25 (9) the whole length and the names of railroad lines

- 1 over which its cars-were-transported ~~equipment was used~~ in
- 2 the state;
- 3 (10) the total car ~~equipment~~ mileage and the car
- 4 ~~equipment~~ mileage within this state;
- 5 (11) the gross and net earnings during the year;
- 6 (12) such other facts and information as such company
- 7 or the department may deem material upon the question of the
- 8 true and full value of said property within this state."
- 9 NEW SECTION. Section 17. Extension for filing report.
- 10 The department may grant a reasonable extension of time for
- 11 filing the report required by 15-56-103 upon good cause
- 12 shown.
- 13 Section 18. Section 15-56-107, MCA, is amended to
- 14 read:
- 15 "15-56-107. Tax receipt as license to do business. The
- 16 receipt by the state-treasurer ~~department~~ of the license tax
- 17 paid in full shall serve as a license to the sleeping car
- 18 company to conduct its business in the state during the year
- 19 when issued."
- 20 NEW SECTION. Section 19. Penalty and interest for
- 21 delinquency -- waiver. (1) License taxes assessed under this
- 22 chapter become delinquent if not paid within 60 days
- 23 following the date assessed. The department shall add to the
- 24 amount of all delinquent sleeping car company license taxes
- 25 a penalty of 10% of the amount of license taxes plus

1 interest at the rate of 1% per month or fraction thereof
 2 computed on the total amount of license taxes and penalty.
 3 Interest is computed from the date the taxes become
 4 delinquent until paid.

5 (2) The 10% penalty may be waived by the department if
 6 reasonable cause for the failure or neglect to file the
 7 report required by 15-56-103 or pay the tax due is provided
 8 to the department.

9 NEW SECTION. Section 20. Estimation of tax upon
 10 failure to file return. (1) If a person fails to make the
 11 report required by 15-56-103, the department shall determine
 12 the value of the property of that person in this state from
 13 any information that the department may be able to obtain.

14 (2) The department shall prepare a statement showing
 15 the amount of the valuation determined and shall compute and
 16 assess the amount of license taxes due and shall give notice
 17 to the person failing to make the report in the same manner
 18 as though a report had been filed as required by 15-56-103.

19 NEW SECTION. Section 21. Lien for collection of tax.
 20 All tax, penalty, and interest due from any person under
 21 this chapter shall be a lien upon all real property of the
 22 person within a county when the department files in the
 23 office of the clerk of court of any county where the real
 24 property is situated a certified copy of its assessment
 25 letter. The lien has precedence over any claim, lien, or

1 demand thereafter filed and recorded and may be enforced in
 2 the name of the state of Montana in the same manner as
 3 judgment liens are enforced by law.

4 Section 22. Repealer. Sections 15-52-101 through
 5 15-52-103, MCA, are repealed.

6 Section 23. Codification. It is intended that:

7 (1) sections 2 through 5 be codified as an integral
 8 part of Title 15, chapter 53, part 1, and the provisions
 9 contained in Title 15, chapter 53, part 1, apply to sections
 10 2 through 5;

11 (2) sections 9 through 11 be codified as an integral
 12 part of Title 15, chapter 54, part 1, and the provisions
 13 contained in Title 15, chapter 54, part 1, apply to sections
 14 9 through 11;

15 (3) sections 12 through 14 be codified as an integral
 16 part of Title 15, chapter 55, part 1, and the provisions
 17 contained in Title 15, chapter 55, part 1, apply to sections
 18 12 through 14;

19 (4) section 17 and sections 19 through 21 be codified
 20 as an integral part of Title 15, chapter 56, part 1, and the
 21 provisions contained in Title 15, chapter 56, part 1, apply
 22 to section 17 and sections 19 through 21.

-End-

1 HOUSE BILL NO. 466

2 INTRODUCED BY HIRSCH

3 BY REQUEST OF THE DEPARTMENT OF REVENUE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE UNIFORM
6 COLLECTION PROCEDURES FOR THE LICENSE TAXES ON TELEPHONE
7 COMPANIES, EXPRESS COMPANIES, FREIGHT LINE COMPANIES, AND
8 SLEEPING CAR COMPANIES; PROVIDING FOR PENALTIES AND INTEREST
9 FOR UNPAID TAXES AND CREATING A LIEN UPON REAL PROPERTY FOR
10 UNPAID TAXES; AMENDING SECTIONS 15-53-102, 15-54-102 THROUGH
11 15-54-104, 15-56-102, 15-56-103, AND 15-56-107, MCA; AND
12 REPEALING SECTIONS 15-52-101 THROUGH 15-52-103, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 15-53-102, MCA, is amended to read:

16 "15-53-102. Statement required of telephone companies.

