

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 58.1-3505 and 58.1-3506 of the Code of Virginia, relating to personal
3 property tax; forest harvesting machinery and equipment.

4 [H 1021]
5 Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That §§ 58.1-3505 and 58.1-3506 of the Code of Virginia are amended and reenacted as follows:
8 § 58.1-3505. Classification of farm animals, certain grains, agricultural products, farm
9 machinery, farm implements and equipment; governing body may exempt.

10 A. Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products
11 as defined in § 3.2-6400, farm machinery and farm implements are hereby defined as separate items of
12 taxation and classified as follows:

- 13 1. Horses, mules and other kindred animals.
- 14 2. Cattle.
- 15 3. Sheep and goats.
- 16 4. Hogs.
- 17 5. Poultry.

18 6. Grains and other feeds used for the nurture of farm animals.

19 7. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100 and other agricultural
20 products in the hands of a producer.

21 8. Farm machinery other than the farm machinery described in subdivision 10, and farm implements,
22 which shall include (i) equipment and machinery used by farm wineries as defined in § 4.1-100 in the
23 production of wine; (ii) equipment and machinery used by a nursery as defined in § 3.2-3800 for the
24 production of horticultural products; and (iii) any farm tractor as defined in § 46.2-100, regardless of
25 whether such farm tractor is used exclusively for agricultural purposes.

26 9. Equipment used by farmers or farm cooperatives qualifying under § 521 of the Internal Revenue
27 Code to manufacture industrial ethanol, provided that the materials from which the ethanol is derived
28 consist primarily of farm products.

29 10. Farm machinery designed solely for the planting, production or harvesting of a single product or
30 commodity.

31 11. Privately owned trailers as defined in § 46.2-100 that are primarily used by farmers in their
32 farming operations for the transportation of farm animals or other farm products as enumerated in
33 subdivisions A 1 through A 7 of this section.

34 12. Motor vehicles that are used primarily for agricultural purposes, for which the owner is not
35 required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to
36 § 46.2-665, 46.2-666, or 46.2-670.

37 13. Trucks or tractor trucks as defined in § 46.2-100, that are primarily used by farmers in their
38 farming operations for the transportation of farm animals or other farm products as enumerated in
39 subdivisions 1 through 7 or for the transport of farm-related machinery.

40 14. Farm machinery and farm implements, other than the farm machinery and farm implements
41 described in subdivisions 8 and 10, which shall include equipment and machinery used for forest
42 harvesting and silvicultural activities.

43 B. The governing body of any county, city or town may, by ordinance duly adopted, exempt in
44 whole or in part from taxation, or provide a different rate of tax upon, all or any of the above classes of
45 farm animals, grains and feeds used for the nurture of farm animals, farm vehicles, and farm machinery,
46 implements or equipment set forth in subsection A.

47 C. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100; and other agricultural
48 products, as defined in § 3.2-6400, shall be exempt from taxation under this chapter while in the hands
49 of a producer.

50 § 58.1-3506. Other classifications of tangible personal property for taxation.

51 A. The items of property set forth below are each declared to be a separate class of property and
52 shall constitute a classification for local taxation separate from other classifications of tangible personal
53 property provided in this chapter:

- 54 1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- 55 b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
- 56 2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and

57 operated by scheduled air carriers operating under certificates of public convenience and necessity issued
58 by the State Corporation Commission or the Civil Aeronautics Board;

59 3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are
60 not owned or operated by scheduled air carriers recognized under federal law, but not including any
61 aircraft described in subdivision 4;

62 4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding
63 those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and
64 otherwise used for educational purposes (including such flights as are necessary for testing, maintaining,
65 or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such
66 flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a
67 new class of property. Such class of property shall not include any aircraft used for commercial
68 purposes, including transportation and other services for a fee;

69 5. All other aircraft not included in subdivisions A subdivision 2, A 3, or A 4 and flight simulators;

70 6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation
71 purposes as provided in subsection C of § 46.2-730;

72 7. Tangible personal property used in a research and development business;

73 8. Heavy construction machinery not used for business purposes, including land movers, bulldozers,
74 front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural
75 activity equipment *except as exempted under § 58.1-3505*, and ditch and other types of diggers;

