

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 57
92ND GENERAL ASSEMBLY

Reported from the Committee on Ways and Means, April 14, 2003, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0375S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 137.115, 137.155, and 137.360, RSMo, and to enact in lieu thereof three new sections relating to personal property lists.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 137.115, 137.155, and 137.360, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 137.115, 137.155, and
3 137.360, to read as follows:

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the
2 assessor's deputies in all counties of this state including the City of St. Louis shall
3 annually make a list of all real and tangible personal property taxable in the assessor's
4 city, county, town or district. Except as otherwise provided in subsection 3 of this
5 section, the assessor shall annually assess all personal property at thirty-three and
6 one-third percent of its true value in money as of January first of each calendar
7 year. The assessor shall annually assess all real property, including any new
8 construction and improvements to real property, and possessory interests in real
9 property at the percent of its true value in money set in subsection 5 of this section. The
10 assessor shall annually assess all real property in the following manner: new assessed
11 values shall be determined as of January first of each odd-numbered year and shall be
12 entered in the assessor's books; those same assessed values shall apply in the following
13 even-numbered year, except for new construction and property improvements which shall
14 be valued as though they had been completed as of January first of the preceding
15 odd-numbered year. The assessor may call at the office, place of doing business, or
16 residence of each person required by this chapter to list property, and require the person

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 to make a correct statement of [all taxable real property in the county owned by the
18 person, or under his or her care, charge or management, and] all taxable tangible
19 personal property owned by the person or under his or her care, charge or management,
20 taxable in the county. On or before January first of each even-numbered year, the
21 assessor shall prepare and submit a two-year assessment maintenance plan to the county
22 governing body and the state tax commission for their respective approval or
23 modification. The county governing body shall approve and forward such plan or its
24 alternative to the plan to the state tax commission by February first. If the county
25 governing body fails to forward the plan or its alternative to the plan to the state tax
26 commission by February first, the assessor's plan shall be considered approved by the
27 county governing body. If the state tax commission fails to approve a plan and if the
28 state tax commission and the assessor and the governing body of the county involved are
29 unable to resolve the differences, in order to receive state cost-share funds outlined in
30 section 137.750, the county or the assessor shall petition the administrative hearing
31 commission, by May first, to decide all matters in dispute regarding the assessment
32 maintenance plan. Upon agreement of the parties, the matter may be stayed while the
33 parties proceed with mediation or arbitration upon terms agreed to by the parties. The
34 final decision of the administrative hearing commission shall be subject to judicial review
35 in the circuit court of the county involved. In the event a valuation of subclass (1) real
36 property within any county [of the first classification] with a charter form of government,
37 or within a city not within a county, is made by a computer, computer-assisted method
38 or a computer program, the burden of proof, supported by clear, convincing and cogent
39 evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In
40 any such county, unless the assessor proves otherwise, there shall be a presumption that
41 the assessment was made by a computer, computer-assisted method or a computer
42 program. Such evidence shall include, but shall not be limited to, the following:

43 (1) The findings of the assessor based on an appraisal of the property by
44 generally accepted appraisal techniques; and

45 (2) The purchase prices from sales of at least three comparable properties and
46 the address or location thereof. As used in this paragraph, the word "comparable" means
47 that:

48 (a) Such sale was closed at a date relevant to the property valuation; and

49 (b) Such properties are not more than one mile from the site of the disputed
50 property, except where no similar properties exist within one mile of the disputed
51 property, the nearest comparable property shall be used. Such property shall be within
52 five hundred square feet in size of the disputed property, and resemble the disputed

53 property in age, floor plan, number of rooms, and other relevant characteristics.

54 2. Assessors in each county of this state and the City of St. Louis may send
55 personal property assessment forms through the mail.

56 3. The following items of personal property shall each constitute separate
57 subclasses of tangible personal property and shall be assessed and valued for the
58 purposes of taxation at the following percents of their true value in money:

59 (1) Grain and other agricultural crops in an unmanufactured condition, one-half
60 of one percent;

61 (2) Livestock, twelve percent;

62 (3) Farm machinery, twelve percent;

63 (4) Motor vehicles which are eligible for registration as and are registered as
64 historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at
65 least twenty-five years old and which are used solely for noncommercial purposes and
66 are operated less than fifty hours per year or aircraft that are home built from a kit, five
67 percent;

68 (5) Poultry, twelve percent; and

69 (6) Tools and equipment used for pollution control and tools and equipment used
70 in retooling for the purpose of introducing new product lines or used for making
71 improvements to existing products by any company which is located in a state enterprise
72 zone and which is identified by any standard industrial classification number cited in
73 subdivision (6) of section 135.200, RSMo, twenty-five percent.

74 4. The person listing the property shall enter a true and correct statement of the
75 property, in a printed blank prepared for that purpose. The statement, after being filled
76 out, shall be signed and either affirmed or sworn to as provided in section 137.155. The
77 list shall then be delivered to the assessor.

78 5. All subclasses of real property, as such subclasses are established in section
79 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be
80 assessed at the following percentages of true value:

81 (1) For real property in subclass (1), nineteen percent;

82 (2) For real property in subclass (2), twelve percent; and

83 (3) For real property in subclass (3), thirty-two percent.

