

REFERENCE GUIDE:

SELECTED BUSINESS PERSONAL PROPERTY STATUTES

Presented by
OKLAHOMA TAX COMMISSION
AD VALOREM DIVISION



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68 O.S. 2001, § 2804.

Property subject to tax.

All property in this state, whether real or personal, **except that which is specifically exempt by law**, and except that which is relieved of ad valorem taxation by reason of the **payment of an in lieu tax**, shall be subject to ad valorem taxation.

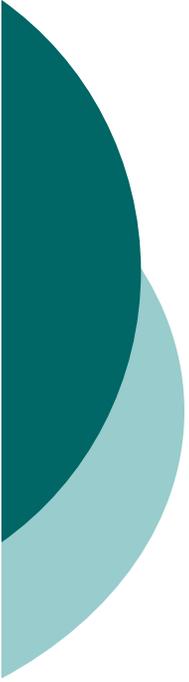


68 O.S. 2001, § 2807.

Personal property defined.

Personal property, for the purpose of ad valorem taxation, shall be construed to include:

1. All goods, chattels and effects;
2. All improvements made by others upon lands,...
3. The dormant, and other stock of nurserymen,...
4. All horses, cattle, mules, asses, sheep, swine, goats and other livestock...
5. All household...
6. Personal, private or professional libraries;...
7. All wagons, vehicles or carriages and all farm tractors...



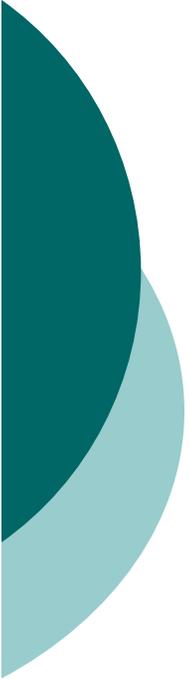
2807 (cont.)

8. All machinery and materials used by manufacturers,...
9. All goods and capital employed in merchandising;
10. All abstractors' books and the records...
11. All agricultural implements or machinery...
12.
 - a. All tanks and containers used to store or hold...
 - b. All oil, gas, water or other pipelines,...
 - c. All telegraph and telephone lines,...
 - d. All railroad tracks,...
 - e. All oil and petroleum products in storage; and
13. All other property, ... and not included within the definition of real property.



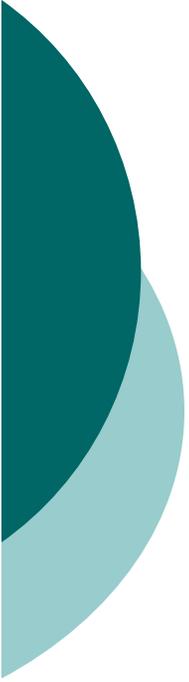
68 O.S. 2001, § 2817. Valuation and assessment of property – Fair cash value – Use value.

A. All taxable personal property, except intangible personal property, personal property exempt from ad valorem taxation, or household personal property, **shall be listed and assessed each year at its fair cash value, estimated at the price** it would bring at a fair voluntary sale, as of January 1.



68 O.S. 2001, § 2818. Taxpayer's return not conclusive of value – Raising or lowering returned value

- A. The return of the taxpayer shall not be conclusive as to the value or amount of any property. The county assessor shall have the authority and it shall be his duty to raise or lower the returned value:
- c. In the performance of his duties, the county assessor, or his duly appointed and authorized deputy, shall have the power and authority to:
1. Go upon any premises and enter any business...
to view, inspect or appraise ...
 2. Examine any person under oath...



68 O.S. 2001, § 2824. Special assistance in valuation of certain property.

Any county assessor may request special assistance from the Oklahoma Tax Commission in the valuation of property which requires specialized knowledge not otherwise available to the assessor's staff. Upon approval of such request, the Oklahoma Tax Commission may assist the assessor in the valuation of such property in such manner as the Oklahoma Tax Commission, in its discretion, considers proper and adequate.



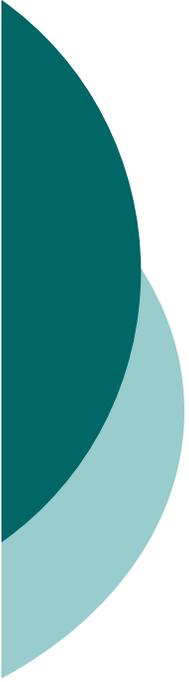
68 O.S. 2001, § 2825. Valuation guidance and assistance.

