

SENATE BILL NO. 99

INTRODUCED BY LYNCH

IN THE SENATE

January 11, 1985	Introduced and referred to Committee on Taxation.
January 14, 1985	Fiscal Note requested.
January 18, 1985	Fiscal Note returned.
January 26, 1985	Committee recommend bill do pass as amended. Report adopted.
January 28, 1985	Bill printed and placed on members' desks.
January 29, 1985	Second reading, do pass.
January 30, 1985	Considered correctly engrossed.
January 31, 1985	Third reading, passed. Ayes, 49; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Taxation.
March 15, 1985	Committee recommend bill be concurred in. Report adopted.
March 18, 1985	Motion pass consideration.
March 20, 1985	Second reading, concurred in as amended.
March 22, 1985	Third reading, concurred in. Returned to Senate with amendments.

IN THE SENATE

March 22, 1985

Received from House.

March 27, 1985

Second reading, amendments
concurrent in.

March 29, 1985

Third reading, amendments
concurrent in. Ayes, 46; Noes, 2.

Sent to enrolling.

Reported correctly enrolled.

1 camper, the fee in lieu of property tax for the current year
2 of registration.

3 (3) The application may not be accepted by the county
4 treasurer unless the payments required by subsection (2)
5 accompany the application. The county treasurer may not
6 assess or collect taxes or fees for a period other than:

7 (a) the current year; and

8 (b) the immediately previous year, if the vehicle was
9 not registered or operated on the highways of the state,
10 regardless of the period of time since the vehicle was
11 previously registered or operated.

12 (4) The county treasurer may make full and complete
13 investigation of the tax status of the vehicle. Any
14 applicant for registration or reregistration must submit
15 proof from the tax or other appropriate records of the
16 proper county at the request of the county treasurer."

17 NEW SECTION. Section 2. Applicability. This act
18 applies to vehicles registered on or after January 1, 1986.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 087-85

Form BD-15

In compliance with a written request received 01-15 19 85, there is hereby submitted a Fiscal Note for Senate Bill 99 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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 OF PROPOSED LEGISLATION:

Senate Bill 99 limits the taxes or fee owed on a motor vehicle to the current and immediately previous year, regardless of the period elapsed since the previous registration.

ASSUMPTIONS:

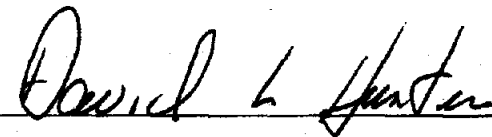
No data on back-taxes on heavy trucks, buses, motorcycles, or light and heavy trailers is reported by county assessors.

Data submitted on light vehicles (subject to a fee in lieu of tax) is unreliable.

FISCAL IMPACT:

Minimal

It is not believed that limiting back taxes to one year would significantly decrease the respective portions of revenue allotted to the University System, the School Foundation Program, or local governments.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date:

Jan 17, 1985
SB 99

APPROVED BY COMMITTEE
ON TAXATION

1 SENATE BILL NO. 99

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT TO THE TWO
5 IMMEDIATELY ~~PREVIOUS~~-YEAR PRECEDING YEARS ANY BACK TAXES OR
6 FEES OWED ON A MOTOR VEHICLE NOT REGISTERED OR OPERATED,
7 REGARDLESS OF THE PERIOD ELAPSED SINCE THE PREVIOUS
8 REGISTRATION; AMENDING ~~SECTION~~ SECTIONS 15-8-202 AND
9 61-3-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND
10 AN APPLICABILITY DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 61-3-303, MCA, is amended to read:

14 "61-3-303. Application for registration. (1) Every
15 owner of a motor vehicle operated or driven upon the public
16 highways of this state shall for each motor vehicle owned,
17 except as herein otherwise expressly provided, file or cause
18 to be filed in the office of the county treasurer where the
19 motor vehicle is owned or taxable an application for
20 registration or reregistration upon a blank form to be
21 prepared and furnished by the division. The application
22 shall contain:

23 (a) name and address of owner, giving county, school
24 district, and town or city within whose corporate limits the
25 motor vehicle is taxable, if taxable, or within whose

1 corporate limits the owner's residence is located if the
2 motor vehicle is not taxable;

3 (b) name and address of the holder of any security
4 interest in the motor vehicle;

5 (c) description of motor vehicle, including make, year
6 model, engine or serial number, manufacturer's model or
7 letter, gross weight, type of body, and if truck, the rated
8 capacity;

9 (d) in case of reregistration, the license number for
10 the preceding year; and

11 (e) such other information as the division may
12 require.

13 (2) A person who files an application for registration
14 or reregistration of a motor vehicle, except of a mobile
15 home as defined in 15-1-101(1), shall upon the filing of the
16 application pay to the county treasurer:

17 (a) the registration fee, as provided in 61-3-311 and
18 61-3-321; and

19 (b) unless it has been previously paid:

20 (i) the personal property taxes assessed against the
21 vehicle for the current year of registration and the TWO
22 immediately ~~previous~~-year PRECEDING YEARS;

23 (ii) the new motor vehicle sales tax against the
24 vehicle for the current year of registration and/or the
25 license fee imposed by 61-3-532 for the current year of

1 registration and the TWO immediately previous-year PRECEDING
2 YEARS; or

3 (iii) in the case of a motor home, travel trailer, or
4 camper, the fee in lieu of property tax for the current year
5 of registration.

