

2016 -- S 2044

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO TAXATION -- EXCISE ON MOTOR VEHICLES AND TRAILERS

Introduced By: Senators Walaska, Lombardo, Ciccone, Cote, and McCaffrey

Date Introduced: January 13, 2016

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 44-34-3, 44-34-8 and 44-34-11 of the General Laws in Chapter 44-
2 34 entitled "Excise on Motor Vehicles and Trailers" are hereby amended to read as follows:

3 **44-34-3. Assessment roll -- Rate -- Payment -- Penalty upon non-payment.** -- (a) The
4 assessor, on the basis of a list of uniform values for motor vehicles prepared by the Rhode Island
5 vehicle value commission pursuant to § 44-34-8, shall make a list containing the value of every
6 vehicle and trailer in the city or town which is subject to the provisions of § 44-34-2, the values to
7 be at the average ~~retail~~ trade-in price as determined under § 44-34-2 or at a uniform percentage of
8 these, not to exceed one hundred percent (100%), to be determined by the assessors in each city
9 or town; provided, that every vehicle and trailer in the city of Pawtucket shall be assessed in
10 accordance with §§ 44-5-20.1 and 44-5-20.2; provided, further, that motor vehicles owned,
11 leased, or utilized by rental companies, as those terms are defined in § 31-34.1-1, shall not be
12 valued for excise tax purposes at an amount greater than the National Automobile Dealers
13 Association average retail value for new vehicles for the year and vehicle model in question.

14 (b) The excise tax levy shall be applied to the excise assessment roll at the rate
15 established by the assessors for all other property except manufacturer's machinery and
16 equipment in accordance with § 44-5-22 and the resulting tax roll shall be certified by the
17 assessors to the city or town clerk, treasurer, or tax collector, as the case may be, not later than
18 June 15 next succeeding. Prior to the resulting tax roll being certified to the Pawtucket city clerk,
19 the excise levy shall be applied to the excise assessment roll in accordance with the property tax

1 classification described in §§ 44-5-20.3 and 44-5-20.5. In the city of Woonsocket, the excise tax
2 levy shall be applied to the excise assessment roll at a rate that will produce no more than
3 nineteen percent (19%) of the total tax levy as prescribed in § 44-5-11.6. In the town of Lincoln,
4 the excise tax levy shall be applied to the excise assessment roll at a rate that produces an amount
5 equal to no more than seventeen percent (17%) of the total real estate tax levy.

6 (c) If any vehicle or trailer liable to taxation in any city or town has been omitted from
7 the tax roll, the tax assessment shall assess the vehicle or trailer on a supplemental excise
8 assessment roll and shall certify the assessment to the tax collector after June 15, but not later
9 than December 31 next succeeding.

10 (d) As soon after this as possible, the tax collector shall cause excise bills to be sent by
11 first class mail to all persons, corporations, partnerships, joint stock companies, or associations
12 that have registered vehicles or trailers during the calendar year of proration. The bills shall be
13 paid in accordance with § 44-5-7 at the same time and on the same schedule as property tax bills.
14 Failure to pay the excise at the appropriated time shall bring about a penalty of eighteen percent
15 (18%) per annum, or, in the case of the city of Cranston, a penalty of twelve percent (12%) per
16 annum which applies on the date of the delinquency or, for any city or town fiscal year
17 commencing between January 1, 1980, and December 31, 1980, after approval by the proper local
18 authority, at the same rate of interest as that which is applied to delinquent property taxes in the
19 taxing jurisdiction.

20 (e) Failure by the tax collector to send, or by the taxpayer to receive, a bill shall not
21 excuse the nonpayment of the tax or affect its validity or any proceedings for the collection.

22 (f) This section does not apply to any and all entities which are exempt from the excise
23 as prescribed in § 44-34-2.