The Oklahoma Tax Commission shall make and publish such rules, regulations and guides which it determines are needed **for the general guidance and assistance of county assessors.** Each assessor is hereby directed and required to value property in accordance with the standards established by law.



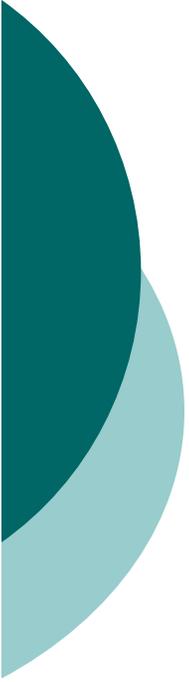
68 O.S. 2001, § 2826. Appraisers – Nature and effect of services – Valuation to be made by assessor

Appraisers whose services may be obtained by appointment by the assessor or who may be assigned by the Oklahoma Tax Commission, upon request of the county assessor, to assist any county assessor **shall act in an advisory capacity only.** **Valuations made by such appraisers shall not be binding upon the assessor.** All valuations made pursuant to the Ad Valorem Tax Code shall be made and entered by the assessor pursuant to law.



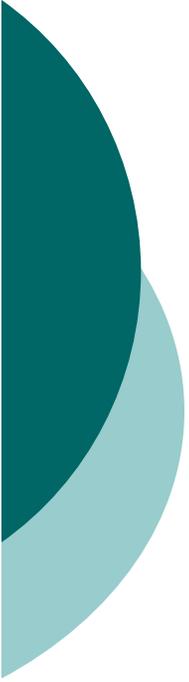
68 O.S. 2001, § 2829. Valuation of property pursuant to accepted mass appraisal methodology.

- A. **Each county assessor**, in order to comply with the provisions of Section 17 of this act requiring the annual valuation of all taxable real and personal property within the county, **shall establish the fair cash value of such taxable property using an accepted mass appraisal methodology.**
- B. For purposes of this section "accepted mass appraisal methodology" shall mean the process for making estimates of fair cash value for a property about which no direct or timely information is available concerning economic value by using known information about the property characteristics, location, use, size, sales price and other information of similar properties....



68 O.S. 2001, § 2832. Persons required to list property.

- A. **Property subject to ad valorem taxation shall, unless otherwise provided, be listed for taxation by the owner thereof or his duly authorized agent.**
- B. Property belonging to or controlled by the following shall be listed by the following persons or their duly authorized agents:
1. A corporation or joint stock association, by an officer;
 2. A partnership, by a partner;
 6. A body politic or corporate,...
 8. Persons, companies, or corporations...
 9. Merchandise consigned or floor-planned...



68 O.S. 2001, § 2836. County Assessor to take lists.

B. If any taxpayer shall fail to meet the county assessor and list his property on the date advertised, such taxpayer may render a written list of all his personal property and make written application for homestead exemption, and shall subscribe and swear to the oath required by each taxpayer as to its correctness. **Such written lists or applications shall not constitute a valid return or application unless made on the forms prescribed by the Oklahoma Tax Commission and in the manner required by law.**



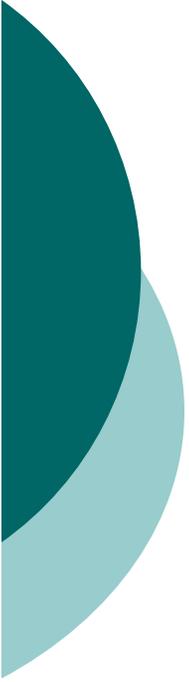
68 O.S. 2001, § 2837. Corporations – Assessment

All corporations organized, existing or doing business in this state, other than railroads, air carriers and public service corporations assessed by the State Board of Equalization, and other than national banks, state banks, trust companies, and building and loan associations, **shall be assessed upon the value of their real property and personal property as listed separately by such corporation** and less the value of any property which may be relieved of ad valorem taxation by the payment of an in lieu tax.



