

1                   **TANGIBLE PERSONAL PROPERTY TAX AMENDMENTS**

2                                   2022 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Robert M. Spendlove**

5                                   Senate Sponsor: Daniel McCay

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies the signed statement requirements for claiming a property tax  
10 exemption for certain tangible personal property.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ removes the requirement that a taxpayer file a signed statement after the first  
14 calendar year in which a taxpayer qualifies for a property tax exemption for tangible  
15 personal property if the taxpayer continues to qualify for the exemption for  
16 consecutive subsequent years.

17 **Money Appropriated in this Bill:**

18           None

19 **Other Special Clauses:**

20           This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

23           **59-2-1115**, as last amended by Laws of Utah 2021, Chapter 388

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

26           Section 1. Section **59-2-1115** is amended to read:

27           **59-2-1115. Exemption of certain tangible personal property.**

28           (1) As used in this section:

29           (a) (i) "Item of taxable tangible personal property" does not include an improvement to

30 real property or a part that will become an improvement.

31 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
32 commission may make rules defining the term "item of taxable tangible personal property."

33 (b) (i) "Taxable tangible personal property" means tangible personal property that is  
34 subject to taxation under this chapter.

35 (ii) "Taxable tangible personal property" does not include:

36 (A) tangible personal property required by law to be registered with the state before it  
37 is used on a public highway, public waterway, or public land or in the air;

38 (B) a mobile home as defined in Section 41-1a-102; or

39 (C) a manufactured home as defined in Section 41-1a-102.

40 (2) (a) In accordance with Utah Constitution, Article XIII, Section 3, Subsection  
41 (2)(a)(vi), which provides that the Legislature may by statute exempt tangible personal property  
42 that, if subject to property tax, would generate an inconsequential amount of revenue, the  
43 Legislature exempts the tangible personal property described in this Subsection (2).

44 (b) The taxable tangible personal property of a taxpayer is exempt from taxation if the  
45 taxable tangible personal property has a total aggregate taxable value per county of \$25,000 or  
46 less.

47 (c) For an item of taxable tangible personal property that is not exempt under  
48 Subsection (2)(b), the item is exempt from taxation if:

49 (i) the item is owned by a business and is not critical to the actual business operation of  
50 the business; and

51 (ii) the acquisition cost of the item is less than \$500.

52 (3) (a) For a calendar year beginning on or after January 1, 2023, the commission shall  
53 increase the dollar amount described in Subsection (2)(b):

54 (i) by a percentage equal to the percentage difference between the consumer price  
55 index for the preceding calendar year and the consumer price index for calendar year 2021; and

56 (ii) up to the nearest \$100 increment.

57 (b) For purposes of this Subsection (3), the commission shall calculate the consumer

58 price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.

59 (c) If the percentage difference under Subsection (3)(a)(i) is zero or a negative  
60 percentage, the consumer price index increase for the year is zero.

61 (4) (a) For the first calendar year in which a taxpayer qualifies for an exemption  
62 described in Subsection (2)(b), a county assessor may require the taxpayer to file a signed  
63 statement described in Section 59-2-306.

64 ~~[(b) Notwithstanding Section 59-2-306 and subject to Subsection (5), for a calendar~~  
65 ~~year in which a taxpayer qualifies for an exemption described in Subsection (2)(b) after the~~  
66 ~~calendar year described in Subsection (4)(a), a signed statement described in Section 59-2-306~~  
67 ~~with respect to the taxable tangible personal property that is exempt under Subsection (2)(b)~~  
68 ~~may only require the taxpayer to certify, under penalty of perjury, that the taxpayer qualifies for~~  
69 ~~the exemption under Subsection (2)(b).]~~

70 ~~[(c)]~~ (b) If a taxpayer qualifies for an exemption described in Subsection (2)(b) ~~[for~~  
71 ~~five consecutive years]~~ and files a signed statement ~~[for each of those years in accordance with~~  
72 ~~Section 59-2-306 and Subsection (4)(b)]~~ in accordance with Subsection (4)(a), a county  
73 assessor may not require the taxpayer to file a signed statement for each continuing consecutive  
74 year for which the taxpayer qualifies for the exemption.

75 ~~[(d)]~~ (c) If a taxpayer qualifies for an exemption described in Subsection (2)(c) for an  
76 item of tangible taxable personal property, a county assessor may not require the taxpayer to  
77 include the item on a signed statement described in Section 59-2-306.

78 (5) A signed statement with respect to qualifying exempt primary residential rental  
79 personal property is as provided in Section 59-2-103.5.

80 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
81 commission may make rules to administer this section and provide for uniform  
82 implementation.

83 Section 2. **Effective date.**

84 This bill takes effect on January 1, 2023.