

House Bill 639

By: Representatives Sainz of the 180<sup>th</sup>, Kelley of the 16<sup>th</sup>, Cheokas of the 151<sup>st</sup>, and LaHood of the 175<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to ad valorem taxation of property generally, so as to provide for the return of  
3 aircraft for property taxation to the state revenue commissioner; to provide for appeals; to  
4 provide for rules and regulations; to provide for related matters; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad  
9 valorem taxation of property generally, is amended in Code Section 48-5-15.1, relating to  
10 returns of real property and tangible personal property located on airport, by revising  
11 subsection (c) as follows:

12 "(c)(1) Except as otherwise provided in paragraph (2) of this subsection, all ~~AN~~ such real  
13 property and tangible personal property located on the premises of an airport as described  
14 in subsections (a) and (b) of this Code section shall be returned for taxation to the tax  
15 commissioner or tax receiver of the county on behalf of which the airport authority

16 functions. All such real and tangible personal property shall be subject to taxation by only  
 17 the county on behalf of which the airport authority functions and not by any other county.  
 18 (2) Any aircraft located on the premises of an airport as described in subsections (a) and  
 19 (b) of this Code section shall be returned for taxation to the commissioner, who shall  
 20 within 30 days of receipt of each return, notify the tax commissioner or tax receiver of  
 21 the county in which the aircraft is located his or her determination of the situs and fair  
 22 market value of such aircraft. Such tax commissioner or tax receiver shall be bound to  
 23 the commissioner's determinations absent a successful appeal pursuant to paragraph (3)  
 24 of this subsection.  
 25 (3) A determination by the commissioner pursuant to paragraph (2) of this subsection  
 26 may be appealed to the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50  
 27 within 30 days of the commissioner's notification of such decision.  
 28 (4) The department is authorized to promulgate rules and regulations for determination  
 29 of fair the market value of aircraft."

30 **SECTION 2.**

31 Said title is further amended in Code Section 48-5-16, relating to return of tangible personal  
 32 property in county where business conducted, exemptions, boats, and aircraft, by revising  
 33 paragraph (2) of subsection (e) as follows:

34 "(2)(A) Any person who owns tangible personal property in the form of an aircraft  
 35 which has its primary home base in a county in this state other than the county in which  
 36 such person maintains a permanent legal residence shall return such property for  
 37 taxation to the tax commissioner or tax receiver of the county in which such primary  
 38 home base is located. Such aircraft which does not have a primary home base in a  
 39 county of this state other than the county in which the owner maintains a permanent  
 40 legal residence shall be returned for taxation in the manner provided for in Code  
 41 Section 48-5-11 commissioner, who shall within 30 days of receipt of each return,

42 notify the tax commissioner or tax receiver of the county in which the aircraft is located  
43 his or her determination of the situs and fair market value of such aircraft. Such tax  
44 commissioner or tax receiver shall be bound to the commissioner's determinations  
45 absent a successful appeal pursuant to subparagraph (B) of this paragraph.

46 (B) A determination by the commissioner pursuant to subparagraph (A) of this  
47 paragraph may be appealed to the Georgia Tax Tribunal in accordance with  
48 Chapter 13A of Title 50 within 30 days of the commissioner's notification of such  
49 decision.

50 (C) The department is authorized to promulgate rules and regulations for determination  
51 of fair the market value of aircraft."

52 **SECTION 3.**

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