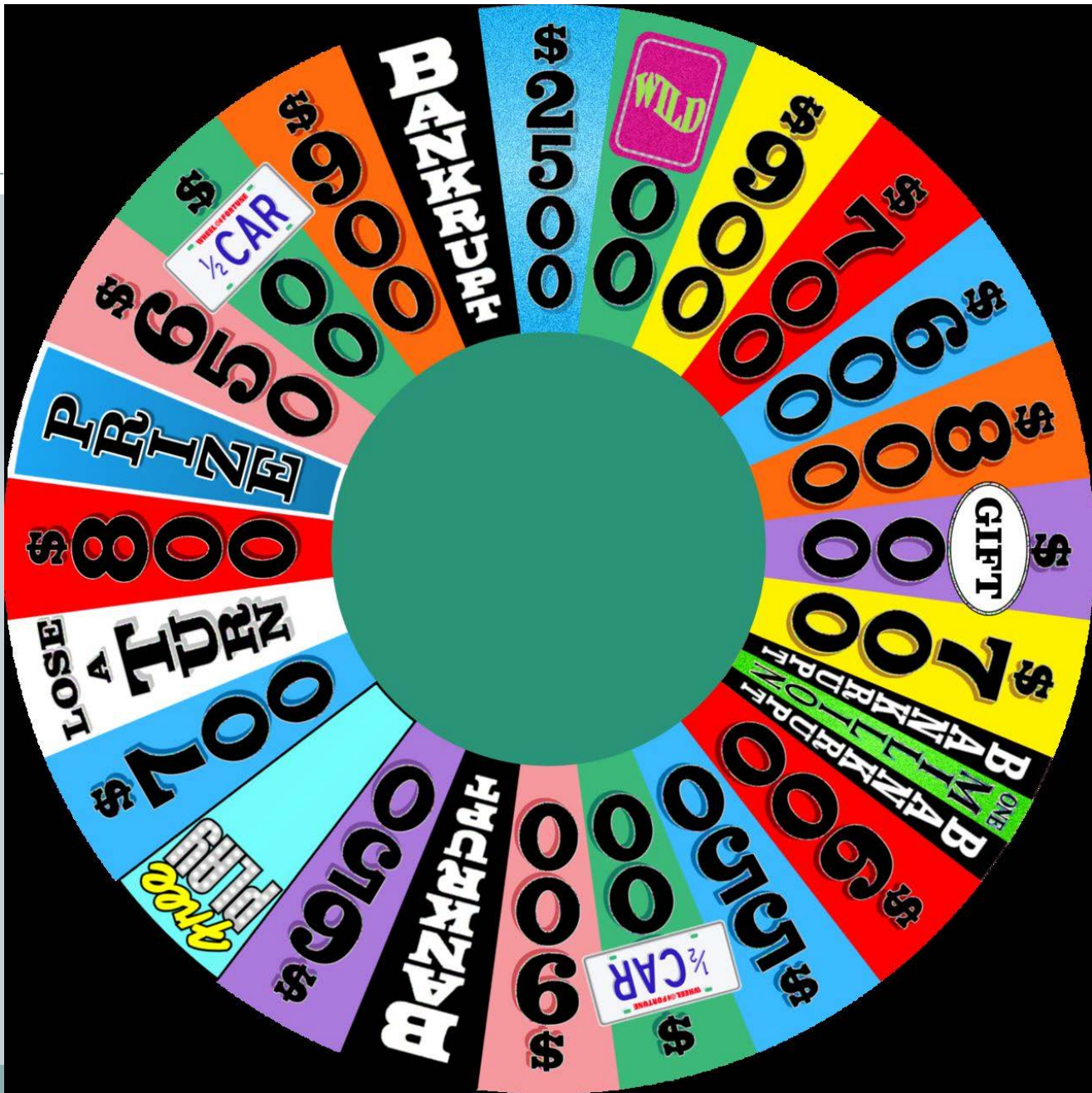


# PERSONAL PROPERTY



2





\$600  
\$650  
\$600  
\$600

WHEEL OF FORTUNE  
1/2 CAR  
\$600

\$600  
\$600

WILD  
\$600  
\$600

\$600  
\$600  
\$600

\$800  
\$800

LOSE A TREE  
\$800

PRINCE  
\$700

TRIP  
\$700

\$700  
\$700

BANKRUPT  
\$700

BANKRUPT  
\$700

GIFT  
\$700

\$700  
\$700

\$900  
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\$1000  
\$1000

# Recreational Vehicles



# Late Declaration Fees



# Section 137.280 RSMo



## Before 2018

## 2018 Fees

Assessed Valuation		Penalty for Declarations before TY 2018	Assessed Valuation		Penalty for Declarations TY 2018 and forward
0	\$1,000	\$0	0	\$1,000	<b>\$15</b>
\$1001	\$2000	\$20	\$1001	\$2000	<b>\$25</b>
\$2001	\$3000	\$30	\$2001	\$3000	<b>\$35</b>
\$3001	\$4000	\$40	\$3001	\$4000	<b>\$45</b>
\$4001	\$5000	\$50	\$4001	\$5000	<b>\$55</b>
\$5001	\$6000	\$60	\$5001	\$6000	<b>\$65</b>
\$6001	\$7000	\$70	\$6001	\$7000	<b>\$75</b>
\$7001	\$8000	\$80	\$7001	\$8000	<b>\$85</b>
\$8001	\$9000	\$90	\$8001	\$9000	<b>\$95</b>
\$9001	And above	\$100	\$9001	And above	<b>\$105</b>

**\$5 increase**

# LOG – 50.1020



- **The county assessor shall maintain a written or electronic log reflecting**
  - number of assessment notices sent;
  - number of personal property lists that were not returned by the deadline established by law;
  - number of penalties waived; and
  - the reason for waiving such penalty.

## New Requirement



- **If annual waivers exceed 40% then by February 1<sup>st</sup> of each year, the assessor shall transmit a copy of the log to CERF**

# Penalties Late Filing



- (1) The taxpayer is in military service and is outside the state;
- (2) The taxpayer filed timely, but in the wrong county;
- (3) There was a loss of records due to fire or flood;
- (4) The taxpayer can show the list was mailed timely as evidenced by the date of postmark; or
