

Senator Curtis S. Bramble proposes the following substitute bill:

PROPERTY TAX AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Adam Robertson

LONG TITLE

General Description:

This bill modifies property tax assessment provisions.

Highlighted Provisions:

This bill:

- ▶ modifies the circumstances under which a county has to require a written declaration to qualify for the primary residential property tax exemption;
- ▶ modifies a property owner's right to appeal a determination about the owner's eligibility for the primary residential property tax exemption;
- ▶ defines "public utility" and "telecommunications service provider";
- ▶ provides that the State Tax Commission may not assess property owned by a telecommunications service provider;
- ▶ creates a process for the Multicounty Appraisal Trust to value personal property of a telecommunications service provider before forwarding the information to county assessors for assessment; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 This bill provides a special effective date.

27 This bill provides retrospective operation.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **59-2-102**, as last amended by Laws of Utah 2021, Chapter 314

31 **59-2-103.5**, as last amended by Laws of Utah 2021, Chapters 367 and 389

32 **59-2-201**, as last amended by Laws of Utah 2017, Chapter 425

33 **59-2-306**, as last amended by Laws of Utah 2010, Chapter 131

34 **59-2-307**, as last amended by Laws of Utah 2021, Chapter 389

35 **59-2-308**, as enacted by Laws of Utah 1987, Chapter 4

36 **59-2-1005**, as last amended by Laws of Utah 2010, Chapter 131

37 ENACTS:

38 **59-2-306.5**, Utah Code Annotated 1953

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

41 Section 1. Section **59-2-102** is amended to read:

42 **59-2-102. Definitions.**

43 As used in this chapter:

44 (1) (a) "Acquisition cost" means any cost required to put an item of tangible personal
45 property into service.

46 (b) "Acquisition cost" includes:

47 (i) the purchase price of a new or used item;

48 (ii) the cost of freight, shipping, loading at origin, unloading at destination, crating,
49 skidding, or any other applicable cost of shipping;

50 (iii) the cost of installation, engineering, rigging, erection, or assembly, including
51 foundations, pilings, utility connections, or similar costs; and

52 (iv) sales and use taxes.

53 (2) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of
54 engaging in dispensing activities directly affecting agriculture or horticulture with an
55 airworthiness certificate from the Federal Aviation Administration certifying the aircraft or
56 rotorcraft's use for agricultural and pest control purposes.

57 (3) "Air charter service" means an air carrier operation that requires the customer to
58 hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled
59 trip.

60 (4) "Air contract service" means an air carrier operation available only to customers
61 that engage the services of the carrier through a contractual agreement and excess capacity on
62 any trip and is not available to the public at large.

63 (5) "Aircraft" means the same as that term is defined in Section 72-10-102.

64 (6) (a) Except as provided in Subsection (6)(b), "airline" means an air carrier that:

65 (i) operates:

66 (A) on an interstate route; and

67 (B) on a scheduled basis; and

68 (ii) offers to fly one or more passengers or cargo on the basis of available capacity on a
69 regularly scheduled route.

70 (b) "Airline" does not include an:

71 (i) air charter service; or

72 (ii) air contract service.

73 (7) "Assessment roll" or "assessment book" means a permanent record of the
74 assessment of property as assessed by the county assessor and the commission and may be
75 maintained manually or as a computerized file as a consolidated record or as multiple records
76 by type, classification, or categories.

77 (8) "Base parcel" means a parcel of property that was legally:

78 (a) subdivided into two or more lots, parcels, or other divisions of land; or

79 (b) (i) combined with one or more other parcels of property; and

80 (ii) subdivided into two or more lots, parcels, or other divisions of land.

81 (9) (a) "Certified revenue levy" means a property tax levy that provides an amount of
82 ad valorem property tax revenue equal to the sum of:

83 (i) the amount of ad valorem property tax revenue to be generated statewide in the
84 previous year from imposing a multicounty assessing and collecting levy, as specified in
85 Section 59-2-1602; and

86 (ii) the product of:

87 (A) eligible new growth, as defined in Section 59-2-924; and

88 (B) the multicounty assessing and collecting levy certified by the commission for the
89 previous year.

90 (b) For purposes of this Subsection (9), "ad valorem property tax revenue" does not
91 include property tax revenue received by a taxing entity from personal property that is:

- 92 (i) assessed by a county assessor in accordance with Part 3, County Assessment; and
- 93 (ii) semiconductor manufacturing equipment.

94 (c) For purposes of calculating the certified revenue levy described in this Subsection
95 (9), the commission shall use:

96 (i) the taxable value of real property assessed by a county assessor contained on the
97 assessment roll;

98 (ii) the taxable value of real and personal property assessed by the commission; and

99 (iii) the taxable year end value of personal property assessed by a county assessor
100 contained on the prior year's assessment roll.

101 (10) "County-assessed commercial vehicle" means:

102 (a) any commercial vehicle, trailer, or semitrailer that is not apportioned under Section
103 41-1a-301 and is not operated interstate to transport the vehicle owner's goods or property in
104 furtherance of the owner's commercial enterprise;

105 (b) any passenger vehicle owned by a business and used by its employees for
106 transportation as a company car or vanpool vehicle; and

107 (c) vehicles that are:

108 (i) especially constructed for towing or wrecking, and that are not otherwise used to
109 transport goods, merchandise, or people for compensation;

110 (ii) used or licensed as taxicabs or limousines;

111 (iii) used as rental passenger cars, travel trailers, or motor homes;

112 (iv) used or licensed in this state for use as ambulances or hearses;

113 (v) especially designed and used for garbage and rubbish collection; or

114 (vi) used exclusively to transport students or their instructors to or from any private,
115 public, or religious school or school activities.

116 (11) "Eligible judgment" means a final and unappealable judgment or order under
117 Section 59-2-1330:

118 (a) that became a final and unappealable judgment or order no more than 14 months

119 before the day on which the notice described in Section 59-2-919.1 is required to be provided;
120 and

121 (b) for which a taxing entity's share of the final and unappealable judgment or order is
122 greater than or equal to the lesser of:

123 (i) \$5,000; or

124 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the
125 previous fiscal year.

