

HOUSE BILL NO. 47

INTRODUCED BY HARRINGTON

BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE HOUSE

JANUARY 5, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON TAXATION.

FEBRUARY 13, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 14, 1987 PRINTING REPORT.

FEBRUARY 16, 1987 SECOND READING, DO PASS.

FEBRUARY 17, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 88; NOES, 8.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 19, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON TAXATION.

MARCH 28, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 30, 1987 SECOND READING, CONCURRED IN.

 ON MOTION, RULES SUSPENDED AND BILL
 PLACED ON THIRD READING THIS DAY.

 THIRD READING, CONCURRED IN.
 AYES, 44; NOES, 6.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 31, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 HOUSE BILL NO. 47
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 3 BY REQUEST OF THE DEPARTMENT OF REVENUE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE
 6 PENALTIES FOR MOVING A MOBILE HOME WITH UNPAID PROPERTY
 7 TAXES; ALLOWING DISTRIBUTION OF DELINQUENT TAXES, SPECIAL
 8 ASSESSMENTS, PENALTIES, AND INTEREST TO LOCAL GOVERNMENTS;
 9 AND AMENDING SECTIONS 15-24-202 AND 15-24-204, MCA; AND
 10 PROVIDING EFFECTIVE DATES."

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

13 Section 1. Section 15-24-202, MCA, is amended to read:
 14 "15-24-202. Payment of tax -- interest and penalty --
 15 display of tax-paid sticker. (1) The owner of a mobile home
 16 or housetrailer which is not taxed as an improvement, as
 17 improvements are defined in 15-1-101, shall pay the personal
 18 property tax in two payments, except as provided in
 19 15-24-206. The first payment is due within 30 days from the
 20 date of the notice of taxes due. The second payment is due
 21 no later than September 30 of the year in which the property
 22 is assessed. Taxes assessed against a mobile home after the
 23 second payment date must be prorated to reflect the
 24 remaining portion of the tax year. The prorated taxes must
 25 be added to the following year's tax roll and, except as

1 provided in 15-24-206, are due with and must be collected
 2 with the first payment due in that year.

3 (2) Tax, other than the prorated tax described in
 4 subsection (1), due on a mobile home or housetrailer not
 5 taxed as an improvement that is not paid on or before
 6 September 30 of the year that the property is assessed is
 7 delinquent and is subject to the same interest and penalty
 8 as delinquent property taxes under 15-16-102. Interest
 9 begins to accrue as of September 30 of the year the property
 10 is assessed.

11 (3) The department of revenue shall issue tax-paid
 12 stickers to the county treasurers. The treasurers shall
 13 issue the stickers to the owners of mobile homes and
 14 housetrailer if the taxes and any interest and penalty owed
 15 are paid in full. An owner shall then display the sticker,
 16 which must be visible from the exterior of the mobile home
 17 or housetrailer. No mobile home movement permit declaration
 18 of destination provided for in 15-24-206 may be issued
 19 unless the taxes have been paid in full to the county
 20 treasurer.

21 (4) The tax-paid sticker and receipt are not required
 22 for mobile homes which are classified as improvements to
 23 land, but payment of the assessed property taxes and display
 24 of a mobile home movement declaration of destination are
 25 required before moving the mobile home.



1 (5) On the movement of a mobile home or housetrailer
 2 in violation of this part, the county treasurer for the
 3 county where the mobile home or housetrailer first comes to
 4 rest shall issue a written notice to the owner, showing the
 5 amount of delinquent taxes, special assessments, penalties,
 6 and interest due. In addition to the penalties provided in
 7 15-16-102, 20% must be added to the delinquent taxes as
 8 penalty for violation of this part. On receipt of the
 9 delinquent taxes, special assessments, penalties, and
 10 interest, the county treasurer shall forward all delinquent
 11 taxes, special assessments, penalties, and interest
 12 collected under 15-16-102 to the county treasurer for the
 13 county of origin. The county of destination shall retain the
 14 20% penalty."

15 Section 2. Section 15-24-204, MCA, is amended to read:

16 "15-24-204. Failure to display or produce declaration,
 17 sticker, or receipt -- penalty. (1) Whoever makes a false or
 18 fraudulent declaration of destination or, when required,
 19 fails to execute a declaration of destination or fails to
 20 display or produce a declaration of destination or tax-paid
 21 receipt, if a tax-paid receipt is required, is guilty of a
 22 misdemeanor and upon conviction is punishable by
 23 imprisonment in a county jail for not more than 6 months or
 24 by a fine of not more than \$500, or both.

