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SENATE BILL NO. 1046

Offered January 20, 1999

A *BILL to amend and reenact § 58.1-3506 of the Code of Virginia, relating to classifications of tangible personal property for taxation.*

Patron—Forbes (By Request)

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-3506 of the Code of Virginia is amended and reenacted as follows:**

§ 58.1-3506. Other classifications of tangible personal property for taxation.

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. Boats or watercraft weighing five tons or more;

2. Aircraft having a maximum passenger seating capacity of no more than fifty which are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;

3. All other aircraft not included in subdivision A 2 and flight simulators;

4. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

5. Tangible personal property used in a research and development business;

6. Heavy construction machinery, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting equipment and ditch and other types of diggers;

7. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;

8. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

9. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;

10. Privately owned pleasure boats and watercraft used for recreational purposes only;

11. Privately owned vans with a seating capacity for twelve or more persons used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

12. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

13. Motor vehicles (i) owned by members of a volunteer rescue squad or volunteer fire department or (ii) leased by members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle which is owned by each volunteer rescue squad member or volunteer fire department member, or leased by each volunteer rescue squad member or volunteer fire department member if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer rescue squad member or volunteer fire department member regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is a member of the volunteer rescue squad or fire department who regularly responds to calls or regularly performs other duties for the rescue squad or fire department, and the motor vehicle owned or leased by the volunteer rescue squad member or volunteer fire department member is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline. In any county which prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately

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60 prior January date is transferred during the tax year;

61 14. Motor vehicles (i) owned by auxiliary members of a volunteer rescue squad or volunteer fire
62 department or (ii) leased by auxiliary members of a volunteer rescue squad or volunteer fire department
63 if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor
64 vehicle. One motor vehicle which is regularly used by each auxiliary volunteer fire department or rescue
65 squad member may be specially classified under this section. The auxiliary member shall furnish the
66 commissioner of revenue, or other assessing officer, with a certification by the chief or head of the
67 volunteer organization, that the volunteer is an auxiliary member of the volunteer rescue squad or fire
68 department who regularly performs duties for the rescue squad or fire department, and the motor vehicle
69 is identified as regularly used for such purpose; however, if a volunteer rescue squad or fire department
70 member and an auxiliary member are members of the same household, that household shall be allowed
71 only one special classification under this subdivision or subdivision 13 of this section. The certification
72 shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer;
73 however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion,
74 and for good cause shown and without fault on the part of the member, to accept a certification after the
75 January 31 deadline;

76 15. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound
77 persons or provide transportation to senior or handicapped citizens in the community to carry out the
78 purposes of the nonprofit organization;

79 16. Privately owned camping trailers and motor homes as defined in § 46.2-100 which are used for
80 recreational purposes only;

81 17. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of,
82 one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as
83 certified by the Department of Veterans' Affairs. In order to qualify the veteran shall provide a written
84 statement to the commissioner of revenue or other assessing officer from the Department of Veterans'
85 Affairs that the veteran has been so designated or classified by the Department of Veterans' Affairs as to
86 meet the requirements of this section, and that his disability is service-connected. For purposes of this
87 section a person is blind if he meets the provisions of § 46.2-739;

88 18. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police
89 officers pursuant to Article 4 3 (§ ~~45.1-159.2~~ 15.2-1731 et seq.) of Chapter 3 17 of Title ~~45.1~~ 15.2 or
90 (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is
91 obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One
92 motor vehicle which is regularly used by each auxiliary police officer to respond to auxiliary police
93 duties may be specially classified under this section. In order to qualify for such classification, any
94 auxiliary police officer who applies for such classification shall identify the vehicle for which this
95 classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a
96 certification from the governing body which has appointed such auxiliary police officer or from the
97 official who has appointed such auxiliary officers. That certification shall state that the applicant is an
98 auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it
99 shall state that the vehicle for which the classification is sought is the vehicle which is regularly used
100 for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of
101 revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall
102 be authorized, in his discretion, and for good cause shown and without fault on the part of the member,
103 to accept a certification after the January 31 deadline;

104 19. Machines and tools owned by a commercial air carrier which uses such machines and tools in a
105 commercial airline maintenance, repair, and rebuilding facility, which has an assessed value of at least
106 \$100,000,000 and which is located on or contiguous to an airport;

107 20. Motor vehicles which use clean special fuels as defined in § 58.1-2101;

108 21. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility which is
109 properly licensed by the federal government, the Commonwealth, or both, and which is properly zoned
110 for such use. "Wild animals" means any animals which are found in the wild, or in a wild state, within
111 the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals
112 which are found in the wild, or in a wild state, and are native to a foreign country;

113 22. Furniture, office, and maintenance equipment, exclusive of motor vehicles, which are owned and
114 used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and which is
115 used by that organization for the purpose of maintaining or using the open or common space within a
116 residential development;

117 23. Motor vehicles, trailers and semitrailers with a gross vehicle weight of 10,000 pounds or more
118 used to transport property for hire by a motor carrier engaged in interstate commerce;

119 24. All tangible personal property employed in a trade or business other than that described in
120 subdivisions A 1 through A 18 of § 58.1-3503;

121 25. Programmable computer equipment and peripherals employed in a trade or business; and

122 26. Tangible personal property of Habitat for Humanity and local affiliates or subsidiaries thereof;
123 and

124 27. *One motor vehicle owned and regularly used by the surviving spouse of a person who died while*
125 *serving in the armed forces of the United States during World War II (1941-1945), the Korean War*
126 *(1950-1953), the Vietnam War (1965-1973), or Operation Desert Shield-Desert Storm (1990-1991).*

127 B. The governing body of any county, city or town may levy a tax on the property enumerated in
128 subsection A at different rates from the tax levied on other tangible personal property. The rates of tax
129 and the rates of assessment shall (i) for purposes of subdivisions 1, 2, 3, 4, 6, 9 through 18, 20 through
130 22, and 24; ~~25 and 26~~ through 27 of subsection A, not exceed that applicable to the general class of
131 tangible personal property, (ii) for purposes of subdivisions A 5, A 7, A 19, and A 23, not exceed that
132 applicable to machinery and tools, and (iii) for purposes of subdivision A 8, equal that applicable to real
133 property.