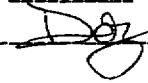


House Bill 326

In The House

January 19, 1981	Introduced and referred to Committee on Taxation.
February 2, 1981	Committee recommend bill do pass as amended.
February 3, 1981	Bill printed and placed on members' desks.
February 5, 1981	Second reading do not pass.

1 HOUSE BILL NO. 326  
2 INTRODUCED BY 

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBJECTING AIRCRAFT  
5 KEPT AT AN AIRPORT LOCATED WITHIN A CITY TO CITY TAX LEVIES  
6 AND EXEMPTING THEM FROM COUNTY TAX LEVIES; AMENDING SECTIONS  
7 15-24-304, 67-3-201, AND 67-3-202, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 15-24-304, MCA, is amended to read:

11 "15-24-304. Prorated taxes — aircraft. A person who  
12 acquires an aircraft required to be registered under  
13 subsections (2) through ~~(6)~~ (7) of 67-3-201 after March 1 in  
14 any year shall register the aircraft within 30 days of  
15 acquiring it. The county assessor shall prorate the personal  
16 property tax due on the aircraft for the remaining portion  
17 of the year in the manner provided in 15-24-303."

18 Section 2. Section 67-3-201, MCA, is amended to read:

19 "67-3-201. Aircraft registration and licensing. (1)  
20 Except as provided in 67-3-102, a person may not operate or  
21 cause or authorize to be operated a civil aircraft within  
22 this state unless the aircraft has an appropriate effective  
23 license, certificate, or permit issued by the United States  
24 government which has been registered with the department and  
25 the registration with the department is in force.

1 (2) Aircraft customarily kept in this state shall be  
2 registered with the department, which may charge a fee  
3 therefor of not more than \$10. The registration shall be  
4 renewed annually on or before March 1 each year.

5 (3) Section 67-3-202 and subsections (2) through (6)  
6 of this section shall not apply to:

7 (a) aircraft owned and operated by the federal  
8 government, the state, or any political subdivision thereof;

9 (b) aircraft owned and held by an aircraft dealer  
10 solely for the purpose of resale;

11 (c) aircraft operated by an airline company and  
12 regularly scheduled for the primary purpose of carrying  
13 persons or property for hire in interstate or international  
14 transportation; or

15 (d) dismantled or otherwise nonflyable aircraft.

16 (4) An aircraft shall be registered as property within  
17 a particular county of the state. This county shall be the  
18 county of the owner's principal residence, if the owner is a  
19 natural person, or the owner's principal place of doing  
20 business in the state, if the owner is not a natural person.  
21 However, if the owner declares by affidavit that the  
22 aircraft is customarily kept at a landing facility in  
23 another county within the state, he may register the  
24 aircraft as property within such other county.

25 (5) Except as provided in 15-6-210 and subsection (6),

1 all aircraft shall be subject to all state, county, and  
 2 school district tax levies ~~and all other levies designated~~  
 3 ~~for aircraft or airport-related uses. Such aircraft shall~~  
 4 ~~not be liable for other city tax levies.~~

5 (6) Aircraft customarily kept at an airport located  
 6 within a city's legal boundaries shall be subject to city,  
 7 but exempt from county, tax levies.

8 ~~(6)(1)~~ Aircraft not registered in the state but  
 9 entering the state to engage in commercial operations shall  
 10 be registered prior to commencing operation."

11 Section 3. Section 67-3-202, MCA, is amended to read:

12 "67-3-202. Penalty for registration violations. (1)  
 13 When an aircraft required to be registered under the  
 14 provisions of subsections (2) through ~~(6)~~ (1) of 67-3-201 is  
 15 not registered on or before March 1 of the current calendar  
 16 year, a penalty fee of \$100 shall be added to the  
 17 registration fee and collected. Registration of an aircraft  
 18 in the name of the applicant for the year immediately  
 19 preceding the year for which application for registration is  
 20 made shall be prima facie evidence that the aircraft has  
 21 been based in this state during the year for which  
 22 application for registration is made.