17 (1) Each and every person, liable to tax under this chapter
18 engaged in carrying on such telephone business in this state
19 shall, within 60 days after the end of each quarter, make
20 ~~out--in--duplicate~~ and file with the department of revenue
21 ~~under-oath~~ a statement in such form as the department may
22 require and prescribe, showing the total gross income of
23 such person derived from the telephone business within this
24 state, including the transmission of telephone messages
25 originating and terminating within this state, but excluding

1 therefrom the gross income derived from the transmission of
2 telephone messages passing through this state but both
3 originating and terminating outside of this state and from
4 those originating outside of but terminating within this
5 state and from those originating within but terminating
6 outside of this state, during the preceding quarter and
7 containing such other information as the department may
8 require, and shall accompany such statement with the payment
9 to the department of a license tax in the amount equal to
10 1.725%.

11 ~~(2) The department may grant a reasonable extension of~~
12 ~~time for filing the statement upon good cause shown."~~

13 NEW SECTION. Section 2. Penalty and interest for
14 delinquency -- waiver. (1) License taxes due under this
15 chapter become delinquent if not paid within 60 days after
16 the end of each calendar quarter. The department of revenue
17 shall add to the amount of all delinquent telephone company
18 license taxes a penalty of 10% of the amount of license
19 taxes plus interest at the rate of 1% per month or fraction
20 thereof computed on the total amount of license taxes and
21 penalty. Interest is computed from the date the license
22 taxes were due to the date of payment.

23 (2) The 10% penalty may be waived by the department if
24 reasonable cause for the failure or neglect to file the
25 statement required by 15-53-102 or pay the tax due is

1 provided to the department.

2 NEW SECTION. Section 3. Estimation of tax upon
3 failure to file statement or pay tax -- notice. (1) If a
4 person fails, neglects, or refuses to file the statement
5 required by 15-53-102 within the time required or fails to
6 pay the tax required by this chapter on or before the date
7 payment is due, the department of revenue shall proceed to
8 inform itself as best it may regarding the total gross
9 income of the person from its telephone business within this
10 state during the quarter.

11 (2) The department shall compute the amount of license
12 taxes due from the person and shall mail to the person a
13 letter and tax assessment statement setting forth the amount
14 of delinquent license tax, penalty, and interest due. The
15 letter shall advise that if payment is not made within 15
16 days a lien may be filed.

17 NEW SECTION. Section 4. Lien for collection of tax.
18 All tax, penalty, and interest due from any person under
19 this chapter shall be a lien upon all real property of the
20 person within a county when the department of revenue files
21 in the office of the clerk of court of any county where the
22 real property is situated a certified copy of its assessment
23 letter. The lien has precedence over any claim, lien, or
24 demand thereafter filed and recorded and may be enforced in
25 the name of the state of Montana in the same manner as

1 judgment liens are enforced by law.

2 NEW SECTION. Section 5. Disposal of license taxes.
3 License taxes collected under this chapter shall be credited
4 to the general fund of the state.

5 Section 6. Section 15-54-102, MCA, is amended to read:

6 "15-54-102. Rate of express company license tax ==
7 ~~proceeds to general fund.~~ (1) The department of revenue
8 ~~shall annually on the first Monday of August enter in a book~~
9 ~~provided for that purpose the amount of gross receipts of~~
10 ~~express companies doing business in this state for the year~~
11 ~~next preceding April 1, as determined by the provisions of~~
12 ~~this chapter. It shall be the duty of the state treasurer~~
13 ~~annually to collect from each such express company doing~~
14 ~~business in this state a sum in the nature of a license tax~~
15 ~~to be computed~~ compute the amount of license tax due by
16 taking 4% of the amount fixed by the department as the gross
17 receipts of such express company for business done within
18 the state for the year next preceding April 1, as
19 ~~determined and certified by the~~ the department ~~provided~~
20 ~~however that nothing shall on or before September 1 mail to~~
21 ~~each person making and filing the statement required by~~
22 ~~15-54-103 a written notice of the amount of license tax due~~
23 ~~and payable on or before the September 30 immediately~~
24 ~~following.~~ Nothing contained in this chapter shall exempt or
25 relieve any express company from the assessment and taxation

1 of its tangible property in the manner authorized and
2 provided by law.