6 (3) The application may not be accepted by the county
7 treasurer unless the payments required by subsection (2)
8 accompany the application. The county treasurer may not
9 assess or collect taxes or fees for a period other than:

10 (a) the current year; and

11 (b) the TWO immediately previous-year PRECEDING YEARS,
12 if the vehicle was not registered or operated on the
13 highways of the state, regardless of the period of time
14 since the vehicle was previously registered or operated.

15 (4) The county treasurer may make full and complete
16 investigation of the tax status of the vehicle. Any
17 applicant for registration or reregistration must submit
18 proof from the tax or other appropriate records of the
19 proper county at the request of the county treasurer."

20 SECTION 2. SECTION 15-8-202, MCA, IS AMENDED TO READ:

21 "15-8-202. Motor vehicle assessment. (1) ~~(a)~~ The
22 department or its agent must, in each year, ascertain and
23 assess all motor vehicles other than automobiles, trucks
24 having a rated capacity of three-quarters of a ton or less,
25 motor homes, travel trailers, or mobile homes in each county

1 subject to taxation as of January 1 or as of the anniversary
2 registration date of those vehicles subject to 61-3-313
3 through 61-3-316 and 61-3-501. The assessment for all motor
4 vehicles will be made using the market value as of January 1
5 of the year of assessment of the vehicle as contained in the
6 most recent volume of the Mountain States Edition of the
7 National Automobile Dealers Association Official Used Car
8 Guide. The motor vehicles shall be assessed in each year to
9 the persons by whom owned or claimed or in whose possession
10 or control they were at midnight of January 1 or the
11 anniversary registration date thereof, whichever is
12 applicable.

13 ~~(b)(2)~~ No tax may be assessed against motor vehicles
14 subject to taxation that constitute inventory of motor
15 vehicle dealers as of January 1. These vehicles and all
16 other motor vehicles subject to taxation brought into the
17 state subsequent to January 1 as motor vehicle dealers'
18 inventories shall be assessed to their respective purchasers
19 as of the dates the vehicles are registered by the
20 purchasers.

21 ~~(c)(3)~~ "Purchasers" includes dealers who apply for
22 registration or reregistration of motor vehicles, except as
23 otherwise provided by 61-3-502.

24 ~~(d)(4)~~ Goods, wares, and merchandise of motor vehicle
25 dealers, other than new motor vehicles and new mobile homes,

1 shall be assessed at market value as of January 1.

2 ~~{2}--In all cases where taxes or a fee in lieu of tax~~
3 ~~were required to be paid, the applicant for registration or~~
4 ~~reregistration of a motor vehicle, other than a mobile home,~~
5 ~~is not relieved of the duty of paying taxes or the fee in~~
6 ~~lieu of tax if the taxes or fees have not been paid by a~~
7 ~~prior applicant or owner."~~

8 NEW SECTION. Section 3. Applicability EFFECTIVE DATE
9 -- APPLICABILITY. This act IS EFFECTIVE ON PASSAGE AND
10 APPROVAL AND applies RETROACTIVELY, WITHIN THE MEANING OF
11 1-2-109, to vehicles registered on or REREGISTERED after
12 January 1, 1986 DECEMBER 31, 1984.

-End-

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18 to be filed in the office of the county treasurer where the
19 motor vehicle is owned or taxable an application for
20 registration or reregistration upon a blank form to be
21 prepared and furnished by the division. The application
22 shall contain:

23 (a) name and address of owner, giving county, school
24 district, and town or city within whose corporate limits the
25 motor vehicle is taxable, if taxable, or within whose

1 corporate limits the owner's residence is located if the
2 motor vehicle is not taxable;

3 (b) name and address of the holder of any security
4 interest in the motor vehicle;

5 (c) description of motor vehicle, including make, year
6 model, engine or serial number, manufacturer's model or
7 letter, gross weight, type of body, and if truck, the rated
8 capacity;

9 (d) in case of reregistration, the license number for
10 the preceding year; and

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13 (2) A person who files an application for registration
14 or reregistration of a motor vehicle, except of a mobile
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22 immediately previous-year PRECEDING YEARS;

23 (ii) the new motor vehicle sales tax against the
24 vehicle for the current year of registration and/or the
25 license fee imposed by 61-3-532 for the current year of

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15 (4) The county treasurer may make full and complete
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23 assess all motor vehicles other than automobiles, trucks
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13 ~~(b)~~(2) No tax may be assessed against motor vehicles
14 subject to taxation that constitute inventory of motor
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17 state subsequent to January 1 as motor vehicle dealers'
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21 ~~(c)~~(3) "Purchasers" includes dealers who apply for
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5 ~~reregistration-of-a-motor-vehicle,-other-than-a-mobile-home,~~
6 ~~is-not-relieved-of-the-duty-of-paying-taxes-or--the--fee--in~~
7 ~~lieu--of--tax--if--the-taxes-or-fees-have-not-been-paid-by-a~~
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