84 6. Manufactured homes, as defined in section 700.010, RSMo, which are actually
85 used as dwelling units shall be assessed at the same percentage of true value as
86 residential real property for the purpose of taxation. The percentage of assessment of
87 true value for such manufactured homes shall be the same as for residential real
88 property. If the county collector cannot identify or find the manufactured home when

89 attempting to attach the manufactured home for payment of taxes owed by the
90 manufactured home owner, the county collector may request the county commission to
91 have the manufactured home removed from the tax books, and such request shall be
92 granted within thirty days after the request is made; however, the removal from the tax
93 books does not remove the tax lien on the manufactured home if it is later identified or
94 found. A manufactured home located in a manufactured home rental park, rental
95 community or on real estate not owned by the manufactured home owner shall be
96 considered personal property. A manufactured home located on real estate owned by the
97 manufactured home owner may be considered real property.

98 7. Each manufactured home assessed shall be considered a parcel for the purpose
99 of reimbursement pursuant to section 137.750, unless the manufactured home has been
100 converted to real property in compliance with section 700.111, RSMo, and assessed as
101 a realty improvement to the existing real estate parcel.

102 8. Any amount of tax due and owing based on the assessment of a manufactured
103 home shall be included on the personal property tax statement of the manufactured
104 home owner unless the manufactured home has been converted to real property in
105 compliance with section 700.111, RSMo, in which case the amount of tax due and owing
106 on the assessment of the manufactured home as a realty improvement to the existing
107 real estate parcel shall be included on the real property tax statement of the real estate
108 owner.

109 9. The assessor of each county and each city not within a county shall use the
110 trade-in value published in the October issue of the National Automobile Dealers'
111 Association Official Used Car Guide, or its successor publication, as the recommended
112 guide of information for determining the true value of motor vehicles described in such
113 publication. In the absence of a listing for a particular motor vehicle in such publication,
114 the assessor shall use such information or publications which in the assessor's judgment
115 will fairly estimate the true value in money of the motor vehicle.

116 10. Before the assessor may increase the assessed valuation of any parcel of
117 subclass (1) real property by more than fifteen percent since the last assessment,
118 excluding increases due to new construction or improvements, the assessor shall conduct
119 a physical inspection of such property.

120 11. If a physical inspection is required, pursuant to subsection 10 of this section,
121 the assessor shall notify the property owner of that fact in writing and shall provide the
122 owner clear written notice of the owner's rights relating to the physical inspection. If
123 a physical inspection is required, the property owner may request that an interior
124 inspection be performed during the physical inspection. The owner shall have no less

125 than thirty days to notify the assessor of a request for an interior physical inspection.

126 12. A physical inspection, as required by subsection 10 of this section, shall
127 include, but not be limited to, an on-site personal observation and review of all exterior
128 portions of the land and any buildings and improvements to which the inspector has or
129 may reasonably and lawfully gain external access, and shall include an observation and
130 review of the interior of any buildings or improvements on the property upon the timely
131 request of the owner pursuant to subsection 11 of this section. Mere observation of the
132 property via a "drive-by inspection" or the like shall not be considered sufficient to
133 constitute a physical inspection as required by this section.

134 13. The provisions of subsections 11 and 12 of this section shall only apply in any
135 county with a charter form of government with more than one million inhabitants.

136 14. A county or city collector may accept credit cards as proper form of payment
137 of outstanding property tax due. No county or city collector may charge surcharge for
138 payment by credit card which exceeds the fee or surcharge charged by the credit card
139 bank for its service.

140 15. The provisions of this section and sections 137.073, 138.060 and 138.100,
141 RSMo, shall become effective January 1, 2003, for any taxing jurisdiction which [is
142 partly or entirely] **has at least seventy-five percent of the land area of such**
143 **jurisdiction** within a county with a charter form of government with greater than one
144 million inhabitants, and the provisions of this section and sections 137.073, 138.060 and
145 138.100, RSMo, shall become effective January 1, 2005, for all taxing jurisdictions in this
146 state. Any county in this state may, by an affirmative vote of the governing body of such
147 county, opt into the provisions of this act prior to January 1, 2005.

137.155. 1. The oath to be signed and affirmed or sworn to by each person
2 making a list of property required by this chapter is as follows:

3 I,, do solemnly swear, or affirm, that the foregoing list contains a true and
4 correct statement of all the [real property and] tangible personal property, made taxable
5 by the laws of the state of Missouri, which I owned or which I had under my charge or
6 management on the first day of January, 20.... I further solemnly swear, or affirm, that
7 I have not sent or taken, or caused to be sent or taken, any property out of this state to
8 avoid taxation. So help me God.

9 2. Any person who refuses to make oath or affirmation to his list, when required
10 so to do by the assessor or his deputy, shall, upon conviction, be deemed guilty of a
11 misdemeanor and no property shall be exempt from executions issued on judgments in
12 prosecutions under this section.

13 3. The list and oath shall be filed by the assessor, after [he] **the assessor** has

14 completed [his] **the** assessor's books, in the office of the county clerk, who, after entering
15 the filing thereon, shall preserve and safely keep them.

137.360. 1. The certificate to be signed by each person making a list of property
2 required by sections 137.325 to 137.420 shall be as follows:

3 I,, do hereby certify that the foregoing list contains a true and correct
4 statement of all the [real property and] tangible personal property made taxable by the
5 laws of the state of Missouri, which I owned or which I had under my charge or
6 management on the first day of January, 20.... I further certify that I have not sent or
7 taken or caused to be sent or taken any property out of this state to avoid taxation. Any
8 person who refuses to make the certification to [his] **the** list, when required so to do by
9 the assessor or [his] **the assessor's** deputy, shall upon conviction be deemed guilty of
10 a misdemeanor and no property shall be exempt from executions issued on judgments
11 in prosecutions [under] **pursuant to** this section.

12 2. The list and certificate shall be filed by the assessor after [he] **the assessor**
13 has completed [his] **the** assessor's books in the office of the county clerk who, after
14 entering the filing thereon, shall preserve and safely keep them.

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