126 (12) (a) "Escaped property" means any property, whether personal, land, or any
127 improvements to the property, that is subject to taxation and is:

128 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed
129 to the wrong taxpayer by the assessing authority;

130 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to
131 comply with the reporting requirements of this chapter; or

132 (iii) undervalued because of errors made by the assessing authority based upon
133 incomplete or erroneous information furnished by the taxpayer.

134 (b) "Escaped property" does not include property that is undervalued because of the use
135 of a different valuation methodology or because of a different application of the same valuation
136 methodology.

137 (13)(a) "Fair market value" means the amount at which property would change hands
138 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell
139 and both having reasonable knowledge of the relevant facts.

140 (b) For purposes of taxation, "fair market value" shall be determined using the current
141 zoning laws applicable to the property in question, except in cases where there is a reasonable
142 probability of a change in the zoning laws affecting that property in the tax year in question and
143 the change would have an appreciable influence upon the value.

144 (14) "Geothermal fluid" means water in any form at temperatures greater than 120
145 degrees centigrade naturally present in a geothermal system.

146 (15) "Geothermal resource" means:

147 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade;

148 and

149 (b) the energy, in whatever form, including pressure, present in, resulting from, created

150 by, or which may be extracted from that natural heat, directly or through a material medium.

151 (16) (a) "Goodwill" means:

152 (i) acquired goodwill that is reported as goodwill on the books and records that a
153 taxpayer maintains for financial reporting purposes; or

154 (ii) the ability of a business to:

155 (A) generate income that exceeds a normal rate of return on assets and that results from
156 a factor described in Subsection (16)(b); or

157 (B) obtain an economic or competitive advantage resulting from a factor described in
158 Subsection (16)(b).

159 (b) The following factors apply to Subsection (16)(a)(ii):

160 (i) superior management skills;

161 (ii) reputation;

162 (iii) customer relationships;

163 (iv) patronage; or

164 (v) a factor similar to Subsections (16)(b)(i) through (iv).

165 (c) "Goodwill" does not include:

166 (i) the intangible property described in Subsection (19)(a) or (b);

167 (ii) locational attributes of real property, including:

168 (A) zoning;

169 (B) location;

170 (C) view;

171 (D) a geographic feature;

172 (E) an easement;

173 (F) a covenant;

174 (G) proximity to raw materials;

175 (H) the condition of surrounding property; or

176 (I) proximity to markets;

177 (iii) value attributable to the identification of an improvement to real property,

178 including:

179 (A) reputation of the designer, builder, or architect of the improvement;

180 (B) a name given to, or associated with, the improvement; or

181 (C) the historic significance of an improvement; or
182 (iv) the enhancement or assemblage value specifically attributable to the interrelation
183 of the existing tangible property in place working together as a unit.

184 (17) "Governing body" means:

185 (a) for a county, city, or town, the legislative body of the county, city, or town;
186 (b) for a local district under Title 17B, Limited Purpose Local Government Entities -
187 Local Districts, the local district's board of trustees;

188 (c) for a school district, the local board of education;

189 (d) for a special service district under Title 17D, Chapter 1, Special Service District
190 Act:

191 (i) the legislative body of the county or municipality that created the special service
192 district, to the extent that the county or municipal legislative body has not delegated authority
193 to an administrative control board established under Section 17D-1-301; or

194 (ii) the administrative control board, to the extent that the county or municipal
195 legislative body has delegated authority to an administrative control board established under
196 Section 17D-1-301; or

197 (e) for a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure
198 District Act, the public infrastructure district's board of trustees.

199 (18) (a) Except as provided in Subsection (18)(c), "improvement" means a building,
200 structure, fixture, fence, or other item that is permanently attached to land, regardless of
201 whether the title has been acquired to the land, if:

202 (i) (A) attachment to land is essential to the operation or use of the item; and

203 (B) the manner of attachment to land suggests that the item will remain attached to the
204 land in the same place over the useful life of the item; or

205 (ii) removal of the item would:

206 (A) cause substantial damage to the item; or

207 (B) require substantial alteration or repair of a structure to which the item is attached.

208 (b) "Improvement" includes:

209 (i) an accessory to an item described in Subsection (18)(a) if the accessory is:

210 (A) essential to the operation of the item described in Subsection (18)(a); and

211 (B) installed solely to serve the operation of the item described in Subsection (18)(a);

212 and

213 (ii) an item described in Subsection (18)(a) that is temporarily detached from the land
214 for repairs and remains located on the land.

215 (c) "Improvement" does not include:

216 (i) an item considered to be personal property pursuant to rules made in accordance
217 with Section 59-2-107;

218 (ii) a moveable item that is attached to land for stability only or for an obvious
219 temporary purpose;

220 (iii) (A) manufacturing equipment and machinery; or

221 (B) essential accessories to manufacturing equipment and machinery;

222 (iv) an item attached to the land in a manner that facilitates removal without substantial
223 damage to the land or the item; or

224 (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that
225 transportable factory-built housing unit is considered to be personal property under Section
226 59-2-1503.

227 (19) "Intangible property" means:

228 (a) property that is capable of private ownership separate from tangible property,
229 including:

230 (i) money;

231 (ii) credits;

232 (iii) bonds;

233 (iv) stocks;

234 (v) representative property;

235 (vi) franchises;

236 (vii) licenses;

237 (viii) trade names;

238 (ix) copyrights; and

239 (x) patents;

240 (b) a low-income housing tax credit;

241 (c) goodwill; or

242 (d) a renewable energy tax credit or incentive, including:

243 (i) a federal renewable energy production tax credit under Section 45, Internal Revenue
244 Code;

245 (ii) a federal energy credit for qualified renewable electricity production facilities under
246 Section 48, Internal Revenue Code;

247 (iii) a federal grant for a renewable energy property under American Recovery and
248 Reinvestment Act of 2009, Pub. L. No. 111-5, Section 1603; and

249 (iv) a tax credit under Subsection 59-7-614(5).

250 (20) "Livestock" means:

251 (a) a domestic animal;

252 (b) a fish;

253 (c) a fur-bearing animal;

254 (d) a honeybee; or

255 (e) poultry.

256 (21) "Low-income housing tax credit" means:

257 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code;

258 or

259 (b) a low-income housing tax credit under Section 59-7-607 or Section 59-10-1010.