24 **44-34-8. Appeal procedure.** -- (a)(1) Any taxpayer aggrieved by a valuation may appeal
25 that valuation to the tax assessor within forty-five (45) days of notice of valuation [by presenting](#)
26 [to the tax assessor a certified appraisal from a licensed motor vehicle dealer as determined by title](#)
27 [31, chapter 5](#). When the valuation of the vehicle has been made by the assessor, the assessor shall
28 render a decision within ten (10) days of the filing of the appeal. ~~When the valuation of the~~
29 ~~vehicle has been made by the Rhode Island vehicle valuation commission, the assessor shall~~
30 ~~forward the appeal on the form provided by the commission to the Rhode Island vehicle valuation~~
31 ~~commission within ten (10) days. The commission shall transmit its decision to the tax assessor~~
32 ~~within twenty (20) days of the receipt of the appeal.~~

33 ~~(2) The tax assessor shall notify the aggrieved taxpayer, in writing, of the commission~~
34 ~~decision within ten (10) days of the receipt of the commission decision.~~

1 (b) Within thirty (30) days of the notification of the decision of the tax assessor or the
2 commission, an aggrieved taxpayer may appeal the decision to the district court for the judicial
3 division within which the city or town is located.

4 (c) A party aggrieved by a final order of the district court may seek review of this order
5 in the state supreme court by writ of certiorari. The petition for a writ of certiorari shall state the
6 errors claimed. Upon the filing of the petition with the clerk of the supreme court, the supreme
7 court may, if it sees fit, issue its writ of certiorari to the district court to certify to the supreme
8 court the record of the proceeding under review, or so much of this as was submitted to the
9 district court by the parties, together with any additional record of the proceedings in the district
10 court.

11 **44-34-11. Rhode Island vehicle value commission.** -- (a) There is hereby authorized,
12 created, and established the "Rhode Island vehicle value commission" whose function it is to
13 establish presumptive values of vehicles and trailers subject to the excise tax.

14 (b) The commission shall consist of the following seven (7) members as follows:

15 (1) The director of the department of revenue or his/her designee from the department of
16 revenue;

17 (2) Five (5) local tax officials named by the governor, at least one of whom shall be from
18 a city or town under ten thousand (10,000) population and at least one of whom is from a city or
19 town over fifty thousand (50,000) population in making these appointments the governor shall
20 give due consideration to the recommendations submitted by the President of the Rhode Island
21 League of Cities and Towns and each appointment shall be subject to the advice and consent of
22 the senate;

23 (3) And one motor vehicle dealer appointed by the governor upon giving due
24 consideration to the recommendation of the director of revenue and subject to the advice and
25 consent of the senate.

26 (4) All members shall serve for a term of three (3) years.

27 (5) Current legislative appointees shall cease to be members of the commission upon the
28 effective date of this act. Non-legislative appointees to the commission may serve out their terms
29 whereupon their successors shall be appointed in accordance with this act. No one shall be
30 eligible for appointment to the commission unless he or she is a resident of this state.

31 (6) Public members of the commission shall be removable by the governor pursuant to §
32 36-1-7 for cause only, and removal solely for partisan or personal reasons unrelated to capacity or
33 fitness for the office shall be unlawful.

34 (7) The governor shall appoint a chairperson from the commission's members. The

1 commission shall elect from among its members other officers as it may deem appropriate.

2 (c) The commission shall annually determine the presumptive values of vehicles and
3 trailers subject to the excise tax in the following manner:

4 (1) Not earlier than September 30 and not later than December 31 of each year, the
5 commission shall by rule adopt a methodology for determining the presumptive value of vehicles
6 and trailers subject to the excise tax which shall give consideration to the following factors:

7 (i) The average ~~retail~~ trade-in price of similar vehicles of the same make, model, type,
8 and year of manufacture as reported by motor vehicle dealers or by official used car guides, such
9 as that of the National Automobile Dealers Association for New England. Where regional guides
10 are not available, the commission shall use other publications deemed appropriate; and

11 (ii) Other information concerning the average ~~retail~~ trade-in prices for make, model,
12 type, and year of manufacture of motor vehicles as the director and the Rhode Island vehicle
13 value commission may deem appropriate to determine fair values.