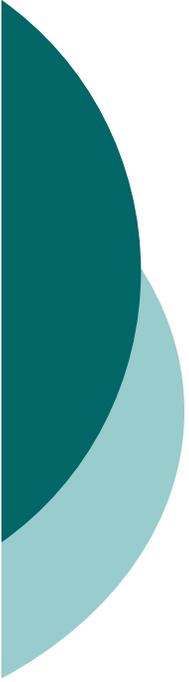
68 O.S. 2001, § 2838. Corporations – Lists or schedules of property ...

- A. **All corporations** organized, existing or doing business in this state,... shall, on or before March 15th of each year, return sworn lists or schedules of their taxable property within each county...
- B. **It shall be the duty of each corporation to make, under oath, and deliver to the county assessor** of the county where its principal business is transacted, a statement on forms prescribed by the Oklahoma Tax Commission...and **such other financial information as may be deemed necessary to enable the county assessor to determine the value of real or personal property owned by any such corporation;...**



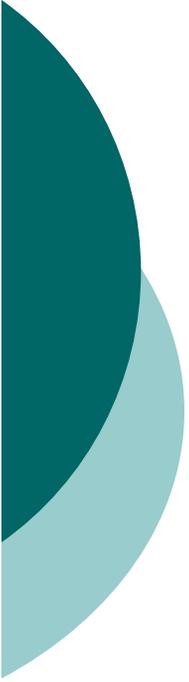
68 O.S. 2001, § 2839. Statements of capital invested and other necessary information – Neglect, failure or refusal to furnish information.

- A. **It shall be the duty of each taxpayer, upon written request** of the county assessor... **to furnish, under oath, a written statement showing the amount of capital invested** in any plant, equipment, stock of merchandise or material,...the taxpayer shall have **ten (10) days from receipt of the written request** within which to prepare and furnish such statement under oath.



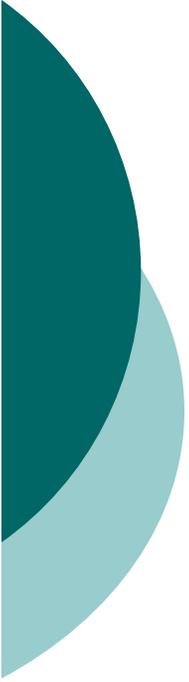
§ 2839 (continued)

- B. Should any taxpayer neglect, fail or refuse to make a proper itemization of his property in any county, or neglect, fail or refuse to furnish any other information required by this section, or Section 38 of this act it shall be the duty of the county assessor or the county board of equalization to ascertain, from the best information obtainable, the value of the property of such taxpayer, and as a penalty shall add ten percent (10%) of the value thereof so ascertained. The penalty shall not be applied until the taxpayer shall have had ten (10) days' notice of the intention to apply the penalty and an opportunity to be heard.



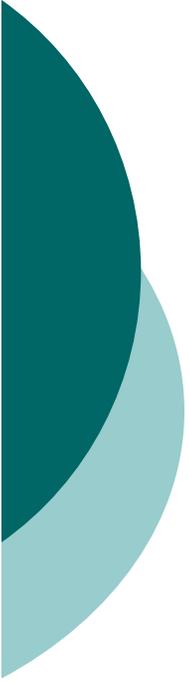
68 O.S. 2001, § 2843. Unlisted personal property – ...

- A. If any personal property is not listed with the county assessor on or before March 15th of any year, the county assessor shall proceed, as soon as the omission is discovered, to ascertain and estimate from the **best information obtainable**, the amount and value of such property,...
- B. ...has any property belonging to others under his control or charge...he shall, upon written request of the county assessor...make report, under oath, of the amount and ownership of such property, and upon refusal,... **shall be personally liable for the taxes on such property.**



68 O.S. 2001, § 2844. Omitted property ...

A. If any real, personal property,... **is omitted in the assessment of any prior year or years**,... at any time and as soon as such omission is discovered...and the last three (3) years as to personal property...



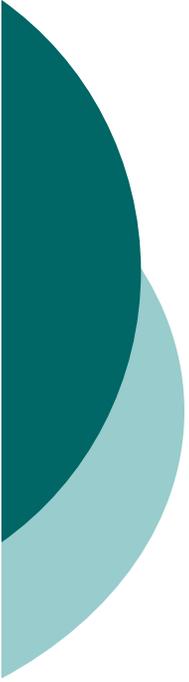
68 O.S. 2001, § 2846. Undervalued and under assessed property ...