76 9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy
77 source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any
78 other alternative energy source for use in manufacturing and any cogeneration equipment purchased to
79 achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment
80 shall include, without limitation, such equipment purchased by firms engaged in the business of
81 generating electricity or steam, or both;

82 10. Vehicles without motive power, used or designed to be used as manufactured homes as defined
83 in § 36-85.3;

84 11. Computer hardware used by businesses primarily engaged in providing data processing services
85 to other nonrelated or nonaffiliated businesses;

86 12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes
87 only;

88 13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons,
89 including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

90 14. Motor vehicles specially equipped to provide transportation for physically handicapped
91 individuals;

92 15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a
93 member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel
94 or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay
95 tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer
96 member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or
97 volunteer fire department member, or leased by each volunteer member who meets the definition of
98 "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the
99 volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor
100 vehicle, may be specially classified under this section, provided the volunteer regularly responds to
101 emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer,
102 with a certification by the chief of the volunteer emergency medical services agency or volunteer fire
103 department, that the volunteer is an individual who meets the definition of "emergency medical services
104 personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls
105 or regularly performs other duties for the emergency medical services agency or fire department, and the
106 motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by
107 January 31 of each year to the commissioner of revenue or other assessing officer; however, the
108 commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good
109 cause shown and without fault on the part of the volunteer, to accept a certification after the January 31
110 deadline. In any county that prorates the assessment of tangible personal property pursuant to
111 § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the
112 vehicle certified as of the immediately prior January date is transferred during the tax year;

113 16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services
114 agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency
115 medical services agency or volunteer fire department if the auxiliary member is obligated by the terms
116 of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is
117 regularly used by each auxiliary volunteer fire department or emergency medical services agency

118 member may be specially classified under this section. The auxiliary member shall furnish the
 119 commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer
 120 emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary
 121 member of the volunteer emergency medical services agency or fire department who regularly performs
 122 duties for the emergency medical services agency or fire department, and the motor vehicle is identified
 123 as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical
 124 services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are
 125 members of the same household, that household shall be allowed no more than two special
 126 classifications under this subdivision or subdivision 15. The certification shall be submitted by January
 127 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of
 128 revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and
 129 without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

130 17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound
 131 persons or provide transportation to senior or handicapped citizens in the community to carry out the
 132 purposes of the nonprofit organization;

133 18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as
 134 defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as
 135 defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers
 136 described in subdivision A 11 of § 58.1-3505;

137 19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of,
 138 one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as
 139 certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written
 140 statement to the commissioner of revenue or other assessing officer from the Department of Veterans
 141 Services that the veteran has been so designated or classified by the Department of Veterans Services as
 142 to meet the requirements of this section, and that his disability is service-connected. For purposes of this
 143 section, a person is blind if he meets the provisions of § 46.2-100;

144 20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police
 145 officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons
 146 who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms
 147 of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is
 148 regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially
 149 classified under this section. In order to qualify for such classification, any auxiliary police officer who
 150 applies for such classification shall identify the vehicle for which this classification is sought, and shall
 151 furnish the commissioner of revenue or other assessing officer with a certification from the governing
 152 body that has appointed such auxiliary police officer or from the official who has appointed such
 153 auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who
 154 regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for
 155 which the classification is sought is the vehicle that is regularly used for that purpose. The certification
 156 shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer;
 157 however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion,
 158 and for good cause shown and without fault on the part of the member, to accept a certification after the
 159 January 31 deadline;

160 21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer
 161 levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created
 162 pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in
 163 manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District,
 164 provided that such business personal property is put into service within the District on or after July 1,
 165 1999;

166 22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include
 167 any vehicle described in subdivision 38 or 40;

168 23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly
 169 licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such
 170 use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the
 171 boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that
 172 are found in the wild, or in a wild state, and are native to a foreign country;

173 24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and
 174 used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is
 175 used by that organization for the purpose of maintaining or using the open or common space within a
 176 residential development;

177 25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more
 178 used to transport property for hire by a motor carrier engaged in interstate commerce;

179 26. All tangible personal property employed in a trade or business other than that described in
180 subdivisions A 1 through A 20, except for subdivision A 18, of § 58.1-3503;

181 27. Programmable computer equipment and peripherals employed in a trade or business;

182 28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational
183 purposes only;

184 29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for
185 recreational purposes only;

186 30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes
187 only;