14 (2) On or before February 1 of each year, it shall adopt a list of values for vehicles and
15 trailers of the same make, model, type, and year of manufacture as of the preceding December 31
16 in accordance with the methodology adopted between September 30 and December 31; the list
17 shall be subject to a public hearing at least five (5) business days prior to the date of its adoption.

18 (3) Nothing in this section shall be deemed to require the commission to determine the
19 presumptive value of vehicles and trailers which are unique, to which special equipment has been
20 added or to which special modifications have been made, or for which adequate information is
21 not available from the sources referenced in subdivision (1) of this subsection; provided, that the
22 commission may consider those factors in its lists or regulations.

23 (4) The commission shall annually provide the list of presumptive values of vehicles and
24 trailers to each tax assessor on or before February 15 of each year.

25 (d) The commission shall adopt rules governing its organization and the conduct of its
26 business; prior to the adoption of the rules, the chair shall have the power to call meetings, and a
27 simple majority of the members of the commission, as provided for in subsection (b) of this
28 section, is necessary for a quorum, which quorum by majority vote shall have the power to
29 conduct business in the name of the commission. The commission may adopt rules and elect from
30 among its members such other officers as it deems necessary.

31 (e) The commission shall have the power to contract for professional services that it
32 deems necessary for the development of the methodology for determining presumptive values, for
33 calculating presumptive values according to the methodology, and for preparing the list of
34 presumptive values in a form and format that is generally usable by cities and towns in their

1 preparation of tax bills. The commission shall also have the power to incur reasonable expenses
2 in the conduct of its business as required by this chapter and to authorize payments for the
3 expenses.

4 (f) Commission members shall receive no compensation for the performance of their
5 duties but may be reimbursed for their reasonable expenses incurred in carrying out such duties.

6 (g) The commission shall respond to petitions of appeal by local boards of review in
7 accordance with the provisions of § 44-34-9.

8 (h) The commission shall establish, by rule, procedures for adopting an annual budget
9 and for administering its finances. After July 1, 1986, one-half (1/2) of the cost of the
10 commission's operations shall be borne by the state and one-half (1/2) shall be borne by cities
11 and towns within the state, with the city and town share distributed among cities and towns on a
12 per capita basis.

13 (i) Within ninety (90) days after the end of each fiscal year, the commission shall
14 approve and submit an annual report to the governor, the speaker of the house of representatives,
15 the president of the senate, and the secretary of state of its activities during that fiscal year. The
16 report shall provide: an operating statement summarizing meetings or hearings held, meeting
17 minutes if requested, subjects addressed, decisions rendered, rules or regulations promulgated,
18 studies conducted, policies and plans developed, approved, or modified, and programs
19 administered or initiated; a consolidated financial statement of all funds received and expended
20 including the source of the funds, a listing of any staff supported by these funds, and a summary
21 of any clerical, administrative or technical support received; a summary of performance during
22 the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of
23 hearings, complaints, suspensions, or other legal matters related to the authority of the
24 commission; a summary of any training courses held pursuant to this subsection, a briefing on
25 anticipated activities in the upcoming fiscal year; and findings and recommendations for
26 improvements. The report shall be posted electronically on the general assembly and the secretary
27 of state's websites as prescribed in § 42-20-8.2. The director of the department of revenue shall be
28 responsible for the enforcement of this provision.

29 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO TAXATION -- EXCISE ON MOTOR VEHICLES AND TRAILERS

1 This act would amend car tax statutes so that the assessment of used motor vehicles
2 would be based on the average trade-in price, rather than the retail price. Appeals of the assessor's
3 decision would now be effectuated by the aggrieved taxpayer submitting their own certified
4 appraisal to the tax assessor.

5 This act would take effect upon passage.

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