

2015 -- H 5227

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO TAXATION - MOTOR VEHICLE AND TRAILER EXCISE TAX
ELIMINATION ACT OF 1998

Introduced By: Representatives Shekarchi, Kennedy, McNamara, Malik, and Azzinaro

Date Introduced: January 29, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 44-34-3 and 44-34-11 of the General Laws in Chapter 44-34
2 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,

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

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

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

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

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

25 **44-34-11. Rhode Island vehicle value commission.** -- (a) There is hereby authorized,
26 created, and established the "Rhode Island vehicle value commission" whose function it is to
27 establish presumptive values of vehicles and trailers subject to the excise tax.

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

29 (1) The director of the department of revenue or his/her designee from the department of
30 revenue, who shall serve as chair;

31 (2) Five (5) local tax officials named by the governor, at least one of whom shall be from
32 a city or town under ten thousand (10,000) population and at least one of whom is from a city or
33 town over fifty thousand (50,000) population in making these appointments the governor shall
34 give due consideration to the recommendations submitted by the President of the Rhode Island

1 League of Cities and Towns and each appointment shall be subject to the advice and consent of
2 the senate;

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

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

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

11 (6) Public members of the commission shall be removable by the governor pursuant to §
12 36-1-7 for cause only, and removal solely for partisan or personal reasons unrelated to capacity or
13 fitness for the office shall be unlawful.

14 (7) The governor shall appoint a chairperson from the commission's members. The
15 commission shall elect from among its members other officers as it may deem appropriate.

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

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

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

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

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

32 (3) Nothing in this section shall be deemed to require the commission to determine the
33 presumptive value of vehicles and trailers which are unique, to which special equipment has been
34 added or to which special modifications have been made, or for which adequate information is

1 not available from the sources referenced in subdivision (1) of this subsection; provided, that the
2 commission may consider those factors in its lists or regulations.

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

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

11 (e) The commission shall have the power to contract for professional services that it
12 deems necessary for the development of the methodology for determining presumptive values, for
13 calculating presumptive values according to the methodology, and for preparing the list of
14 presumptive values in a form and format that is generally usable by cities and towns in their
15 preparation of tax bills. The commission shall also have the power to incur reasonable expenses
16 in the conduct of its business as required by this chapter and to authorize payments for the
17 expenses.

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

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

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

27 (i) Within ninety (90) days after the end of each fiscal year, the commission shall
28 approve and submit an annual report to the governor, the speaker of the house of representatives,
29 the president of the senate, and the secretary of state of its activities during that fiscal year. The
30 report shall provide: an operating statement summarizing meetings or hearings held, meeting
31 minutes if requested, subjects addressed, decisions rendered, rules or regulations promulgated,
32 studies conducted, policies and plans developed, approved, or modified, and programs
33 administered or initiated; a consolidated financial statement of all funds received and expended
34 including the source of the funds, a listing of any staff supported by these funds, and a summary

1 of any clerical, administrative or technical support received; a summary of performance during
2 the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of
3 hearings, complaints, suspensions, or other legal matters related to the authority of the
4 commission; a summary of any training courses held pursuant to this subsection, a briefing on
5 anticipated activities in the upcoming fiscal year; and findings and recommendations for
6 improvements. The report shall be posted electronically on the general assembly and the secretary
7 of state's websites as prescribed in § 42-20-8.2. The director of the department of revenue shall be
8 responsible for the enforcement of this provision.

9 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 - MOTOR VEHICLE AND TRAILER EXCISE TAX
ELIMINATION ACT OF 1998

1 This act would amend the provisions of the general laws relating to the state car tax in
2 order that the assessment of used motor vehicles would be based on the average trade-in price,
3 rather than retail price.

4 This act would take effect upon passage.

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