

LEGISLATIVE BILL 816

Approved by the Governor March 24, 1986

Introduced by Revenue Committee, V. Johnson, 8,
Chairperson; Rogers, 41; Hefner, 19;
Sieck, 24; Landis, 46; Hartnett, 45;
Pirsch, 10; Miller, 37

AN ACT relating to taxation; to amend sections 77-1239, 77-1239.01, 77-1239.02, 77-1240, 77-1240.01, 77-1240.04, 77-1241.01, and 77-1242.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-201, Revised Statutes Supplement, 1985; to change provisions relating to the taxation of motor vehicles; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 77-201, Revised Statutes Supplement, 1985, be amended to read as follows:

77-201. Except as provided in sections 77-1239 and 77-1358 to 77-1368, all tangible property and real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value. Such actual value shall be taken and considered as the taxable value on which the levy shall be made.

Sec. 2. That section 77-1239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1239. (1) The Tax Commissioner shall prepare a schedule of ~~actual~~ values ~~upon the several types of for~~ motor vehicles already manufactured or being manufactured, except dealer's vehicles on hand, ~~in accordance with section 77-201.~~

(2) In preparation of the schedule of ~~actual~~ values of cabin trailers and motor homes, the Tax Commissioner shall deduct the value of household goods which are included in the value of such vehicle and which are exempt from taxation pursuant to subdivision (1)(d) of section 77-202. ~~(1)(d)~~

Sec. 3. That section 77-1239.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1239.01. Any person interested in the

taxation, or any taxing unit, may, within ten days after such schedule of values has been filed by the Tax Commissioner, file objections in writing to the valuations of the Tax Commissioner, stating wherein he or she claims such valuations are unjust or inequitable. Upon the filing of such objections the Tax Commissioner shall fix a time of hearing, the same at which time the Attorney General shall appear in behalf of the state. Either party shall be permitted to introduce any evidence in reference thereto and the Tax Commissioner shall act upon the objections and shall make such an order in the premises as shall seem just and reasonable. The final determination by the Tax Commissioner shall be subject to judicial review as provided in sections 84-917 to 84-919. Appeal from such order may be taken to the district court of Lancaster County within ten days of entering such order.

Sec. 4. That section 77-1239.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1239.02. The Tax Commissioner shall certify the schedule of values to the county assessor of each county on or before August 1 of each year. Throughout the year as new makes and models of motor vehicles are available to Nebraska residents, the Tax Commissioner shall prepare a schedule of values for such motor vehicles, except dealer's vehicles on hand, and certify such schedule to the several county assessors.

Sec. 5. That section 77-1240, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1240. Except as to motor vehicles subject to the provisions of sections 77-1241.02 to 77-1241.08 77-1241.09, the county assessor of each county shall compute the motor vehicle tax upon all motor vehicles, except dealer's vehicles on hand, registered in each taxing unit within the county based upon the values certified to him or her by the State Board of Equalization and Assessment or the Tax Commissioner, and cause a notice of the amount of such tax to be sent through the United States mails to the registrant at the address shown upon his or her registration certificate, on a prenumbered statement form prescribed by the Tax Commissioner, on or before the first day of the registration period pursuant to the provisions of section 77-1238. The amount so certified motor vehicle tax together with the registration fee shall be paid prior to the registration of the motor vehicle for the following registration period. For the purpose of this

section, the tax situs of each motor vehicle used and owned for nonbusiness purposes shall be in the county, precinct, township, city, village, and school district where such property is principally stored and kept, and of for each motor vehicle used or owned by any student, such tax situs shall be at the place of residence of such student if different from the place at which he or she is attending school.

Sec. 6. That section 77-1240.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1240.01. In addition to the registration fees provided by Chapter 60, article 3, a motor vehicle tax is hereby imposed on motor vehicles, except dealer's vehicles on hand, registered for operation upon the highways of this state, except such motor vehicles as are exempt from taxation by section 77-202, which motor vehicle tax shall be in lieu of all ad valorem taxes to which such motor vehicles would otherwise be subject. Such motor vehicle tax shall be computed annually on the value of the motor vehicle as certified to the county assessor by the State Board of Equalization and Assessment or Tax Commissioner at a rate equal to the ad valorem rate for all purposes for the preceding year in the several taxing units of the state in which the motor vehicle has tax situs and such motor vehicle tax as thus computed shall be collected annually by the county treasurer at the time of application for and before registration of the motor vehicle each year. The proceeds from such motor vehicle tax in each county shall be allocated to each taxing unit levying taxes on tangible personal property in the county in which each motor vehicle has tax situs, in the same proportion that the levy on tangible personal property of such taxing unit bears to the total levy on tangible personal property of all the taxing units in which the motor vehicle is taxed.

Sec. 7. That section 77-1240.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1240.04. When no valuation is available for the computation of the motor vehicle tax for a motor vehicle, upon application for registration the county assessor shall immediately place a valuation on such motor vehicle, using as a basis for valuation the schedule of values certified by the Tax Commissioner, State Board of Equalization and Assessment, as provided by sections 77-1239 and 77-1239-02; and the valuation so fixed shall be used in computing the motor vehicle tax.

Sec. 8. That section 77-1241.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1241.01. Motor vehicles not subject to a motor vehicle tax, and not registered for operation on the highways, except dealers' vehicles on hand, shall be subject to the ad valorem tax on tangible property, ~~such tax which~~ shall be computed according to the schedule of values fixed by the State Board of Equalization and Assessment, PROVIDED, that in the event Tax Commissioner. If a motor vehicle which has been assessed for ad valorem tax purposes, except dealers' motor vehicles on hand January 1 at 12:01 a.m., is later registered during the registration period for which taxes have been assessed, the owner against whom such ad valorem taxes have been assessed shall be credited with the proportionate amount for the period during which the motor vehicle tax has been paid.

Sec. 9. That section 77-1242.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1242.02. The valuation of motor vehicles as provided by sections 77-1239 to 77-1242.02 shall be included ~~as heretofore~~ in the calculations of the actual value of all property for the purpose of determining debt limitations of taxing units and nothing in sections 77-1239 to 77-1242.02 shall be construed to remove motor vehicles from the general classification of personal tangible property in determining such debt limitations. The valuation shall be included in the abstract required by section 77-1514.

Sec. 10. This act shall become operative for all taxable years commencing on or after January 1, 1987.

Sec. 11. That original sections 77-1239, 77-1239.01, 77-1239.02, 77-1240, 77-1240.01, 77-1240.04, 77-1241.01, and 77-1242.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-201, Revised Statutes Supplement, 1985, are repealed.