- (5) The assessor determines that no form for listing personal property was mailed to the taxpayer for that tax year; or
- (6) The neglect occurred as a direct result of the actions or inactions of the county or its employees or contractors.



# Trucks – Motor Carriers



- ✦ Taxed where they are “based” (Chapter 390, 137.095)
- ✦ “Based” where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled
- ✦ Motor Carriers Service, 751-7100
- ✦ Provides assessor with mileage information
- ✦ Information from the taxpayer:
  - Trailer not paired with trucks
  - Trucks weighing less than 26,000 pounds
  - Trucks registered in another state but maintaining a Mo base

# SB 225 – 137.095



- Changed the term to “interjurisdictional commerce”



# More Permanent Plates



- Historic Trailer License Plates – Sec 301.136
- Camping trailers more than 25 years old
- Permanently registered



# Delinquent PP Taxes



- **BOE has authority to write off taxes 140.130 (5 years old)**
- **County Commission may compromise the taxes and interest 140.120 (Back tax book)**
- **County Commission may strike the names 139.160 from back tax book**

# Authority to Tax



- **Constitution – Article X, Section 3**

- **Statute**

- **Every**

Every person owning or holding real property or tangible personal property on the first day of January, including all such property purchased on that day, shall be liable for taxes thereon during the same calendar year. 137.075

- **Case**

- **Under**

RSMo

pursuant thereto, is subject to taxation.” *Iron County v. State Tax Commission*, 437 S.W.2d 665, 668 (Mo. 1968).

# Right to Enter Land



- Section 137.130 states, with emphasis added:

If no list of taxable personal property has been given, the assessor or an employee of the assessor shall have lawful right to enter into any lands and make any examination and search which may be necessary to assess such real property.