23 (2) Except for aircraft exempt from property taxation  
 24 as provided in 15-6-210, an application for registration  
 25 shall be accompanied by a copy of the receipt for or

1 statement of personal property tax paid, signed by the  
 2 treasurer of the county where the aircraft is registered or  
 3 a statement of lien assignment against real property signed  
 4 by the county assessor where the aircraft is registered. A  
 5 person who pays personal property tax on his aircraft to any  
 6 jurisdiction other than the county where the aircraft is  
 7 required to be registered is liable for the tax in that  
 8 county without credit for such other taxes paid. In addition  
 9 to this civil liability, a person who attempts to establish  
 10 the situs of his aircraft in any jurisdiction other than the  
 11 county where the aircraft is required to be registered with  
 12 intent to avoid payment of taxes to that county commits the  
 13 offense of false swearing as defined in 45-7-202.

14 (3) A person who operates an aircraft required to be  
 15 registered in the state without having displayed upon such  
 16 aircraft a certificate of registration issued by the  
 17 department for that aircraft commits a misdemeanor."

-End-

Approved by Committee  
on Taxation

1                   HOUSE BILL NO. 326  
 2                   INTRODUCED BY DOZIER  
 3  
 4   A BILL FOR AN ACT ENTITLED: "AN ACT SUBJECTING AIRCRAFT  
 5   KEPT AT AN AIRPORT LOCATED WITHIN A CITY TO SCHOOL DISTRICT  
 6   AND CITY TAX LEVIES AND EXEMPTING THEM FROM COUNTY TAX  
 7   LEVIES; AMENDING SECTIONS 15-24-304, 67-3-201, AND 67-3-202,  
 8   MCA."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11       Section 1. Section 15-24-304, MCA, is amended to read:  
 12       "15-24-304. Prorated taxes -- aircraft. A person who  
 13   acquires an aircraft required to be registered under  
 14   subsections (2) through ~~(6)~~ (7) of 67-3-201 after March 1 in  
 15   any year shall register the aircraft within 30 days of  
 16   acquiring it. The county assessor shall prorate the personal  
 17   property tax due on the aircraft for the remaining portion  
 18   of the year in the manner provided in 15-24-303."

19       Section 2. Section 67-3-201, MCA, is amended to read:  
 20       "67-3-201. Aircraft registration and licensing. (1)  
 21   Except as provided in 67-3-102, a person may not operate or  
 22   cause or authorize to be operated a civil aircraft within  
 23   this state unless the aircraft has an appropriate effective  
 24   license, certificate, or permit issued by the United States  
 25   government which has been registered with the department and

1   the registration with the department is in force.  
 2       (2) Aircraft customarily kept in this state shall be  
 3   registered with the department, which may charge a fee  
 4   therefor of not more than \$10. The registration shall be  
 5   renewed annually on or before March 1 each year.  
 6       (3) Section 67-3-202 and subsections (2) through ~~(6)~~  
 7   (7) of this section shall not apply to:  
 8       (a) aircraft owned and operated by the federal  
 9   government, the state, or any political subdivision thereof;  
 10      (b) aircraft owned and held by an aircraft dealer  
 11   solely for the purpose of resale;  
 12      (c) aircraft operated by an airline company and  
 13   regularly scheduled for the primary purpose of carrying  
 14   persons or property for hire in interstate or international  
 15   transportation; or  
 16      (d) dismantled or otherwise nonflyable aircraft.  
 17       (4) An aircraft shall be registered as property within  
 18   a particular county of the state. This county shall be the  
 19   county of the owner's principal residence, if the owner is a  
 20   natural person, or the owner's principal place of doing  
 21   business in the state, if the owner is not a natural person.  
 22   However, if the owner declares by affidavit that the  
 23   aircraft is customarily kept at a landing facility in  
 24   another county within the state, he may register the  
 25   aircraft as property within such other county.

1 (5) Except as provided in 15-6-210 and subsection (6),  
 2 all aircraft shall be subject to all state, county, and  
 3 school district tax levies ~~and all other levies designated~~  
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 5 ~~not be liable for other city tax levies.~~

6 (6) Aircraft customarily kept at an airport located  
 7 within a city's legal boundaries shall be subject to SCHOOL  
 8 DISTRICT AND city, but exempt from county, tax levies.

9 ~~(6)(7)~~ Aircraft not registered in the state but  
 10 entering the state to engage in commercial operations shall  
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12 Section 3. Section 67-3-202, MCA, is amended to read:

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-End-