

TAXES - Owner liable : The owner, on the first day of January, of
for taxes, : tangible personal property is liable for
: taxes levied and assessed on such property
: for the ensuing year.



August 28, 1952

8-29-52

Honorable Henry H. Fox, Jr.
Prosecuting Attorney
Jackson County
Kansas City, Missouri

Dear Mr. Fox:

This will be the opinion you requested, whether individuals and corporations are liable for tangible personal property tax for state, county and school purposes as owners of repossessed automobiles. Your letter requesting the opinion reads as follows:

"Several credit companies own thousands of automobiles which have been repossessed. They have been to the delinquent personal tax attorney of Jackson County, Missouri requesting receipts in order that they might purchase Missouri state license for such automobiles owned by them.

"Would you please advise whether these individuals and corporations are subject to a personal property tax for State, County and School purposes. In the event this is not necessary it would result in a large loss of revenue."

Your letter states that credit companies in Jackson County own large numbers of repossessed automobiles in your county. Your letter indicates, although it does not so state in terms, that individuals also in Jackson County own certain repossessed automobiles. Section 137.075, RSMo 1949, defines what property by whomsoever owned is liable for taxes and reads as follows:

"Every person owning or holding real property or tangible personal property on the first day of January including all such property purchased on that day, shall be liable for taxes thereon during the same calendar year."

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Sub-section (3) of Section 137.010, RSMo 1949, defines tangible personal property as follows:

"(3) 'Tangible personal property' includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined."

Section 137.090, RSMo 1949, requiring all tangible personal property to be taxed in the county in which the owner resides, reads as follows:

"All tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides, except tangible personal property belonging to estates, which shall be assessed in the county in which the probate court has jurisdiction."

Section 137.095, RSMo 1949, fixing the time for assessment of tangible personal property as the first day of January of the year for which taxes may be assessed, reads as follows:

"All tangible personal property of business and manufacturing corporations shall be taxable in the county in which such property may be situated on the first day of January of the year for which such taxes may be assessed, and every business or manufacturing corporation having or owing tangible personal property on the first day of January in each year, which shall, on said date, be situated in any other county than the one in which said corporation is located, shall make return thereof to the assessor of such county or township where situated, in the same manner as other tangible personal property is required by law to be returned."

Section 137.120, RSMo 1949, naming items of property as owned by a corporation or individual and required to be listed in a property assessment list, states in sub-section 5 the following:

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"Such lists shall contain:

* * * * *

"(5) All trucks, motorcycles, airplanes and all other motor vehicles and their value; "

The above-noted and cited sections relating to the levy and assessment of taxes on tangible personal property have been included in our revised statutes for many years. The date of ownership of personal property for assessment thereof until recent years was the first day of June of each year. The date for assessing property for taxes is now, as we have observed in Section 137.075, supra, the first day of January of each year.

The Supreme Court of Missouri construed Section 12756, R.S. Mo. 1919, now Section 137.075, RSMo 1949, supra, in the case of State ex rel. and to the Use of Rudder, Revenue Collector, vs. Haphe, et al., 31 S.W. (2d) 788. Said Section 12756 is quoted by the Supreme Court in its opinion, l.c. 790, as:

"Every person owning or holding property on the first day of June * * * shall be liable for taxes thereon for the ensuing year."

The Court holding that the owner of property, including, of course, tangible personal property, on the first day of June of each year as the date of ownership for tax assessment purposes, was liable for taxes thereon for the ensuing year further, at l.c. 790, said:

"From the foregoing it appears that every person owning or holding property on the 1st day of June is liable for the taxes thereon for the ensuing year, that it is the duty of every person to list with the assessor all taxable property owned by him, or under his care, charge, or management, and that personal taxes constitute a debt against the person assessed with such taxes, the person named in the tax bill. * * * ."

The statutes of this State, cited and quoted hereinabove, and the decision by our Supreme Court in the Haphe case, supra, are conclusive authority directing us to hold in this

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opinion that credit companies or individuals who are the owners of repossessed automobiles in Jackson County, Missouri, on the first day of January of each year are subject to tangible personal property taxes for state, county and school purposes, and are liable for taxes for such purposes levied and assessed upon such property for the ensuing year.


CONCLUSION.

It is, therefore, the opinion of this Department that credit companies or individuals who are the owners of tangible personal property, including repossessed automobiles, on the first day of January of each year are subject to tangible personal property taxes thereon for state, county and school purposes, and are liable for taxes levied and assessed upon such property for the ensuing year.

Respectfully submitted,

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APPROVED:



J. E. TAYLOR
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