

1                                   **PROPERTY TAX NOTICE AMENDMENTS**

2   2020 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Steve Eliason**

5   Senate Sponsor: Curtis S. Bramble

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7 **LONG TITLE**

8 **General Description:**

9           This bill modifies provisions related to certain tax notices.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ allows a person entitled to receive information or notice related to a property tax or  
13 privilege tax to designate an additional person to receive the information or notice;  
14           ▶ provides procedures to designate a person and to revoke a designation; and  
15           ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **59-4-101**, as last amended by Laws of Utah 2016, Chapter 366

23 ENACTS:

24           **59-2-110**, Utah Code Annotated 1953

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26 *Be it enacted by the Legislature of the state of Utah:*

27           Section 1. Section **59-2-110** is enacted to read:



28 **59-2-110. Designation of person to receive notice.**

29 (1) If a governmental entity is required under this chapter to send information or notice  
30 to a person, the governmental entity shall send the information or notice to:

31 (a) the person required under the applicable provision of this chapter; and

32 (b) each person designated in accordance with Subsection (2) by the person described  
33 in Subsection (1)(a).

34 (2) (a) A person to whom a governmental entity is required under this chapter to send  
35 information or notice may designate a person to receive the information or notice.

36 (b) To make a designation described in Subsection (2)(a), the person shall submit a  
37 written request to the governmental entity on a form prescribed by the commission.

38 (3) A person who makes a designation described in Subsection (2) may revoke the  
39 designation by submitting a written request to the governmental entity on a form prescribed by  
40 the commission.

41 Section 2. Section **59-4-101** is amended to read:

42 **59-4-101. Tax basis -- Exceptions -- Assessment and collection -- Designation of**  
43 **person to receive notice.**

44 (1) (a) Except as provided in Subsections (1)(b), (1)(c), and (3), a tax is imposed on the  
45 possession or other beneficial use enjoyed by any person of any real or personal property that is  
46 exempt for any reason from taxation, if that property is used in connection with a business  
47 conducted for profit.

48 (b) Any interest remaining in the state in state lands after subtracting amounts paid or  
49 due in part payment of the purchase price as provided in Subsection [59-2-1103\(2\)\(b\)\(i\)](#) under a  
50 contract of sale is subject to taxation under this chapter regardless of whether the property is  
51 used in connection with a business conducted for profit.

52 (c) The tax imposed under Subsection (1)(a) does not apply to property exempt from  
53 taxation under Section [59-2-1114](#).

54 (2) (a) The tax imposed under this chapter is the same amount that the ad valorem  
55 property tax would be if the possessor or user were the owner of the property.

56 (b) The amount of any payments that are made in lieu of taxes is credited against the  
57 tax imposed on the beneficial use of property owned by the federal government.

58 (3) A tax is not imposed under this chapter on the following:

59 (a) the use of property that is a concession in, or relative to, the use of a public airport,  
60 park, fairground, or similar property that is available as a matter of right to the use of the  
61 general public;

62 (b) the use or possession of property by a religious, educational, or charitable  
63 organization;

64 (c) the use or possession of property if the revenue generated by the possessor or user  
65 of the property through its possession or use of the property inures only to the benefit of a  
66 religious, educational, or charitable organization and not to the benefit of any other person;

67 (d) the possession or other beneficial use of public land occupied under the terms of an  
68 agricultural lease or permit issued by the United States or this state;

69 (e) the use or possession of any lease, permit, or easement unless the lease, permit, or  
70 easement entitles the lessee or permittee to exclusive possession of the premises to which the  
71 lease, permit, or easement relates;

72 (f) the use or possession of property by a public agency, as defined in Section  
73 [11-13-103](#), to the extent that the ownership interest of the public agency in that property is  
74 subject to a fee in lieu of ad valorem property tax under Section [11-13-302](#); or

75 (g) the possession or beneficial use of public property as a tollway by a private entity  
76 through a tollway development agreement as defined in Section [72-6-202](#).

77 (4) For purposes of Subsection (3)(e):

78 (a) every lessee, permittee, or other holder of a right to remove or extract the mineral  
79 covered by the holder's lease, right permit, or easement, except from brines of the Great Salt  
80 Lake, is considered to be in possession of the premises, regardless of whether another party has  
81 a similar right to remove or extract another mineral from the same property; and

82 (b) a lessee, permittee, or holder of an easement still has exclusive possession of the  
83 premises if the owner has the right to enter the premises, approve leasehold improvements, or  
84 inspect the premises.

85 (5) A tax imposed under this chapter is assessed to the possessors or users of the  
86 property on the same forms, and collected and distributed at the same time and in the same  
87 manner, as taxes assessed owners, possessors, or other claimants of property that is subject to  
88 ad valorem property taxation. The tax is not a lien against the property, and no tax-exempt  
89 property may be attached, encumbered, sold, or otherwise affected for the collection of the tax.

90 (6) (a) If a governmental entity is required under this chapter to send information or  
91 notice to a person, the governmental entity shall send the information or notice to:

92 (i) the person required under the applicable provision of this chapter; and

93 (ii) each person designated in accordance with Subsection (6)(b) by the person  
94 described in Subsection (6)(a)(i).

95 (b) (i) A person to whom a governmental entity is required under this chapter to send  
96 information or notice may designate a person to receive the information or notice.

97 (ii) To make a designation described in Subsection (6)(b)(i), the person shall submit a  
98 written request to the governmental entity on a form prescribed by the commission.

99 (c) A person who makes a designation described in Subsection (6)(b) may revoke the  
100 designation by submitting a written request to the governmental entity on a form prescribed by  
101 the commission.

102 ~~[(6)]~~ (7) Sections 59-2-301.1 through 59-2-301.7 apply for purposes of assessing a tax  
103 under this chapter.