3 (2) ~~Any~~ ~~license~~ ~~License~~ taxes collected under the
4 provisions--of this chapter shall be ~~decredited~~ credited to
5 the general fund of the state."

6 Section 7. Section 15-54-103, MCA, is amended to read:

7 "15-54-103. Statements required from express
8 companies. ~~Any~~ Any express company, as defined in 15-54-101,
9 doing business in this state ~~shall annually between April 1~~
10 ~~and April 30, under oath of the person constituting such~~
11 ~~company if a person or under oath of the president,~~
12 ~~treasurer, superintendent, or chief officer in this state of~~
13 ~~such association or corporation if an association or~~
14 ~~corporation must not later than July 1,~~ make and file with
15 the department of revenue a statement in such form as the
16 department may prescribe, ~~containing the following facts~~
17 The statement must show the following:

18 (1)(a) the name of the person or persons, association,
19 or corporation;

20 (2)(b) under the laws of what state or country
21 organized;

22 (3)(c) the location of its principal office;

23 (4)(d) the name and post-office address of the
24 president, secretary, auditor, treasurer, superintendent,
25 and general manager;

1 (5)(e) the name and post-office address of the chief
2 officer or managing agent of the company in this state;

3 (6)(f) the entire receipts (including all sums entered
4 or charged, whether actually received or not) for business
5 done by such company within this state, including its
6 proportion of gross receipts for business done by such
7 company within the state in connection with other companies;

8 (7)(g) such other facts and information as the
9 department may require in the form of return prescribed by
10 it.

11 (2) The department may grant a reasonable extension of
12 time for the filing of a statement upon good cause shown."

13 Section 8. Section 15-54-104, MCA, is amended to read:

14 "15-54-104. Computing express company gross receipts.
15 The department of revenue shall proceed to ascertain and
16 determine on or before ~~the first Monday of August~~ September
17 1 in each year the entire gross receipts of each of said
18 express companies for business done within the state of
19 Montana for the year next preceding April 1, and the amount
20 so ascertained by the department shall be held and deemed to
21 be the gross receipts of such express company for business
22 done within the state of--Montana for the year under
23 consideration."

24 NEW SECTION. Section 9. Estimation of tax upon
25 failure to file statement -- notice. If a person fails,

1 neglects, or refuses to make and file the statement required
 2 by 15-54-103, the department of revenue shall determine as
 3 nearly as possible from any returns or reports filed with
 4 any state or county officer or board under any law of this
 5 state and from any other information that the department may
 6 be able to obtain the total gross receipts of the person
 7 from the business in this state during the year next
 8 preceding April 1.

9 (2) The department shall prepare a statement showing
 10 the amount of the gross receipts and shall compute and
 11 assess the amount of license taxes due from the person and
 12 shall give notice to the person in the same manner as though
 13 the statement had been filed on time and shall proceed to
 14 collect the license tax, if delinquent, together with
 15 penalty and interest as provided for other delinquencies.

16 NEW SECTION. Section 10. Penalty and interest for
 17 delinquency -- waiver. (1) License taxes assessed under this
 18 chapter become delinquent if not paid on or before September
 19 30 following the date assessed. The department of revenue
 20 shall add to the amount of all delinquent express company
 21 license taxes a penalty of 10% of the amount of license
 22 taxes plus interest at the rate of 1% per month or fraction
 23 thereof computed on the total amount of license taxes and
 24 penalty. Interest is computed from the date the license
 25 taxes become delinquent until paid.

1 (2) The 10% penalty may be waived by the department if
 2 reasonable cause for the failure or neglect to file the
 3 statement required by 15-54-103 or pay the tax due is
 4 provided to the department.