260 (22) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and uranium.

261 (23) "Mine" means a natural deposit of either metalliferous or nonmetalliferous
262 valuable mineral.

263 (24) "Mining" means the process of producing, extracting, leaching, evaporating, or
264 otherwise removing a mineral from a mine.

265 (25) (a) "Mobile flight equipment" means tangible personal property that is owned or
266 operated by an air charter service, air contract service, or airline and:

267 (i) is capable of flight or is attached to an aircraft that is capable of flight; or

268 (ii) is contained in an aircraft that is capable of flight if the tangible personal property
269 is intended to be used:

270 (A) during multiple flights;

271 (B) during a takeoff, flight, or landing; and

272 (C) as a service provided by an air charter service, air contract service, or airline.

273 (b) (i) "Mobile flight equipment" does not include a spare part other than a spare

274 engine that is rotated at regular intervals with an engine that is attached to the aircraft.

275 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
276 commission may make rules defining the term "regular intervals."

277 (26) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal, salts,
278 sand, rock, gravel, and all carboniferous materials.

279 (27) "Part-year residential property" means property that is not residential property on
280 January 1 of a calendar year but becomes residential property after January 1 of the calendar
281 year.

282 (28) "Personal property" includes:

283 (a) every class of property as defined in Subsection (29) that is the subject of
284 ownership and is not real estate or an improvement;

285 (b) any pipe laid in or affixed to land whether or not the ownership of the pipe is
286 separate from the ownership of the underlying land, even if the pipe meets the definition of an
287 improvement;

288 (c) bridges and ferries;

289 (d) livestock; and

290 (e) outdoor advertising structures as defined in Section [72-7-502](#).

291 (29) (a) "Property" means property that is subject to assessment and taxation according
292 to its value.

293 (b) "Property" does not include intangible property as defined in this section.

294 (30) (a) "Public utility" means:

295 ~~[(a) for purposes of this chapter,]~~ (i) the operating property of a railroad, gas
296 corporation, oil or gas transportation or pipeline company, coal slurry pipeline company,
297 electrical corporation, ~~[telephone corporation,]~~ sewerage corporation, or heat corporation where
298 the company performs the service for, or delivers the commodity to, the public generally or
299 companies serving the public generally, or in the case of a gas corporation or an electrical
300 corporation, where the gas or electricity is sold or furnished to any member or consumers
301 within the state for domestic, commercial, or industrial use; and

302 ~~[(b)]~~ (ii) the operating property of any entity or person defined under Section [54-2-1](#)
303 except water corporations.

304 (b) "Public utility" does not include the operating property of a telecommunications

305 service provider.

306 (31) (a) Subject to Subsection (31)(b), "qualifying exempt primary residential rental
307 personal property" means household furnishings, furniture, and equipment that:

308 (i) are used exclusively within a dwelling unit that is the primary residence of a tenant;

309 (ii) are owned by the owner of the dwelling unit that is the primary residence of a
310 tenant; and

311 (iii) after applying the residential exemption described in Section 59-2-103, are exempt
312 from taxation under this chapter in accordance with Subsection 59-2-1115(2).

313 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
314 commission may by rule define the term "dwelling unit" for purposes of this Subsection (31)
315 and Subsection (34).

316 (32) "Real estate" or "real property" includes:

317 (a) the possession of, claim to, ownership of, or right to the possession of land;

318 (b) all mines, minerals, and quarries in and under the land, all timber belonging to
319 individuals or corporations growing or being on the lands of this state or the United States, and
320 all rights and privileges appertaining to these; and

321 (c) improvements.

322 (33) (a) "Relationship with an owner of the property's land surface rights" means a
323 relationship described in Subsection 267(b), Internal Revenue Code, except that the term 25%
324 shall be substituted for the term 50% in Subsection 267(b), Internal Revenue Code.

325 (b) For purposes of determining if a relationship described in Subsection 267(b),
326 Internal Revenue Code, exists, the ownership of stock shall be determined using the ownership
327 rules in Subsection 267(c), Internal Revenue Code.

328 (34) (a) "Residential property," for purposes of the reductions and adjustments under
329 this chapter, means any property used for residential purposes as a primary residence.

330 (b) "Residential property" includes:

331 (i) except as provided in Subsection (34)(b)(ii), includes household furnishings,
332 furniture, and equipment if the household furnishings, furniture, and equipment are:

333 (A) used exclusively within a dwelling unit that is the primary residence of a tenant;
334 and

335 (B) owned by the owner of the dwelling unit that is the primary residence of a tenant;

336 and

337 (ii) if the county assessor determines that the property will be used for residential
338 purposes as a primary residence:

339 (A) property under construction; or

340 (B) unoccupied property.

341 (c) "Residential property" does not include property used for transient residential use.

342 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
343 commission may by rule define the term "dwelling unit" for purposes of Subsection (31) and
344 this Subsection (34).

345 (35) "Split estate mineral rights owner" means a person that:

346 (a) has a legal right to extract a mineral from property;

347 (b) does not hold more than a 25% interest in:

348 (i) the land surface rights of the property where the wellhead is located; or

349 (ii) an entity with an ownership interest in the land surface rights of the property where
350 the wellhead is located;

351 (c) is not an entity in which the owner of the land surface rights of the property where
352 the wellhead is located holds more than a 25% interest; and

353 (d) does not have a relationship with an owner of the land surface rights of the property
354 where the wellhead is located.

355 (36) (a) "State-assessed commercial vehicle" means:

356 (i) any commercial vehicle, trailer, or semitrailer that operates interstate or intrastate to
357 transport passengers, freight, merchandise, or other property for hire; or

358 (ii) any commercial vehicle, trailer, or semitrailer that operates interstate and transports
359 the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

360 (b) "State-assessed commercial vehicle" does not include vehicles used for hire that are
361 specified in Subsection (10)(c) as county-assessed commercial vehicles.

362 (37) "Subdivided lot" means a lot, parcel, or other division of land, that is a division of
363 a base parcel.

364 (38) "Tax area" means a geographic area created by the overlapping boundaries of one
365 or more taxing entities.

366 (39) "Taxable value" means fair market value less any applicable reduction allowed for

367 residential property under Section [59-2-103](#).