The assessor or an employee of the assessor shall not enter the interior of any structure on any real property as part of the inspection to assess such property without permission. (emphasis added)

# Bus



- 137.100
- “School Bus Exemption” (8)– Applies to other situations



(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;

# Bus – Apportioned Vehicle



- **January 1, 2016 – Charter and motor coaches were IRP**
- **Carmen.claypool@modot.mo.gov**



# Divorces



- No statutes or case law addressing the issue.
- In 1981, AG issued an opinion.

Whoever is on the title is liable for the taxes

Judicial decree or order may assign the debt to one or the other

# Non-Resident



- **Look for situs**
- **Is it permanently located in Missouri?**
- **Is there a continuous presence which supplants the home state?**

# SITUS

<b>TYPE OF OWNER</b>	<b>LOCATION OF PROPERTY</b>	<b>WHERE THE PROPERTY IS TAXED</b>	<b>LEGAL AUTHORITY</b>
Natural Person Who Is Missouri Resident	In Missouri	County of Residence Except Items Specified in '137.090	'137.075, RSMo '137.090, RSMo
Natural Person Who Is Missouri Resident	Outside Missouri	Not Taxable in Missouri	Case Law
Natural Person Who Is <u>NOT</u> Missouri Resident	In Missouri	County Where Property Is Located	Case Law
Corporation	In Missouri	County Where Property Is Located	'137.095, RSMo
Military Person* Who Is <u>NOT</u> Missouri Resident	In Missouri	Nontaxable in Missouri--Except Business Personal Property	Federal Law 50 USC 574
Military Person *Who Is Missouri Resident	In or Outside Missouri	In Missouri County Where Entered They Service	Federal Law 50 USC 574

\*Spouse may claim residence as if military person

# Military



- Neither military personnel or spouse shall lose or acquire residency for tax purposes by reason of being absent or present in compliance with military orders
- Paycheck will show home of record

# Other Issues for Military



# Military



- **Late Payment - See Section 41.950 – provides that they have 180 days after the completion of military service (conflict) or hospitalization as a result of service without penalty or interest**
  - **No fee or interest if away from home and engaged in military services 139.100.2 RSMo.**
- 137.270 excuses not filing list**

# POW/Veterans



- No exemptions on personal property
- POW AND 100% military related disability



# Other Exemption Issues





# Exemptions



- **Bus – rental**
- **Inventory**
- **Ag Societies**
- **Used for religious worship**
- **Used for education**
- **Used for charitable**
- **Political Subdivision**
- **State**
- **Nonprofit cemeteries**
- **Household goods...**
- **Motor vehicles used for charitable, etc**
- **Veterans org**

EXEMPTIONS AND LEASED PROPERTY	GOVERNMENT LESSOR	PRIVATE FOR-PROFIT LESSOR	PRIVATE NOT-FOR-PROFIT LESSOR--CHARGES GREATER THAN NOMINAL RENT	PRIVATE NOT-FOR-PROFIT LESSOR- - CHARGES NOMINAL RENT
GOVERNMENT LESSEE	EXEMPT	TAXABLE [Except-VEHICLES LEASED TO STATE OR POLITICAL SUBDIVISION for more than 1 year are EXEMPT]	TAXABLE	MOST LIKELY EXEMPT [Because it lessens the burdens of government]
NOT-FOR-PROFIT LESSEE [uses the property for charitable, educational, or religious purposes]	EXEMPT	TAXABLE (except vehicles leased for more than one year)	EXEMPT [If lessor renting at cost or below]	EXEMPT
ALL OTHER LESSEES	BONUS VALUE TAXABLE [i.e., if actual rent is less than market rent, the lessee's interest is taxable]	TAXABLE	TAXABLE	TAXABLE

# DOR Authority – Sec. 301.025



- **301.025. 1..... if the applicant is an organization described pursuant to subdivision (5) of section 137.100 or subsection 1 of section 137.101, the application is accompanied by a document, in a form approved by the director, verifying that the organization is registered with the department of revenue or is determined by the Internal Revenue Service to be a tax-exempt entity. If the director of the department of revenue has been notified by the assessor pursuant to subsection 2 of section 137.101, that the applicant's personal property is not tax exempt, then the organization's application shall be accompanied by a statement certified by the county collector or collector-treasurer of the county in which the organization's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the organization.....**

