

HOUSE BILL 386

Introduced by Knapp, et al.

1/24	Introduced
1/25	Referred to Judiciary
2/03	Hearing
2/06	Committee Report--Bill Passed as Amended
2/09	2nd Reading Passed
2/11	3rd Reading Passed

Transmitted to Senate

2/13	Referred to Judiciary
3/07	Hearing
	Died in Committee

House BILL NO. 386

INTRODUCED BY Roger Knapp

His Excellency

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."

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:

(a) motor vehicles that are required by 15-8-202 to be assessed on January 1 or upon their anniversary registration date;

(b) motor homes, travel trailers, and campers;

(c) watercraft;

(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 special mobile equipment plate; and

(f) mobile homes held by a distributor or dealer of mobile homes as a part of his stock in trade.

(3) Credits must be assessed as provided in 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."

End-

-2-

INTRODUCED BILL  
HB 386

APPROVED BY COMMITTEE  
ON JUDICIARY

## HOUSE BILL NO. 386

INTRODUCED BY KNAPP, GIACOMETTO

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."

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 DOES  
not apply to:

(a) motor vehicles that are required by 15-8-202 to be  
assessed on January 1 or upon their anniversary registration  
date;

(b) motor homes, travel trailers, and campers;

(c) watercraft;

(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  
special mobile equipment plate; and

(f) mobile homes held by a distributor or dealer of  
mobile homes as a part of his stock in trade.

(3) Credits must be assessed as provided in  
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 0386/02

1 THE PURCHASER AND A DESCRIPTION OF THE PROPERTY PURCHASED."

-End-

## HOUSE BILL NO. 386

INTRODUCED BY KNAPP, GIACOMETTO

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."

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 DOES not apply to:

(a) motor vehicles that are required by 15-8-202 to be assessed on January 1 or upon their anniversary registration date;

(b) motor homes, travel trailers, and campers;

(c) watercraft;

(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 special mobile equipment plate; and

(f) mobile homes held by a distributor or dealer of mobile homes as a part of his stock in trade.

(3) Credits must be assessed as provided in 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 0386/02

1 THE PURCHASER AND A DESCRIPTION OF THE PROPERTY PURCHASED."

-End-