368 (40) "Taxing entity" means any county, city, town, school district, special taxing
369 district, local district under Title 17B, Limited Purpose Local Government Entities - Local
370 Districts, or other political subdivision of the state with the authority to levy a tax on property.

371 (41) (a) "Tax roll" means a permanent record of the taxes charged on property, as
372 extended on the assessment roll, and may be maintained on the same record or records as the
373 assessment roll or may be maintained on a separate record properly indexed to the assessment
374 roll.

375 (b) "Tax roll" includes tax books, tax lists, and other similar materials.

376 (42) "Telecommunications service provider" means the same as that term is defined in
377 Section [59-12-102](#).

378 Section 2. Section **59-2-103.5** is amended to read:

379 **59-2-103.5. Procedures to obtain an exemption for residential property --**
380 **Procedure if property owner or property no longer qualifies to receive a residential**
381 **exemption.**

382 (1) Subject to Subsection (8), for residential property other than part-year residential
383 property, a county legislative body may adopt an ordinance that requires an owner to file an
384 application with the county board of equalization before a residential exemption under Section
385 [59-2-103](#) may be applied to the value of the residential property if:

386 (a) the residential property was ineligible for the residential exemption during the
387 calendar year immediately preceding the calendar year for which the owner is seeking to have
388 the residential exemption applied to the value of the residential property;

389 (b) an ownership interest in the residential property changes; or

390 (c) the county board of equalization determines that there is reason to believe that the
391 residential property no longer qualifies for the residential exemption.

392 (2) (a) The application described in Subsection (1):

393 (i) shall be on a form the commission prescribes by rule and makes available to the
394 counties;

395 (ii) shall be signed by the owner of the residential property; and

396 (iii) may not request the sales price of the residential property.

397 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

398 commission may make rules prescribing the contents of the form described in Subsection
399 (2)(a).

400 (c) For purposes of the application described in Subsection (1), a county may not
401 request information from an owner of a residential property beyond the information provided in
402 the form prescribed by the commission under this Subsection (2).

403 (3) (a) Regardless of whether a county legislative body adopts an ordinance described
404 in Subsection (1), before a residential exemption may be applied to the value of part-year
405 residential property, an owner of the property shall:

406 (i) file the application described in Subsection (2)(a) with the county board of
407 equalization; and

408 (ii) include as part of the application described in Subsection (2)(a) a statement that
409 certifies:

410 (A) the date the part-year residential property became residential property;

411 (B) that the part-year residential property will be used as residential property for 183 or
412 more consecutive calendar days during the calendar year for which the owner seeks to obtain
413 the residential exemption; and

414 (C) that the owner, or a member of the owner's household, may not claim a residential
415 exemption for any property for the calendar year for which the owner seeks to obtain the
416 residential exemption, other than the part-year residential property, or as allowed under Section
417 [59-2-103](#) with respect to the primary residence or household furnishings, furniture, and
418 equipment of the owner's tenant.

419 (b) If an owner files an application under this Subsection (3) on or after May 1 of the
420 calendar year for which the owner seeks to obtain the residential exemption, the county board
421 of equalization may require the owner to pay an application fee not to exceed \$50.

422 (4) Except as provided in Subsection (5), if a property owner no longer qualifies to
423 receive a residential exemption authorized under Section [59-2-103](#) for the property owner's
424 primary residence, the property owner shall:

425 (a) file a written statement with the county board of equalization of the county in which
426 the property is located:

427 (i) on a form provided by the county board of equalization; and

428 (ii) notifying the county board of equalization that the property owner no longer

429 qualifies to receive a residential exemption authorized under Section 59-2-103 for the property
430 owner's primary residence; and

431 (b) declare on the property owner's individual income tax return under Chapter 10,
432 Individual Income Tax Act, for the taxable year for which the property owner no longer
433 qualifies to receive a residential exemption authorized under Section 59-2-103 for the property
434 owner's primary residence, that the property owner no longer qualifies to receive a residential
435 exemption authorized under Section 59-2-103 for the property owner's primary residence.

436 (5) A property owner is not required to file a written statement or make the declaration
437 described in Subsection (4) if the property owner:

438 (a) changes primary residences;

439 (b) qualified to receive a residential exemption authorized under Section 59-2-103 for
440 the residence that was the property owner's former primary residence; and

441 (c) qualifies to receive a residential exemption authorized under Section 59-2-103 for
442 the residence that is the property owner's current primary residence.

443 (6) Subsections (2) through (5) do not apply to qualifying exempt primary residential
444 rental personal property.

445 (7) (a) Subject to Subsection (8), for the first calendar year in which a property owner
446 qualifies to receive a residential exemption under Section 59-2-103, a county assessor may
447 require the property owner to file a signed statement described in Section 59-2-306.

448 (b) Subject to Subsection (8) and notwithstanding Section 59-2-306, for a calendar year
449 after the calendar year described in Subsection (7)(a) in which a property owner qualifies for an
450 exemption described in Subsection 59-2-1115(2) for qualifying exempt primary residential
451 rental personal property, a signed statement described in Section 59-2-306 with respect to the
452 qualifying exempt primary residential rental personal property may only require the property
453 owner to certify, under penalty of perjury, that the property owner qualifies for the exemption
454 under Subsection 59-2-1115(2).

455 (8) (a) ~~[Subject to the requirements of this Subsection (8) and except as provided in~~
456 ~~Subsection (8)(b), on or before May 1, 2020, a]~~ After an ownership interest in residential
457 property changes, the county assessor shall:

458 (i) notify ~~[each owner of]~~ the owner of the residential property that the owner is
459 required to submit a written declaration described in Subsection (8)(d) within ~~[30]~~ 90 days after

460 the day on which the county assessor mails the notice under this Subsection (8)(a); and

461 (ii) provide ~~[each owner with a]~~ the owner of the residential property with the form
462 described in Subsection (8)(e) to make the written declaration described in Subsection (8)(d).

463 (b) A county assessor is not required to provide a notice to an owner of residential
464 property under Subsection (8)(a) if the situs address of the residential property is the same as
465 any one of the following:

466 (i) the mailing address of the residential property owner or the tenant of the residential
467 property;

468 (ii) the address listed on the:

469 (A) residential property owner's driver license; or

470 (B) tenant of the residential property's driver license; or

471 (iii) the address listed on the:

472 (A) residential property owner's voter registration; or

473 (B) tenant of the residential property's voter registration.