# Inventory of Rental Facilities



- **Short Term Rental**
- **Under NAICS codes 532412 and 532210 is inventory. Property rented for a period less than 365 days**
- **Heavy equipment without operator**
- **Consumer electronics not office equipment**

# APPEALS



**AUTOMOBILES**  
**BUSINESS PERSONAL PROPERTY**



# Vehicles



- Some counties are notifying owners of their vehicle's value in the spring
  - Need to go to the BOE
- Some taxpayers will not know the valuation determination until they receive their bills.
  - Appeal within 30 days of notification



# Procedure



- We will be asking for information from the taxpayer to see if the issue might be resolved by submission to the STC

# Valuation of Vehicles



137.115.9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.



# Business Personal Property



# BPP Appeals



- Ask the taxpayer for a new list
- Ask them to point out changes in their list
- See if they removed taxes, installation and freight
- Have them confirm age & costs
- Use 137.122 for “in service” after 2006

# BPP is Not



- **Livestock, farm machinery, grain, other crops**
- **Motor Vehicles subject to Chapter 301**
- **Broadcasting equipment (137.078)**
- **RECs (Chapter 394)**
- **Centrally Assessed Property**

# Valuation of BPP



- **Recovery Period**

- Use the class life set forth in IRS Publication 949
- Either 3, 5, 7, 10, 15 or 20
- Default is 7

- **Depreciation Schedule**

- See table in Sec. 137.122 RSMo

# Boats



- Houseboats & cruisers are assessed where they are located....there is no definition in the statute.
- Houseboats are not included in the definition of residential properties.
- Documented vessels are NOT exempt
- 137.090 still lists docks as personal property (Section 339.503 does not pertain to PT)

# Aircraft not involved in air commerce



- Aircraft under 3000 pounds are assessed locally
- If it is over 3000 pounds, they may request assessment by STC
- Owner files their declaration with the county;
- Owner notifies the county of their “claim” of “commercial aircraft”
- Assessor provides the STC with the info on the plane

# omission



- **Omission from assessment list (137.180 and 137.174) (137.165, .175, 138.070)**
- **3 Year Limit – 139.031.5 RSMo**
- **Taxes must be paid by December 31<sup>st</sup> even if you are not billed- Section 52.240 RSMo.**
- **See also 52.240 if the county made an error or omission – written request for refund to the county commission**

# Omitted personal property



- 140.730.3
- Three years
- Penalties added by collector



# Erroneous Assessment



- **County Commission makes determination of erroneous assessment Section 137.270 RSMo.**
- **It is NOT: a valuation issue, double assessments (see 138.100 and 137.270), clerical error (see 138.100), mistake in title (see 137.270), mistake in payment.**

# Erroneous Assessment



- **Property taxed to more than one person**
- **Land not subject to taxation**
- **Land description**
- **It is described as a ministerial or clerical action and not one involving judgment/discretion.**

# Banks, Savings & Loans, & Credit Unions



- **Real Property – taxable**
- **Leased to Others**
  - Taxable if under the control of lessee and not attached or part of the functionality of the bank
- **Personal Property**
  - Banks – not taxable due to an in lieu of tax – 148.110
  - S&L – taxable

# Tax Day



- **January 1**

# Assessment Ratios



- Vehicles and PP – 33 1/3%
- Pollution Control, retool, new product line within EZ-25%
- Manufactured homes used as residence – 19%
- Farm machinery and livestock – 12%
- Historic cars and planes – 5%
- Grain - .5%
- Abatements – Chapter 100s, government owned.

# Fixtures



- **Annexed to the Real Property**
- **Adapted to fit its location**
- **Intent to remain permanently**

# Increase in Value



- **1<sup>st</sup> class counties : 137.355 increase in the itemized list**