

House Bill 996

By: Representatives May of the 111th, Roberts of the 154th, McCall of the 30th, England of the 108th, and Peake of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 10A of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
2 relating to ad valorem taxation of heavy-duty equipment motor vehicles, so as to change the
3 partial exemption from ad valorem taxation of heavy-duty equipment motor vehicles to a tax
4 credit; to provide for related matters; to provide for an effective date; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 10A of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to
9 ad valorem taxation of heavy-duty equipment motor vehicles, is amended by revising Code
10 Section 48-5-506.1, relating to a partial exemption from ad valorem taxation of heavy-duty
11 equipment motor vehicles, as follows:

12 "48-5-506.1.

13 (a) As used in this Code section, the term:

14 (1) 'Heavy-duty equipment motor vehicle' means an off-road vehicle with all its
15 attachments and parts which is self-propelled, weighs 5,000 pounds or more, and is
16 primarily designed and used exclusively for utility services and maintenance, earth
17 moving, construction, industrial, maritime, or mining uses, provided that such motor
18 vehicles are not required to be registered and have a license plate.

19 (2) 'Natural person or entity' means a natural person or entity that has purchased a
20 heavy-duty equipment motor vehicle. Such term shall not include any publicly traded
21 company, any cooperative, or any publicly owned utility.

22 (b) For the period of time commencing on January 1, 2010, and concluding at the last
23 moment of December 31, 2010, the provisions of this Code section shall supersede and
24 control over any contrary provision of this article.

25 (c) The provisions of this article or Part 2 of Article 10 of this chapter, as applicable, shall
 26 apply to any or all of the following and this Code section shall not apply to any or all of the
 27 following:

- 28 (1) Publicly traded companies;
- 29 (2) Heavy-duty equipment motor vehicle dealers; and
- 30 (3) Natural persons or entities in the year of purchase of a heavy-duty equipment motor
 31 vehicle.

32 (d)(1) A natural person or entity, or any combination of natural persons and entities with
 33 common ownership interests, who owns one or more heavy-duty equipment motor
 34 vehicles is granted an exemption on that person's or entity's heavy-duty equipment motor
 35 vehicles in the amount of the full value of such heavy-duty equipment motor vehicles up
 36 to a maximum amount of \$100,000.00 per taxable year.

37 ~~(2) The value of heavy-duty equipment motor vehicles in excess of such exempted~~
 38 ~~amount shall remain subject to taxation under either the provisions of this article or Part 2~~
 39 ~~of Article 10 of this chapter, as applicable~~ a credit against the ad valorem taxes otherwise
 40 due on said heavy-duty equipment motor vehicles up to a maximum tax credit of
 41 \$100,000.00. This credit shall be effective state wide and shall be applied pro rata
 42 according to amounts due if ad valorem tax is owed in more than one county. All taxes
 43 paid after the tax credit has been applied shall be dispensed at the same percentage rate
 44 as the original tax amount would have been dispensed.

45 (e) This Code section is repealed in its entirety at the last moment of December 31, 2010."

46 **SECTION 2.**

47 This Act shall become effective upon its approval by the Governor or upon its becoming law
 48 without such approval.

49 **SECTION 3.**

50 All laws and parts of laws in conflict with this Act are repealed.