474 ~~[(c) After an ownership interest in residential property changes, the county assessor~~
475 ~~shall:]~~

476 ~~[(i) notify the owner of the residential property that the owner is required to submit a~~
477 ~~written declaration described in Subsection (8)(d) within 90 days after the day on which the~~
478 ~~owner receives notice under this Subsection (8)(c); and]~~

479 ~~[(ii) provide the owner of the residential property with the form described in~~
480 ~~Subsection (8)(e) to make the written declaration described in Subsection (8)(d).]~~

481 (c) A county assessor is not required to provide a notice to an owner of residential
482 property under Subsection (8)(a) if:

483 (i) the owner is using a post office box or rural route box located in the county where
484 the residential property is located; and

485 (ii) the residential property is located in a county of the fourth, fifth, or sixth class.

486 (d) An owner of residential property that receives a notice described in Subsection
487 (8)(a) ~~[or (c)]~~ shall submit a written declaration to the county assessor under penalty of perjury
488 certifying the information contained in the form provided in Subsection (8)(e).

489 (e) The written declaration required by Subsection (8)(d) shall be:

490 (i) signed by the owner of the residential property; and

491 (ii) in substantially the following form:

492 "Residential Property Declaration

493 This form must be submitted to the County Assessor's office where your new residential
494 property is located within 90 days of receipt. Failure to do so will result in the county assessor
495 taking action that could result in the withdrawal of the primary residential exemption from your
496 residential property.

497 Residential Property Owner Information

498 Name(s): _____

499 Home Phone: _____

500 Work Phone: _____

501 Mailing Address: _____

502 Residential Property Information

503 Physical Address: _____

504 Certification

505 1. Is this property used as a primary residential property or part-year residential
506 property for you or another person?

507 "Part-year residential property" means owned property that is not residential property on
508 January 1 of a calendar year but becomes residential property after January 1 of the calendar
509 year.

510 Yes No

511 2. Will this primary residential property or part-year residential property be occupied
512 for 183 or more consecutive calendar days by the owner or another person?

513 A part-year residential property occupied for 183 or more consecutive calendar days in
514 a calendar year by the owner(s) or a tenant is eligible for the exemption.

515 Yes No

516 If a property owner or a property owner's spouse claims a residential exemption under
517 Utah Code Ann. § 59-2-103 for property in this state that is the primary residence of the
518 property owner or the property owner's spouse, that claim of a residential exemption creates a
519 rebuttable presumption that the property owner and the property owner's spouse have domicile
520 in Utah for income tax purposes. The rebuttable presumption of domicile does not apply if the
521 residential property is the primary residence of a tenant of the property owner or the property

522 owner's spouse.

523 Signature

524 Under penalties of perjury, I declare to the best of my knowledge and belief, this
525 declaration and accompanying pages are true, correct, and complete.

526 _____ (Owner signature) _____ Date (mm/dd/yyyy)

527 _____ (Owner printed name)

528 (f) For purposes of a written declaration described in this Subsection (8), a county may
529 not request information from a property owner beyond the information described in the form
530 provided in Subsection (8)(e).

531 (g) (i) If, after receiving a written declaration filed under Subsection (8)(d), the county
532 determines that the property has been incorrectly qualified or disqualified to receive a
533 residential exemption, the county shall:

534 (A) redetermine the property's qualification to receive a residential exemption; and

535 (B) notify the claimant of the redetermination and [its] the county's reason for the
536 redetermination.

537 (ii) The redetermination provided in Subsection (8)(g)(i)(A) is final unless [~~appealed~~
538 ~~within 30 days after the notice required by Subsection (8)(g)(i)(B):~~];

539 (A) except as provided in Subsection (8)(g)(iii), the property owner appeals the
540 redetermination to the board of equalization in accordance with Subsection 59-2-1004(2); or

541 (B) the county determines that the property is eligible to receive a primary residential
542 exemption as part-year residential property.

543 (iii) The board of equalization may not accept an appeal that is filed after the later of:

544 (A) September 15 of the current calendar year; or

545 (B) the last day of the 45-day period beginning on the day on which the county auditor
546 provides the notice under Section 59-2-919.1.

547 (h) (i) If a residential property owner fails to file a written declaration required by
548 Subsection (8)(d), the county assessor shall mail to the owner of the residential property a
549 notice that:

550 (A) the property owner failed to file a written declaration as required by Subsection
551 (8)(d); and

552 (B) the property owner will no longer qualify to receive the residential exemption

553 authorized under Section 59-2-103 for the property that is the subject of the written declaration
 554 if the property owner does not file the written declaration required by Subsection (8)(d) within
 555 30 days after the day on which the county assessor mails the notice under this Subsection
 556 (8)(h)(i).

557 (ii) If a property owner fails to file a written declaration required by Subsection (8)(d)
 558 after receiving the notice described in Subsection (8)(h)(i), the property owner no longer
 559 qualifies to receive the residential exemption authorized under Section 59-2-103 in the calendar
 560 year for the property that is the subject of the written declaration[-] unless:

561 (A) except as provided in Subsection (8)(h)(iii), the property owner appeals the
 562 redetermination to the board of equalization in accordance with Subsection 59-2-1004(2); or

563 (B) the county determines that the property is eligible to receive a primary residential
 564 exemption as part-year residential property.

565 (iii) The board of equalization may not accept an appeal that is filed after the later of:

566 (A) September 15 of the current calendar year; or

567 (B) the last day of the 45-day period beginning on the day on which the county auditor
 568 provides the notice under Section 59-2-919.1.

569 [(iii)] (iv) A property owner that is disqualified to receive the residential exemption
 570 under Subsection (8)(h)(ii) may file an application described in Subsection (1) to determine
 571 whether the owner is eligible to receive the residential exemption.

572 (i) The requirements of this Subsection (8) do not apply to a county assessor in a
 573 county that has, for the five calendar years prior to 2019, had in place and enforced an
 574 ordinance described in Subsection (1).

