

IN THE SENATE

SENATE BILL NO. 1357, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-1014, IDAHO CODE, TO PROVIDE A PROCEDURE RELATING TO THE SEGREGATION OF CERTAIN PERSONAL PROPERTY FOR PERSONS HOLDING PURCHASE MONEY SECURITY INTERESTS IN THE PROPERTY WHO DESIRE TO REPOSSESS AND SELL THE PROPERTY, TO PROVIDE PROCEDURES FOR COUNTY ASSESSORS AND TAX COLLECTORS, TO PROVIDE FOR THE PAYMENT OF PERSONAL PROPERTY TAXES OWED AND TO PROVIDE THAT SEGREGATION OF SPECIFIC PERSONAL PROPERTY SHALL NOT AFFECT THE PRIORITY OF THE TAX LIEN ON THE REMAINING PERSONAL PROPERTY ITEMS IN THE PARCEL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-1014, Idaho Code, be, and the same is hereby amended to read as follows:

63-1014. REMOVAL OR SALE OR REPOSSESSION OF PERSONAL PROPERTY BEFORE PAYMENT OF PROPERTY TAXES ON PROPERTY ROLLS. (1) Whenever any person, firm or corporation owning any personal property shall desire to remove the personal property from the county or sell or repossess the property before all property taxes due and payable including the current year's taxes have been paid upon the personal property, the property taxes shall be paid to the tax collector upon demand and before the removal of the property from the county. It shall be the duty of the tax collector to collect the property taxes provided for in this section, and all the provisions of this chapter are hereby made available to the tax collector in the collection of such taxes.

(a) If a person holding a purchase money security interest desires to repossess and sell a specific piece of personal property and the market value of that personal property exceeds twenty thousand dollars (\$20,000), that person shall provide to the tax collector a request to segregate that specific piece of personal property from the personal property tax parcel. The person holding the purchase money security interest shall provide a copy of the purchase money security interest agreement with the request for segregation.

(b) The county assessor shall determine and provide to the tax collector the market value for assessment purposes of that segregated portion of personal property. The tax collector shall calculate property tax to be paid for any delinquencies, including late charges, accrued interest, costs incurred and the estimated taxes for the current year relating to that segregated portion of personal property.

(c) The person holding the purchase money security interest shall pay all personal property taxes owed, including late charges, accrued interest and costs incurred on the specific segregated personal property to the tax collector before taking possession of the personal property or selling the property.

1 (d) The segregation of specific personal property from the personal
2 property tax parcel shall not affect the priority of the tax lien on the
3 remaining personal property items in the parcel.

4 (2) It shall be a misdemeanor for any person, firm or corporation to
5 move from the county or sell or repossess any personal property or manufac-
6 tured home without the payment of the current year's property taxes or with-
7 out paying property taxes due and owing, and upon conviction the person, firm
8 or corporation shall, in addition to any penalty which the court may impose,
9 pay to the tax collector a sum not in excess of double the amount of property
10 tax which was collectible on the property removed or sold or repossessed, to-
11 gether with all costs and late charges provided for in this chapter. The ex-
12 cess sum shall be collected by the tax collector in the same manner as the
13 original property tax.