

IN THE SENATE

SENATE BILL NO. 1357, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PROPERTY TAXES; AMENDING SECTION 63-1014, IDAHO CODE, TO PRO-
2 VIDE A PROCEDURE RELATING TO THE SEGREGATION OF CERTAIN PERSONAL PROP-
3 ERTY FOR PERSONS HOLDING PURCHASE MONEY SECURITY INTERESTS IN THE PROP-
4 ERTY WHO DESIRE TO REPOSSESS AND SELL THE PROPERTY, TO PROVIDE PROCE-
5 DURES FOR COUNTY ASSESSORS AND TAX COLLECTORS, TO PROVIDE FOR THE PAY-
6 MENT OF PERSONAL PROPERTY TAXES OWED AND TO PROVIDE THAT SEGREGATION OF
7 SPECIFIC PERSONAL PROPERTY SHALL NOT AFFECT THE PRIORITY OF THE TAX LIEN
8 ON THE REMAINING PERSONAL PROPERTY ITEMS IN THE PARCEL.
9

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

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

13 63-1014. REMOVAL OR SALE OR REPOSSESSION OF PERSONAL PROPERTY BEFORE
14 PAYMENT OF PROPERTY TAXES ON PROPERTY ROLLS. (1) Whenever any person, firm or
15 corporation owning any personal property shall desire to remove the personal
16 property from the county or sell or repossess the property before all prop-
17 erty taxes due and payable including the current year's taxes have been paid
18 upon the personal property, the property taxes shall be paid to the tax col-
19 lector upon demand and before the removal of the property from the county. It
20 shall be the duty of the tax collector to collect the property taxes provided
21 for in this section, and all the provisions of this chapter are hereby made
22 available to the tax collector in the collection of such taxes.

23 (a) If a person holding a purchase money security interest desires to
24 repossess and sell a specific piece of personal property and the mar-
25 ket value of that personal property exceeds twenty thousand dollars
26 (\$20,000), that person shall provide to the tax collector a request to
27 segregate that specific piece of personal property from the personal
28 property tax parcel. The person holding the purchase money security
29 interest shall provide a copy of the purchase money security interest
30 agreement with the request for segregation.

31 (b) The county assessor shall determine and provide to the tax collec-
32 tor the market value for assessment purposes of that segregated portion
33 of personal property. The tax collector shall calculate property tax to
34 be paid for any delinquencies, including late charges, accrued inter-
35 est, costs incurred and the estimated taxes for the current year relat-
36 ing to that segregated portion of personal property.

37 (c) The person holding the purchase money security interest shall pay
38 all personal property taxes owed, including late charges, accrued in-
39 terest and costs incurred on the specific segregated personal property
40 to the tax collector before taking possession of the personal property
41 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.