575 Section 3. Section 59-2-201 is amended to read:

576 **59-2-201. Assessment by commission -- Determination of value of mining**
 577 **property -- Determination of value of aircraft -- Notification of assessment -- Local**
 578 **assessment of property assessed by the unitary method -- Commission may consult with**
 579 **county.**

580 (1) (a) By May 1 of each year, the following property, unless otherwise exempt under
 581 the Utah Constitution or under Part 11, Exemptions, Deferrals, and Abatements, shall be
 582 assessed by the commission at 100% of fair market value, as valued on January 1, in
 583 accordance with this chapter:

584 (i) except as provided in Subsection (2), all property that operates as a unit across
585 county lines, if the values must be apportioned among more than one county or state;

586 (ii) all property of public utilities;

587 (iii) all operating property of an airline, air charter service, and air contract service;

588 (iv) all geothermal fluids and geothermal resources;

589 (v) all mines and mining claims except in cases, as determined by the commission,
590 where the mining claims are used for other than mining purposes, in which case the value of
591 mining claims used for other than mining purposes shall be assessed by the assessor of the
592 county in which the mining claims are located; and

593 (vi) all machinery used in mining, all property or surface improvements upon or
594 appurtenant to mines or mining claims. For the purposes of assessment and taxation, all
595 processing plants, mills, reduction works, and smelters that are primarily used by the owner of
596 a mine or mining claim for processing, reducing, or smelting minerals taken from a mine or
597 mining claim shall be considered appurtenant to that mine or mining claim, regardless of actual
598 location.

599 (b) (i) For purposes of Subsection (1)(a)(iii), operating property of an air charter
600 service does not include an aircraft that is:

601 (A) used by the air charter service for air charter; and

602 (B) owned by a person other than the air charter service.

603 (ii) For purposes of this Subsection (1)(b):

604 (A) "person" means a natural person, individual, corporation, organization, or other
605 legal entity; and

606 (B) a person does not qualify as a person other than the air charter service as described
607 in Subsection (1)(b)(i)(B) if the person is:

608 (I) a principal, owner, or member of the air charter service; or

609 (II) a legal entity that has a principal, owner, or member of the air charter service as a
610 principal, owner, or member of the legal entity.

611 (2) (a) The commission may not assess property owned by a telecommunications
612 service provider.

613 (b) The commission shall assess and collect property tax on state-assessed commercial
614 vehicles at the time of original registration or annual renewal.

615 ~~[(a)]~~ (i) The commission shall assess and collect property tax annually on
616 state-assessed commercial vehicles that are registered pursuant to Section 41-1a-222 or
617 41-1a-228.

618 ~~[(b)]~~ (ii) State-assessed commercial vehicles brought into the state that are required to
619 be registered in Utah shall, as a condition of registration, be subject to ad valorem tax unless all
620 property taxes or fees imposed by the state of origin have been paid for the current calendar
621 year.

622 ~~[(c)]~~ (iii) Real property, improvements, equipment, fixtures, or other personal property
623 in this state owned by the company shall be assessed separately by the local county assessor.

624 ~~[(d)]~~ (iv) The commission shall adjust the value of state-assessed commercial vehicles
625 as necessary to comply with 49 U.S.C. Sec. 14502, and the commission shall direct the county
626 assessor to apply the same adjustment to any personal property, real property, or improvements
627 owned by the company and used directly and exclusively in their commercial vehicle activities.

628 (3) (a) The method for determining the fair market value of productive mining property
629 is the capitalized net revenue method or any other valuation method the commission believes,
630 or the taxpayer demonstrates to the commission's satisfaction, to be reasonably determinative
631 of the fair market value of the mining property.

632 (b) The commission shall determine the rate of capitalization applicable to mines,
633 consistent with a fair rate of return expected by an investor in light of that industry's current
634 market, financial, and economic conditions.

635 (c) In no event may the fair market value of the mining property be less than the fair
636 market value of the land, improvements, and tangible personal property upon or appurtenant to
637 the mining property.

638 (4) (a) As used in this Subsection (4), "aircraft pricing guide" means a nationally
639 recognized publication that assigns value estimates for individual commercial aircraft that are:

- 640 (i) identified by year, make, and model; and
641 (ii) in average condition typical for the aircraft's type and vintage.

642 (b) (i) Except as provided in Subsection (4)(d), the commission shall use an aircraft
643 pricing guide, adjusted as provided in Subsection (4)(c), to determine the fair market value of
644 aircraft assessed under this part.

645 (ii) The commission shall use the Airliner Price Guide as the aircraft pricing guide,

646 except that:

647 (A) if the Airliner Price Guide is no longer published or the commission determines
648 that another aircraft pricing guide more reasonably reflects the fair market value of aircraft, the
649 commission, after consulting with the airlines operating in the state, shall select an alternative
650 aircraft pricing guide;

651 (B) if an aircraft is not listed in the Airliner Price Guide, the commission shall use the
652 Aircraft Bluebook Price Digest as the aircraft pricing guide; and

653 (C) if the Aircraft Bluebook Price Digest is no longer published or the commission
654 determines that another aircraft pricing guide more reasonably reflects the fair market value of
655 aircraft, the commission, after consulting with the airlines operating in the state, shall select an
656 alternative aircraft pricing guide.

657 (c) (i) To reflect the value of an aircraft fleet that is used as part of the operating
658 property of an airline, air charter service, or air contract service, the fair market value of the
659 aircraft shall include a fleet adjustment as provided in this Subsection (4)(c).

660 (ii) If the aircraft pricing guide provides a method for making a fleet adjustment, the
661 commission shall use the method described in the aircraft pricing guide.

662 (iii) If the aircraft pricing guide does not provide a method for making a fleet
663 adjustment, the commission shall make a fleet adjustment by reducing the aircraft pricing guide
664 value of each aircraft in the fleet by .5% for each aircraft over three aircraft up to a maximum
665 20% reduction.

666 (d) The commission may use an alternative method for valuing aircraft of an airline, air
667 charter service, or air contract service if the commission:

668 (i) has clear and convincing evidence that the aircraft values reflected in the aircraft
669 pricing guide do not reasonably reflect fair market value of the aircraft; and

670 (ii) cannot identify an alternative aircraft pricing guide from which the commission
671 may determine aircraft value.