25 (2) Whoever fails to display a property-tax-paid

1 sticker or to produce a property-tax-paid receipt from 15
 2 days after the due date for personal property taxes of 1
 3 year to the due date for personal property taxes of the next
 4 year, when the display of a tax-paid receipt is required,
 5 commits a misdemeanor punishable by a fine of not less than
 6 \$10 or more than \$50 or confinement in the county jail for
 7 not more than 30 days or both such fine and imprisonment.
 8 ~~The sticker and receipt are not required for mobile homes~~
 9 ~~which are classified as improvements to land."~~

10 NEW SECTION. Section 3. Extension of authority. Any
 11 existing authority of the department of revenue to make
 12 rules on the subject of the provisions of this act is
 13 extended to the provisions of this act.

14 NEW SECTION. Section 4. Authority to proceed with
 15 rulemaking. The department of revenue may initiate
 16 rulemaking proceedings under section 3 on or after passage
 17 and approval of this act, but no rules under section 3 may
 18 be made effective prior to the effective date of sections 1
 19 and 2.

20 NEW SECTION. Section 5. Effective dates. (1) Sections
 21 3 through 5 are effective on passage and approval.

22 (2) The remaining sections are effective July 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB047, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act increasing the penalties for moving a mobile home with unpaid property taxes; allowing distribution of delinquent taxes, special assessments, penalties, and interest to local governments; amending sections 15-24-202, MCA and 15-24-204, MCA; and providing effective dates.

ASSUMPTIONS:

N/A

FISCAL IMPACT:

The proposal provides a mechanism for increased enforcement of mobile home tax laws. Increases in property tax collections and the collection of delinquent taxes will result from the increased enforcement. However, it is impossible to estimate the amount of increase with existing data.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

David L. Hunter DATE 1/7/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Dana Harrington DATE 1/8/87
DAN W. HARRINGTON, PRIMARY SPONSOR

Fiscal Note for HB047, as introduced.

HB47

APPROVED BY COMMITTEE
ON TAXATION

HOUSE BILL NO. 47

INTRODUCED BY HARRINGTON

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A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTIES FOR MOVING A MOBILE HOME WITH UNPAID PROPERTY TAXES; ALLOWING DISTRIBUTION OF DELINQUENT TAXES, SPECIAL ASSESSMENTS, PENALTIES, AND INTEREST TO LOCAL GOVERNMENTS; AND AMENDING SECTIONS 15-24-202 AND 15-24-204, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Section 15-24-202, MCA, is amended to read:

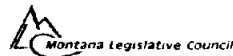
"15-24-202. Payment of tax -- interest and penalty -- display of tax-paid sticker. (1) The owner of a mobile home or housetrailer which is not taxed as an improvement, as improvements are defined in 15-1-101, shall pay the personal property tax in two payments, except as provided in 15-24-206. The first payment is due within 30 days from the date of the notice of taxes due. The second payment is due no later than September 30 of the year in which the property is assessed. Taxes assessed against a mobile home after the second payment date must be prorated to reflect the remaining portion of the tax year. The prorated taxes must be added to the following year's tax roll and, except as

provided in 15-24-206, are due with and must be collected with the first payment due in that year.

(2) Tax, other than the prorated tax described in subsection (1), due on a mobile home or housetrailer not taxed as an improvement that is not paid on or before September 30 of the year that the property is assessed is delinquent and is subject to the same interest and penalty as delinquent property taxes under 15-16-102. Interest begins to accrue as of September 30 of the year the property is assessed.

(3) The department of revenue shall issue tax-paid stickers to the county treasurers. The treasurers shall issue the stickers to the owners of mobile homes and housetrailer trailers if the taxes and any interest and penalty owed are paid in full. An owner shall then display the sticker, which must be visible from the exterior of the mobile home or housetrailer. No mobile home movement permit declaration of destination provided for in 15-24-206 may be issued unless the taxes have been paid in full to the county treasurer.

(4) The tax-paid sticker and receipt are not required for mobile homes which are classified as improvements to land, but payment of the assessed property taxes and display of a mobile home movement declaration of destination are required before moving the mobile home.



1 (5) On the movement of a mobile home or housetrailer
 2 in violation of this part, the county treasurer for the
 3 county where the mobile home or housetrailer first comes to
 4 rest shall issue a written notice to the owner, showing the
 5 amount of delinquent taxes, special assessments, penalties,
 6 and interest due. In addition to the penalties provided in
 7 15-16-102, 20% OR \$50, WHICHEVER IS GREATER, must be added
 8 to the delinquent taxes as penalty for violation of this
 9 part. On receipt of the delinquent taxes, special
 10 assessments, penalties, and interest, the county treasurer
 11 shall forward all delinquent taxes, special assessments,
 12 penalties, and interest collected under 15-16-102 to the
 13 county treasurer for the county of origin. The county of
 14 destination shall retain the 20% penalty."

15 Section 2. Section 15-24-204, MCA, is amended to read:

16 "15-24-204. Failure to display or produce declaration,
 17 sticker, or receipt -- penalty. (1) Whoever makes a false or
 18 fraudulent declaration of destination or, when required,
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