188 31. Tangible personal property used in the provision of Internet services. For purposes of this
189 subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables
190 users to access content, information, electronic mail, and the Internet as part of a package of services
191 sold to customers;

192 32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy
193 sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if
194 the person is obligated by the terms of the lease to pay tangible personal property tax on the motor
195 vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve,
196 volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy
197 sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In
198 order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification
199 shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of
200 revenue or other assessing officer with a certification from the governing body that has appointed such
201 auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That
202 certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor
203 vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification
204 is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by
205 January 31 of each year to the commissioner of revenue or other assessing officer; however, the
206 commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good
207 cause shown and without fault on the part of the member, to accept a certification after the January 31
208 deadline;

209 33. Forest harvesting and silvicultural activity equipment, *except as exempted under § 58.1-3505*;

210 34. Equipment used primarily for research, development, production, or provision of biotechnology
211 for the purpose of developing or providing products or processes for specific commercial or public
212 purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural
213 purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or
214 for products or purposes related to human embryo stem cells. For purposes of this section,
215 biotechnology equipment means equipment directly used in activities associated with the science of
216 living things;

217 35. Boats or watercraft weighing less than five tons, used for business purposes only;

218 36. Boats or watercraft weighing five tons or more, used for business purposes only;

219 37. Tangible personal property which is owned and operated by a service provider who is not a
220 CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet
221 service. For purposes of this subdivision, "wireless broadband Internet service" means a service that
222 enables customers to access, through a wireless connection at an upload or download bit rate of more
223 than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of
224 services sold to customers;

225 38. Low-speed vehicles as defined in § 46.2-100;

226 39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

227 40. Motor vehicles powered solely by electricity;

228 41. Tangible personal property designed and used primarily for the purpose of manufacturing a
229 product from renewable energy as defined in § 56-576;

230 42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or
231 constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the
232 motor vehicle;

233 43. Computer equipment and peripherals used in a data center. For purposes of this subdivision,
234 "data center" means a facility whose primary services are the storage, management, and processing of
235 digital data and is used to house (i) computer and network systems, including associated components
236 such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii)
237 systems for monitoring and managing infrastructure performance; (iii) equipment used for the
238 transformation, transmission, distribution, or management of at least one megawatt of capacity of
239 electrical power and cooling, including substations, uninterruptible power supply systems, all electrical

240 plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data
241 communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security
242 systems and services;

243 44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense
244 Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who
245 serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of
246 Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal
247 property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of
248 the Virginia Defense Force to respond to his official duties may be specially classified under this
249 section. In order to qualify for such classification, any person who applies for such classification shall
250 identify the vehicle for which the classification is sought and shall furnish to the commissioner of the
251 revenue or other assessing officer a certification from the Adjutant General of the Department of
252 Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member
253 of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and
254 (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose.
255 The certification shall be submitted by January 31 of each year to the commissioner of the revenue or
256 other assessing officer; however, the commissioner of revenue or other assessing officer shall be
257 authorized, in his discretion, and for good cause shown and without fault on the part of the member, to
258 accept a certification after the January 31 deadline;

259 45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal
260 property of a business that qualifies under such ordinance for the first two tax years in which the
261 business is subject to tax upon its personal property pursuant to this chapter. If a locality has not
262 adopted such ordinance, this classification shall apply to the tangible personal property for such first two
263 tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703;

264 46. Miscellaneous and incidental tangible personal property employed in a trade or business that is
265 not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital
266 pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1
267 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a
268 taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer
269 that qualifies under this subdivision, in lieu of a specific, itemized list; and

270 47. Commercial fishing vessels and property permanently attached to such vessels.

271 B. The governing body of any county, city or town may levy a tax on the property enumerated in
272 subsection A at different rates from the tax levied on other tangible personal property. The rates of tax
273 and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22
274 through 24, and 26 through 47, not exceed that applicable to the general class of tangible personal
275 property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery
276 and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of
277 personal property is included in multiple classifications under subsection A, then the rate of tax shall be
278 the lowest rate assigned to such classifications.

279 C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is
280 defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed
281 for tangible personal property taxes by a county, city, or town receiving a payment from the
282 Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax
283 relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle
284 at a rate not to exceed the rates of tax and rates of assessment required under such chapter.