672 (5) Immediately following the assessment, the commission shall send, by certified
673 mail, notice of the assessment to the owner or operator of the assessed property and the
674 assessor of the county in which the property is located.

675 (6) The commission may consult with a county in valuing property in accordance with
676 this part.

677 (7) The local county assessor shall separately assess property that is assessed by the
678 unitary method if the commission determines that the property:

- 679 (a) is not necessary to the conduct of the business; and
680 (b) does not contribute to the income of the business.

681 Section 4. Section **59-2-306** is amended to read:

682 **59-2-306. Statements by taxpayers -- Power of assessors respecting statements --**
683 **Reporting information to other counties, taxpayer.**

684 (1) (a) ~~[The]~~ Except as provided in Subsection (1)(c), the county assessor may request
685 a signed statement from any person setting forth all the real and personal property assessable by
686 the assessor [which is owned, possessed, managed, or under the control of the person] that the
687 person owns, possesses, manages, or has under the person's control at 12 noon on January 1.

688 (b) A request under Subsection (1)(a) shall include a notice of the procedure under
689 Section **59-2-1005** for appealing the value of the personal property.

690 (c) A telecommunications service provider shall file a signed statement setting forth
691 the telecommunications service provider's:

- 692 (i) real property in accordance with this section; and
693 (ii) personal property in accordance with Section **59-2-306.5**.

694 (d) A telecommunications service provider shall claim an exemption for personal
695 property in accordance with Section **59-2-1115**.

696 (2) (a) Except as provided in Subsection (2)(b) or (c), a person shall file a signed
697 statement described in Subsection (1) [shall be filed] on or before May 15 of the year the
698 county assessor requests the statement described in Subsection (1) [is requested by the county
699 assessor].

700 (b) For a county of the first class, a person shall file the signed statement described in
701 Subsection (1) [shall be filed] on or before the later of:

702 (i) 60 days after ~~[requested by the assessor]~~ the day on which the county assessor
703 requests the statement; or

704 (ii) ~~[on or before]~~ May 15 of the year the county assessor requests the statement
705 described in Subsection (1) [is requested by the county assessor] if, by resolution, the county
706 legislative body of that county adopts the deadline described in Subsection (2)(a).

707 (c) If a county assessor requests a signed statement described in Subsection (1) on or

708 after March 16, the person shall file the signed statement within 60 days after ~~[requested by the~~
709 ~~assessor]~~ the day on which the county assessor requests the signed statement.

710 (3) The signed statement shall include the following:

711 (a) all property belonging to, claimed by, or in the possession, control, or management
712 of the person, any firm of which the person is a member, or any corporation of which the
713 person is president, secretary, cashier, or managing agent;

714 (b) the county in which the property is located or in which ~~[it]~~ the property is taxable;
715 and, if taxable in the county in which the signed statement was made, also the city, town,
716 school district, road district, or other taxing district in which ~~[it]~~ the property is located or
717 taxable; and

718 (c) all lands in parcels or subdivisions not exceeding 640 acres each, the sections and
719 fractional sections of all tracts of land containing more than 640 acres ~~[which]~~ that have been
720 sectionized by the United States Government, and the improvements on those lands.

721 (4) Every county assessor may subpoena and examine any person in any county in
722 relation to any signed statement but may not require that person to appear in any county other
723 than the county in which the subpoena is served.

724 (5) (a) Except as provided in Subsection (5)(b), if the signed statement discloses
725 property in any other county, the county assessor shall file the signed statement and send a copy
726 to the county assessor of each county in which the property is located.

727 (b) If the signed statement discloses personal property of a telecommunications service
728 provider, the county assessor shall notify the telecommunications service provider of the
729 requirement to file a signed statement in accordance with Section [59-2-306.5](#).

730 Section 5. Section **59-2-306.5** is enacted to read:

731 **59-2-306.5. Valuation of personal property of telecommunications service**
732 **provider -- Reporting information to counties.**

733 (1) As used in this section, "Multicounty Appraisal Trust" means the same as that term
734 is defined in Section [59-2-1601](#).

735 (2) A telecommunications service provider shall provide to the Multicounty Appraisal
736 Trust a signed statement setting forth all of the personal property that the telecommunications
737 service provider owns, possesses, manages, or has under the telecommunications service
738 provider's control in the state.

739 (3) The signed statement shall:
740 (a) itemize each item of personal property that the telecommunications service provider
741 owns, possesses, manages, or has under the telecommunications service provider's control:
742 (i) by county; and
743 (ii) for the tax year that began on January 1; and
744 (b) be submitted:
745 (i) annually on or before May 15; and
746 (ii) electronically in a form approved by the commission.
747 (4) (a) The Multicounty Appraisal Trust shall value each item of personal property of a
748 telecommunications service provider according to the personal property valuation guides and
749 schedules established by the commission.
750 (b) A telecommunications service provider may appeal the valuation of personal
751 property in accordance with Section [59-2-1005](#).
752 (5) The Multicounty Appraisal Trust shall forward to each county information about
753 the total value of personal property of each telecommunications service provider within the
754 county.
755 (6) If a signed statement filed in accordance with this section discloses real property,
756 the Multicounty Appraisal Trust shall send a copy of the signed statement to the county in
757 which the property is located.
758 Section 6. Section **59-2-307** is amended to read:
759 **59-2-307. Refusal by taxpayer to file signed statement -- Estimation of Value --**
760 **Penalty.**
761 (1) (a) Each person ~~[who]~~ that fails to file the signed statement required by Section
762 [59-2-306](#) or Section [59-2-306.5](#), fails to file the signed statement with respect to name and
763 place of residence, or fails to appear and testify when requested by the assessor, shall pay a
764 penalty equal to 10% of the estimated tax due, but not less than \$25 for each failure to file a
765 signed and completed statement.
766 (b) The Multicounty Appraisal Trust shall notify the county assessor of a
767 telecommunications service provider's failure to file the signed statement.
768 ~~[(b)]~~ (c) [Each] The assessor shall collect each penalty under Subsection (1)(a) ~~[shall~~
769 ~~be collected]~~ in the manner provided by Sections [59-2-1302](#) and [59-2-1303](#), except as

770 otherwise provided for in this section, or by a judicial proceeding brought in the name of the
771 assessor.

