HOUSE BILL 386

Introduced by Knapp, et al.

1/24 1/25 2/03 2/06	Introduced Referred to Judiciary Hearing Committee ReportBill Passed as
2/09 2/11	Amended 2nd Reading Passed 3rd Reading Passed
Transmitte	ed to Senate
2/13 3/07	Referred to Judiciary Hearing Died in Committee

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date:

House	BILL	NO.	3	8

INTRODUCED BY Roger Knapp

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A BILL FOR AN ACT ENTITLED: "AN ACT DIVIDING LIABILITY FOR
TAXES ON PERSONAL PROPERTY SOLD UNDER THE BANKRUPTCY LAWS;
AND AMENDING SECTION 15-8-201, MCA."

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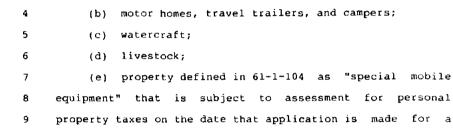
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-8-201, MCA, is amended to read: "15-8-201. General assessment day. (1) The department of revenue or its agent must shall, between January 1 and the second Monday of July in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county. The Except as provided in subsection (4), the department or its agent must shall assess property to the person by whom it was owned or claimed or in whose possession or control it was at midnight of the preceding January 1 next—preceding. It must shall also ascertain and assess all mobile homes arriving in the county after midnight of the preceding January 1 next preceding. No mistake in the name of the owner or supposed owner of real property, however, renders the assessment invalid.

(2) The procedure provided by this section may not apply to:



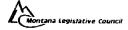
special mobile equipment plate; and

(a) motor vehicles that are required by 15-8-202 to be

assessed on January 1 or upon their anniversary registration

- 11 (f) mobile homes held by a distributor or dealer of 12 mobile homes as a part of his stock in trade.
- 13 (3) Credits must be assessed as provided in 15-1-101(1)(f).
- (4) If, on or before the second Monday in July, the 15 16 department or its agent receives verification from the trustee in bankruptcy that personal property that was owned, 17 18 claimed, or possessed by a taxpayer at midnight on the preceding January 1 was subsequently sold pursuant to the 19 20 bankruptcy laws, one-half of the value of the personal property is assessed to the taxpayer who owned, claimed, or 21 22 possessed the personal property at midnight on the preceding
- 23 January 1 and the remainder of the value of the personal
- 24 property is assessed to the purchaser under the bankruptcy
- 25 <u>laws.</u>"

End-



APPROVED BY COMMITTEE ON JUDICIARY

1	HOUSE BILL NO. 386
2	INTRODUCED BY KNAPP, GIACOMETTO
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4	A BILL FOR AN ACT ENTITLED: "AN ACT DIVIDING LIABILITY FOR
5	TAXES ON PERSONAL PROPERTY SOLD UNDER THE BANKRUPTCY LAWS;
6	AND AMENDING SECTION 15-8-201, MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 15-8-201, MCA, is amended to read:
. 0	*15-8-201. General assessment day. (1) The department
L1	of revenue or its agent must shall, between January 1 and
L 2	the second Monday of July in each year, ascertain the names
L3	of all taxable inhabitants and assess all property subject
L 4	to taxation in each county. The Except as provided in
15	subsection (4), the department or its agent must shall
16	assess property to the person by whom it was owned or
17	claimed or in whose possession or control it was at midnight
18	of the preceding January 1 nextpreceding. It must shall
19	also ascertain and assess all mobile homes arriving in the
20	county after midnight of the preceding January 1 next
21	preceding. No mistake in the name of the owner or supposed
22	owner of real property, however, renders the assessment
23	invalid.
24	(2) The procedure provided by this section may DOES
25	not apply to:

1	(a)	motor	vehicles	that	are	required	by 1	5-8-202	to be
2	assessed	on Jan	uary 1 or	upon	thei	r annive	rsary	regist	ration
3	date:								

- (b) motor homes, travel trailers, and campers;
- watercraft:
- (d) livestock;

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- 7 (e) property defined in 61-1-104 as "special mobile equipment" that is subject to assessment for personal property taxes on the date that application is made for a 9 special mobile equipment plate; and 10
- 11 (f) mobile homes held by a distributor or dealer of 12 mobile homes as a part of his stock in trade.
- 13 (3) Credits must be assessed as provided in 14 15-1-101(1)(f).
 - department or its agent receives verification from the trustee in bankruptcy that personal property that was owned, claimed, or possessed by a taxpayer at midnight on the preceding January 1 was subsequently sold pursuant to the bankruptcy laws, one-half of the value of the personal

(4) If, on or before the second Monday in July, the

- 21 property is assessed to the taxpayer who owned, claimed, or
- 22 possessed the personal property at midnight on the preceding
- 23 January 1 and the remainder of the value of the personal
- property is assessed to the purchaser under the bankruptcy 24
- 25 laws. THE VERIFICATION MUST INCLUDE THE NAME AND ADDRESS OF

HB 0386/02

THE PURCHASER AND A DESCRIPTION OF THE PROPERTY PURCHASED."

-End-

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not apply to:

1	HOUSE BILD NO. 380
2	INTRODUCED BY KNAPP, GIACOMETTO
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4	A BILL FOR AN ACT ENTITLED: "AN ACT DIVIDING LIABILITY FOR
5	TAXES ON PERSONAL PROPERTY SOLD UNDER THE BANKRUPTCY LAWS;
6	AND AMENDING SECTION 15-8-201, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 15-8-201, MCA, is amended to read:
10	*15-8-201. General assessment day. (1) The department
11	of revenue or its agent must \underline{shall} , between January 1 and
12	the second Monday of July in each year, ascertain the names
13	of all taxable inhabitants and assess all property subject
14	to taxation in each county. The Except as provided in
15	subsection (4), the department or its agent must shall
16	assess property to the person by whom it was owned or
17	claimed or in whose possession or control it was at midnight
18	of the preceding January 1 nextpreceding. It must shall
19	also ascertain and assess all mobile homes arriving in the
20	county after midnight of the preceding January 1 next
21	preceding. No mistake in the name of the owner or supposed
22	owner of real property, however, renders the assessment
23	invalid.
24	(2) The procedure provided by this section may DOES

- 1 (a) motor vehicles that are required by 15-8-202 to be assessed on January 1 or upon their anniversary registration date;
- motor homes, travel trailers, and campers;
- 5 (c) watercraft;

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- (d) livestock:
- (e) property defined in 61-1-104 as "special mobile equipment" that is subject to assessment for personal property taxes on the date that application is made for a 10 special mobile equipment plate; and
- 11 (f) mobile homes held by a distributor or dealer of 12 mobile homes as a part of his stock in trade.
- 13 (3) Credits must be assessed as provided in 14 15-1-101(1)(f).
 - (4) If, on or before the second Monday in July, the department or its agent receives verification from the trustee in bankruptcy that personal property that was owned, claimed, or possessed by a taxpayer at midnight on the preceding January 1 was subsequently sold pursuant to the bankruptcy laws, one-half of the value of the personal property is assessed to the taxpayer who owned, claimed, or possessed the personal property at midnight on the preceding January 1 and the remainder of the value of the personal property is assessed to the purchaser under the bankruptcy laws. THE VERIFICATION MUST INCLUDE THE NAME AND ADDRESS OF

HB 386

HB 0386/02

THE PURCHASER AND A DESCRIPTION OF THE PROPERTY PURCHASED."

-End-