5 NEW SECTION. Section 11. Lien for collection of tax.
 6 All tax, penalty, and interest due from any person under
 7 this chapter shall be a lien upon all real property of the
 8 person within a county when the department of revenue files
 9 in the office of the clerk of court of any county where the
 10 real property is situated a certified copy of its assessment
 11 letter. The lien has precedence over any claim, lien, or
 12 demand thereafter filed and recorded and may be enforced in
 13 the name of the state of Montana in the same manner as
 14 judgment liens are enforced by law.

15 NEW SECTION. Section 12. Penalty and interest for
 16 delinquency -- waiver. (1) License taxes due under this
 17 chapter become delinquent if not paid by March 1. The
 18 department shall add to the amount of all delinquent freight
 19 line company license taxes a penalty of 10% of the amount of
 20 license taxes plus interest at the rate of 1% per month or
 21 fraction thereof computed on the total amount of license
 22 taxes and penalty. Interest is computed from the date the
 23 license taxes were due to the date of payment.

24 (2) The 10% penalty may be waived by the department if
 25 reasonable cause for the failure or neglect to file the

1 statement required by 15-55-103 or pay the tax due is
2 provided to the department.

3 NEW SECTION. Section 13. Lien for collection of tax.
4 All tax, penalty, and interest due from any person under
5 this chapter shall be a lien upon all real property of the
6 person within a county when the department files in the
7 office of the clerk of court of any county where the real
8 property is situated a certified copy of its letter
9 assessing tax, penalty, or interest under this chapter. The
10 lien has precedence over any claim, lien, or demand
11 thereafter filed and recorded and may be enforced in the
12 name of the state of Montana in the same manner as judgment
13 liens are enforced by law.

14 NEW SECTION. Section 14. Disposal of license taxes.
15 License taxes collected under this chapter shall be credited
16 to the general fund of the state.

17 Section 15. Section 15-56-102, MCA, is amended to
18 read:

19 "15-56-102. Rate of license tax on sleeping car
20 companies ~~--- proceeds to general fund.~~ 11 The department
21 shall ~~levy and compute the amount~~ of license tax upon ~~the~~
22 ~~property of such sleeping car company due~~ at the rate of
23 1 1/2% on ~~of~~ the valuation ~~found by it for the use of the~~
24 ~~state and the department shall certify such assessment and~~
25 ~~levy to the state treasurer who shall thereupon~~ by

1 ~~certified or registered letter, notify the officer attesting~~
2 ~~the report of such company of the amount of the assessment,~~
3 ~~the rate of levy, and the amount of the tax. Such company~~
4 ~~shall have 30 days after the mailing of such notice within~~
5 ~~which to pay said tax to the state treasurer, determined~~
6 ~~under 15-56-102. Such tax when paid shall be turned in to~~
7 ~~the general fund of the state treasury. The department shall~~
8 ~~mail to each person making and filing the report required by~~
9 ~~15-56-102 a written notice of the value of the property~~
10 ~~subject to the license tax in this state and the amount of~~
11 ~~tax due which is payable within 60 days from the date of the~~
12 ~~notice.~~

13 (2) License taxes collected under this chapter shall
14 be credited to the general fund of the state."

15 Section 16. Section 15-56-103, MCA, is amended to
16 read:

17 "15-56-103. Statement Report required of sleeping car
18 companies. Every sleeping car company shall annually, on or
19 before March June 1 and ~~in such forms~~ and covering such
20 period ~~as the department of revenue shall prescribe the~~
21 ~~preceding calendar year, make and file with it a statement~~
22 ~~verified by the oath of the person, agent, or officer making~~
23 ~~the same, setting forth the facts called for report. The~~
24 department shall furnish forms upon which to make such
25 reports. Such the report shall must contain:

- 1 (1) the name of the company;
- 2 (2) the nature of the company; whether a person,
- 3 agent, trustee, lessee, receiver, or other person or a
- 4 joint-stock company, partnership, association, or
- 5 corporation;
- 6 (3) the location of its principal office and under the
- 7 laws of what state or country organized and when;
- 8 (4) the name and address of the president, secretary,
- 9 auditor, treasurer, and superintendent or general manager;
- 10 (5) the name and address of its chief officer or
- 11 managing agent in Montana;
- 12 (6) its capital stock:
- 13 (a) the amount authorized;
- 14 (b) the amount issued;
- 15 (c) the amount of capital stock invested in its
- 16 sleeping car business;
- 17 (d) the number of shares of stock:
- 18 (i) outstanding;
- 19 (ii) not issued;
- 20 (iii) treasury; and whether common or preferred;
- 21 (7) the amount of the bonds outstanding, when issued,
- 22 when due, and the rate of interest of each issue;
- 23 (8) the par market value of the stocks and bonds
- 24 issued and outstanding;
- 25 (9) the whole length and the names of railroad lines