772 ~~[(c) All money recovered by any assessor under this section shall be paid into the~~
773 ~~county treasury.]~~

774 (d) The assessor shall pay all money recovered under this section into the county
775 treasury.

776 (2) ~~[(a)]~~ Upon a showing of reasonable cause, a county may waive or reduce a penalty
777 imposed under Subsection (1)(a).

778 ~~[(b)]~~ (a) (i) Except as provided in Subsection (2)(b)(ii), a county assessor may impose a
779 penalty under Subsection (1)(a) [may be imposed] on or after May 16 of the year the county
780 assessor requests the statement described in Section 59-2-306 [is requested by the county
781 assessor] or is due under Section 59-2-306.5.

782 (ii) A county assessor may not impose a penalty under Subsection (1)(a) ~~[may not be~~
783 ~~imposed]~~ until 30 days after the postmark date of mailing of a subsequent notice if the signed
784 statement described in Section 59-2-306 is requested:

785 (A) on or after March 16; or

786 (B) by a county assessor of a county of the first class.

787 (3) (a) If an owner neglects or refuses to file a signed statement requested by an
788 assessor as required under Section 59-2-306:

789 (i) the assessor shall:

790 (A) make a record of the failure to file; and

791 (B) make an estimate of the value of the property of the owner based on known facts
792 and circumstances; and

793 (ii) the assessor of a county of the first class:

794 (A) shall make a subsequent request by mail for the signed statement, informing the
795 owner of the consequences of not filing a signed statement; and

796 (B) may impose a fee for the actual and necessary expenses of the mailing under
797 Subsection (3)(a)(ii)(A).

798 (b) (i) If a telecommunications service provider neglects or refuses to file a signed
799 statement in accordance with Section 59-2-306.5, the Multicounty Appraisal Trust shall make:

800 (A) a record of the failure to file;

801 (B) a request by mail for the signed statement, informing the telecommunications
 802 service provider of the consequences of not filing a signed statement; and

803 (C) an estimate of the value of the personal property of the telecommunications
 804 service provider based on known facts and circumstances.

805 (ii) The Multicounty Appraisal Trust may impose a fee for the actual and necessary
 806 expenses of the mailing under Subsection (3)(b)(i)(B).

807 (c) A county board of equalization or the commission may not reduce the value fixed
 808 by the assessor in accordance with Subsection (3)(a)(i) or the Multicounty Appraisal Trust in
 809 accordance with Subsection (3)(b)(i).

810 ~~[(b) The value fixed by the assessor in accordance with Subsection (3)(a)(i) may not be~~
 811 ~~reduced by the county board of equalization or by the commission.]~~

812 ~~[(4) If the signed statement discloses property in any other county, the assessor shall~~
 813 ~~file the signed statement and send a copy to the assessor of each county in which the property is~~
 814 ~~located.]~~

815 Section 7. Section **59-2-308** is amended to read:

816 **59-2-308. Assessment in name of representative -- Assessment of property of**
 817 **decedents -- Assessment of property in litigation -- Assessment of personal property**
 818 **valued by Multicounty Appraisal Trust.**

819 (1) If a person is assessed as agent, trustee, bailee, guardian, executor, or administrator,
 820 ~~[the]~~ a county shall:

821 (a) add the representative designation [shall be added] to the name[;]; and [the
 822 assessment entered]

823 (b) enter the assessment separately from the individual assessment.

824 (2) ~~[The]~~ A county may assess the undistributed or unpartitioned property of a
 825 deceased ~~[person may be assessed]~~ individual to an heir, guardian, executor, or administrator,
 826 and the payment of taxes binds all the parties in interest.

827 (3) Property in litigation₂ which is in the possession of a court or receiver₂ shall be
 828 assessed to the court clerk or receiver, and the taxes shall be paid under the direction of the
 829 court.

830 (4) A county shall add the valuation the Multicounty Appraisal Trust gives to personal
 831 property of a telecommunications service provider to the valuation of any real property of the

832 telecommunications service provider within the county before making an assessment in
833 accordance with this part.

834 Section 8. Section **59-2-1005** is amended to read:

835 **59-2-1005. Procedures for appeal of personal property valuation -- Time for**
836 **appeal -- Hearing -- Decision -- Appeal to commission.**

837 (1)(a) A taxpayer owning personal property assessed by a county assessor under
838 Section **59-2-301** may make an appeal relating to the value of the personal property by filing an
839 application with the county legislative body no later than:

840 (i) the expiration of the time allowed under Section **59-2-306** for filing a signed
841 statement, if the county assessor requests a signed statement under Section **59-2-306** or the
842 expiration of the time allowed under Section **59-2-306.5** if the taxpayer is a
843 telecommunications service provider; or

844 (ii) 60 days after the mailing of the tax notice, for each other taxpayer.

845 (b) A county legislative body shall:

846 (i) after giving reasonable notice, hear an appeal filed under Subsection (1)(a); and

847 (ii) render a written decision on the appeal within 60 days after receiving the appeal.

848 (c) If the taxpayer is dissatisfied with a county legislative body decision under
849 Subsection (1)(b), the taxpayer may file an appeal with the commission in accordance with
850 Section **59-2-1006**.

851 (2) A taxpayer owning personal property subject to a fee in lieu of tax or a uniform tax
852 under Article XIII, Section 2 of the Utah Constitution that is based on the value of the property
853 may appeal the basis of the value by filing an appeal with the commission within 30 days after
854 the mailing of the tax notice.

855 Section 9. **Effective date.**

856 (1) Except as provided in Subsection (2), and if approved by two-thirds of all the
857 members elected to each house, this bill takes effect upon approval by the governor, or the day
858 following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the
859 governor's signature, or in the case of a veto, the date of veto override.

860 (2) The changes to the following sections take effect on January 1, 2023:

861 (a) Section **59-2-102**;

862 (b) Section **59-2-201**;

863 (c) Section 59-2-306;

864 (d) Section 59-2-306.5;

865 (e) Section 59-2-307;

866 (f) Section 59-2-308; and

867 (g) Section 59-2-1005.

868 Section 10. **Retrospective operation.**

869 The changes to Section 59-2-103.5 have retrospective operation to January 1, 2022.