- A. Whenever real or personal property has in any year, through false representations or concealments willfully and fraudulently made by the owner or agent...been grossly undervalued and has escaped for that year...the county assessor...at any time within two (2) years from the date of such original undervaluation, cause such property to be entered on the assessment roll and tax books for the year or years so undervalued.



EXEMPT PROPERTY:

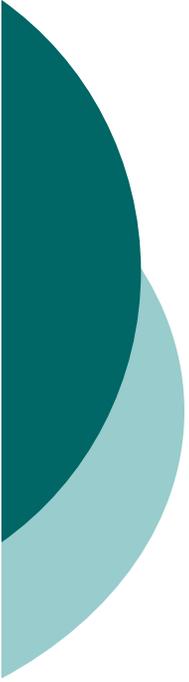
- FREEPORT EXEMPTION
 - Art. X, § 6Av1
- INTANGIBLE PERSONAL PROPERTY
 - Art, X, § 6Av2
 - O.S. 68, § 2804
 - Specifically exempt
 - In-lieu of
- EXEMPT PROPERTY
 - O.S. 68, § 2887



FREEPORT EXEMPTION

Art. X, § 6A

- All property consigned to a consignee in this state from outside this state to be forwarded to a point outside this state, which is entitled under the tariffs, rules, and regulations approved by the interstate Commerce Commission to be forwarded at through rates from the point of origin to the point of destination, if not detained in this State for a period of more than ninety (90) days, shall be deemed to be property moving in interstate commerce.,,



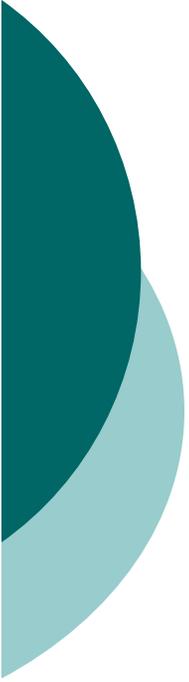
Freeport (continued)

- and no such property shall be subject to taxation in this State; provided, that goods, wares and merchandise Whether or not moving on through rates, shall be deemed to moving interstate commerce, and not subject to taxation in this State if not detained more than nine (9) months where such goods, wares and merchandise are so held for assembly, storage, manufacturing, processing or fabricating purposes: provided, further, that personal property consigned for sale within this State must be assessed as any other personal property.

INTANGIBLE PERSONAL PROPERTY

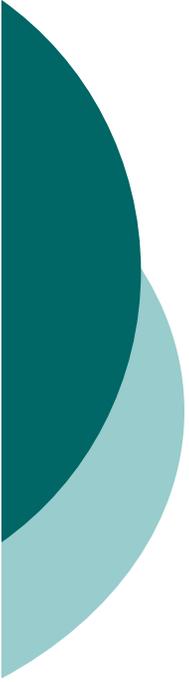
Art, X, § 6A

- Intangible personal property as below defined shall not be subject to ad valorem tax or to any other tax in lieu of ad valorem tax within this State:
- (a) Money and cash on hand, including currency, gold, silver, and other coin, bank drafts, certified checks, and cashier's checks.
- (b) Money on deposit in any bank, trust company, or other depository of money, within or without the State of Oklahoma, including certificates of deposit.
- (c) Accounts and bills receivable, including brokerage accounts, and other credits, whether secured or unsecured.



Art, X, § 6A (continued)

- d) Bonds, promissory notes, debentures, and all other evidences of debt, whether secured or unsecured; except notes, debentures, and other evidences of debt secured by real estate mortgages which are subject to the Mortgage Registration Tax under Sections 12351 - 12362, inclusive, Oklahoma Statutes, 1931 (68 O.S.1961, Sections 1171 - 1182).
- (e) Shares of stock or other written evidence or proportional shares of beneficial interests in corporations, joint stock companies, associations, syndicates, express or business trusts, special or limited partnerships, or other business organizations.



Art, X, § 6A (continued)

- (f) All interests in property held in trust or on deposit within or without this State, and whether or not evidenced by certificates, shares, or other written evidence of beneficial ownership.
- (g) Final judgments for the payment of money.
- (h) All annuities and annuity contracts.
- The effective date of this Amendment shall be January 1, 1969; provided, that the intangible personal property taxes levied for the year 1968 shall be collected.