- 1 over which its cars-were-transported ~~equipment was used~~ in
- 2 the state;
- 3 (10) the total car ~~equipment~~ mileage and the car
- 4 ~~equipment~~ mileage within this state;
- 5 (11) the gross and net earnings during the year;
- 6 (12) such other facts and information as such company
- 7 or the department may deem material upon the question of the
- 8 true and full value of said property within this state."
- 9 NEW SECTION. Section 17. Extension for filing report.
- 10 The department may grant a reasonable extension of time for
- 11 filing the report required by 15-56-103 upon good cause
- 12 shown.
- 13 Section 18. Section 15-56-107, MCA, is amended to
- 14 read:
- 15 "15-56-107. Tax receipt as license to do business. The
- 16 receipt by the state-treasurer ~~department~~ of the license tax
- 17 paid in full shall serve as a license to the sleeping car
- 18 company to conduct its business in the state during the year
- 19 when issued."
- 20 NEW SECTION. Section 19. Penalty and interest for
- 21 delinquency -- waiver. (1) License taxes assessed under this
- 22 chapter become delinquent if not paid within 60 days
- 23 following the date assessed. The department shall add to the
- 24 amount of all delinquent sleeping car company license taxes
- 25 a penalty of 10% of the amount of license taxes plus

1 interest at the rate of 1% per month or fraction thereof
 2 computed on the total amount of license taxes and penalty.
 3 Interest is computed from the date the taxes become
 4 delinquent until paid.

5 (2) The 10% penalty may be waived by the department if
 6 reasonable cause for the failure or neglect to file the
 7 report required by 15-56-103 or pay the tax due is provided
 8 to the department.

9 **NEW SECTION.** Section 20. Estimation of tax upon
 10 failure to file return. (1) If a person fails to make the
 11 report required by 15-56-103, the department shall determine
 12 the value of the property of that person in this state from
 13 any information that the department may be able to obtain.

14 (2) The department shall prepare a statement showing
 15 the amount of the valuation determined and shall compute and
 16 assess the amount of license taxes due and shall give notice
 17 to the person failing to make the report in the same manner
 18 as though a report had been filed as required by 15-56-103.

19 **NEW SECTION.** Section 21. Lien for collection of tax.
 20 All tax, penalty, and interest due from any person under
 21 this chapter shall be a lien upon all real property of the
 22 person within a county when the department files in the
 23 office of the clerk of court of any county where the real
 24 property is situated a certified copy of its assessment
 25 letter. The lien has precedence over any claim, lien, or

1 demand thereafter filed and recorded and may be enforced in
 2 the name of the state of Montana in the same manner as
 3 judgment liens are enforced by law.

4 **Section 22. Repealer.** Sections 15-52-101 through
 5 15-52-103, MCA, are repealed.

6 **Section 23. Codification.** It is intended that:

7 (1) sections 2 through 5 be codified as an integral
 8 part of Title 15, chapter 53, part 1, and the provisions
 9 contained in Title 15, chapter 53, part 1, apply to sections
 10 2 through 5;

11 (2) sections 9 through 11 be codified as an integral
 12 part of Title 15, chapter 54, part 1, and the provisions
 13 contained in Title 15, chapter 54, part 1, apply to sections
 14 9 through 11;

15 (3) sections 12 through 14 be codified as an integral
 16 part of Title 15, chapter 55, part 1, and the provisions
 17 contained in Title 15, chapter 55, part 1, apply to sections
 18 12 through 14;

19 (4) section 17 and sections 19 through 21 be codified
 20 as an integral part of Title 15, chapter 56, part 1, and the
 21 provisions contained in Title 15, chapter 56, part 1, apply
 22 to section 17 and sections 19 through 21.

-End-