AN ORDINANCE AMENDING CHAPTER 2, ENTITLED ADMINISTRATION OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY ADDING SECTION 2-32.1 TO ESTABLISH THE PRORATION OF TANGIBLE PERSONAL PROPERTY TAX ON MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS AND BOATS

BE IT ORDAINED BY the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, entitled Administration of the Code of the County of Montgomery, Virginia, shall be amended and reordained by adding Section 2-32.1 as follows:

Sec. 2-32.1 Personal Property Tax on Motor Vehicles, Trailers and Boats – Proration

(a) There shall be a tangible personal property tax at the rate established each year by the Board of Supervisors on motor vehicles, trailers, semi-trailers and boats ("taxable property") which have a situs within the County on January First of each year and which acquire a situs within the County on or after January Second, 2016 and all years thereafter. When taxable property acquires a situs within the County on or after January Second, the personal property tax for that year shall be prorated on a monthly basis. When taxable property with situs in the County is transferred to a new Owner, personal property tax will be assessed to the new Owner prorated on a monthly basis. When taxable property with a situs in the County is transferred to a new Owner, personal property tax will be assessed to the new Owner prorated on a monthly basis for the portion of the tax year during which the new owner owns the taxable property. For purposes of proration, a period of more than one-half (½) of a month shall be counted as a full month and a period of less than one-half (½) of a month shall not be counted. All taxable property shall be assessed as of January First of each year. When any person, after January First, acquiring any taxable property within the County, the taxes shall be assessed on such taxable property for the portion of the tax year during which the new Owner owns the taxable property has its situs in the County. The tax shall be due on December fifth or within thirty (30) days after presentation or mailing of the bill from the Treasurer, whichever is later.

(b) When any taxable property loses its situs within the County or its title is transferred, the taxpayer shall be relieved from personal property tax and receive a refund for personal property tax already paid prorated on a monthly basis, upon application to the Commissioner of the Revenue; provided that application is made within three (3) years from the last day of the tax year during which the taxable personal property lost situs or had its title transferred. No refund of less than five dollars ($5.00) shall be issued to a taxpayer, unless specifically requested by the taxpayer. No refund shall be made if the taxable property acquires a situs within the Commonwealth in a non-pro-rating locality. When any taxable property loses its situs within the County and acquires a situs within another state, the taxpayer shall not be entitled to a refund except upon a showing of sufficient evidence that the taxpayer has been assessed and has paid taxes on such taxable property for the remainder of the tax year to such state.

(c) An exemption from this tax and any interest or penalties arising therefrom shall be granted for any tax shown or portion thereof during which the property was legally assessed by another jurisdiction and that such tax on the assessed property was paid.

(d) Any person who moves from a non-prorating locality to the County after January First shall be entitled to a personal property tax credit for the remainder of the year for each motor vehicle on which he or she paid personal property taxes to a non-proration locality. If the Owner replaces for any reason the original vehicle upon which taxes are due to the non-proration locality for the same tax, the County shall provide a credit against the total tax due on the replacement vehicle in an amount equal to the tax paid to the non-prorating locality for the period of time commencing with the disposition of the original vehicle and continuing through the close of the tax year in which the Owner incurred tax liability to the non-prorating locality for the original vehicle.

(e) The County Treasurer may apply any refunds under this section to any delinquent accounts owed by the taxpayer. In addition, a refund may be credited against the tax due on any other motor vehicle, trailer, semi-trailer or boat owned by the taxpayer during the same year.

This Ordinance shall go into effect on January 1, 2016.