

TAX CODE

TITLE 1. PROPERTY TAX CODE

SUBTITLE D. APPRAISAL AND ASSESSMENT

CHAPTER 24. CENTRAL APPRAISAL

SUBCHAPTER B. RAILROAD ROLLING STOCK

Sec. 24.31. APPRAISAL AT HEADQUARTERS. The chief appraiser for the county in which the owner of rolling stock used by a railroad resides or maintains a principal place of business in this state shall appraise for taxation the rolling stock owned on January 1. However, if the owner does not reside or maintain a place of business in this state, the chief appraiser for the county in which a railroad that leases the rolling stock maintains its principal place of business in this state shall appraise it.

Acts 1979, 66th Leg., p. 2267, ch. 841, Sec. 1, eff. Jan. 1, 1980. Amended by Acts 1981, 67th Leg., 1st C.S., p. 154, ch. 13, Sec. 88, eff. Aug. 14, 1981.

Sec. 24.32. ROLLING STOCK INFORMATION REPORTS. (a) In addition to any reports required by Chapter 22, a person who on January 1 owns or manages and controls as a fiduciary any rolling stock used in the operation of a railroad shall file a property information report listing the rolling stock with the chief appraiser for the county in which the owner maintains his principal place of business in this state.

(b) If the owner of a railroad is leasing or otherwise using rolling stock on January 1 for use in the operation of the railroad, he shall file a separate report, attached to the report required by Subsection (a) of this section, listing the rolling stock, the name and business address of the owner, and the full consideration for the lease or use.

(c) A report required by this section must be on a form prescribed by the comptroller. In prescribing the form, the comptroller shall ensure that it requires the information necessary to determine market value of rolling stock used in this state.

(d) The report must contain all the information required by

the form and must be signed by the individual required to file the report by Subsection (a) of this section. When a corporation is required to file the report, an officer of the corporation or an employee or agent who has been designated in writing by the board of directors or by an authorized officer to sign in behalf of the corporation must sign the report.

(e) A report must be filed before May 1. For good cause shown the chief appraiser may extend the filing deadline by written order for a single period not to exceed 15 days.

Acts 1979, 66th Leg., p. 2267, ch. 841, Sec. 1, eff. Jan. 1, 1980. Amended by Acts 1981, 67th Leg., 1st C.S., p. 154, ch. 13, Sec. 89, eff. Aug. 14, 1981; Acts 1991, 72nd Leg., 2nd C.S., ch. 6, Sec. 36, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 464, Sec. 2, eff. Jan. 1, 1994.

Sec. 24.33. REPORT OF LEASED ROLLING STOCK FORWARDED. If the owner of leased rolling stock resides in this state or maintains a place of business in this state, the chief appraiser receiving the lessee's report required by Subsection (b) of Section 24.32 of this code shall deliver a certified copy of the report by registered or certified mail to the chief appraiser responsible for appraising the rolling stock as provided by Section 24.31 of this code.

Acts 1979, 66th Leg., p. 2267, ch. 841, Sec. 1, eff. Jan. 1, 1980. Amended by Acts 1981, 67th Leg., 1st C.S., p. 155, ch. 13, Sec. 90, eff. Aug. 14, 1981.

Sec. 24.34. INTERSTATE ALLOCATION. (a) If the railroad operates in another state or country, the chief appraiser shall allocate to this state the proportion of the total market value of the rolling stock that fairly reflects its use in this state during the preceding tax year.

(b) The comptroller shall adopt rules establishing formulas for interstate allocation of the value of railroad rolling stock.

Acts 1979, 66th Leg., p. 2267, ch. 841, Sec. 1, eff. Jan. 1, 1980. Amended by Acts 1981, 67th Leg., 1st C.S., p. 155, ch. 13, Sec. 91, eff. Aug. 14, 1981; Acts 1991, 72nd Leg., 2nd C.S., ch. 6, Sec. 37, eff. Sept. 1, 1991.

Sec. 24.35. NOTICE, REVIEW, AND PROTEST. (a) The chief appraiser shall deliver notice to the owner of the rolling stock as provided by Section 25.19 of this code and present the appraised value for review and protest as provided by Chapter 41 of this code.

(b) Review and protests of appraisals of railroad rolling stock must be completed by July 1 or as soon thereafter as practicable and for that reason shall be given priority.

Acts 1979, 66th Leg., p. 2268, ch. 841, Sec. 1, eff. Jan. 1, 1980. Amended by Acts 1981, 67th Leg., 1st C.S., p. 155, ch. 13, Sec. 92, eff. Aug. 14, 1981.

Sec. 24.36. CERTIFICATION TO COMPTROLLER. On approval of the appraised value of the rolling stock as provided by Chapter 41 of this code, the chief appraiser shall certify to the comptroller the amount of market value allocated to this state for each owner whose rolling stock is appraised in the county and the name and business address of each owner.

Acts 1979, 66th Leg., p. 2268, ch. 841, Sec. 1, eff. Jan. 1, 1980. Amended by Acts 1981, 67th Leg., 1st C.S., p. 155, ch. 13, Sec. 93, eff. Aug. 14, 1981; Acts 1991, 72nd Leg., 2nd C.S., ch. 6, Sec. 38, eff. Sept. 1, 1991.

Sec. 24.365. CORRECTION OF CERTIFIED AMOUNT. (a) A chief appraiser who discovers that the chief appraiser's certification to the comptroller of the amount of the market value of rolling stock allocated to this state under Section 24.36 was incomplete or incorrect shall immediately certify the correct amount of that market value to the comptroller.

(b) As soon as practicable after the comptroller receives the correct certification from the chief appraiser, the comptroller shall certify to the county assessor-collector for each affected county the information required by Section 24.38 as corrected.

Added by Acts 2001, 77th Leg., ch. 268, Sec. 2, eff. Sept. 1, 2001.

Sec. 24.37. INTRASTATE APPORTIONMENT. The comptroller shall apportion the appraised value of each owner's rolling stock

to each county in which the railroad using it operates according to the ratio the mileage of road owned by the railroad in the county bears to the total mileage of road the railroad owns in this state. Acts 1979, 66th Leg., p. 2268, ch. 841, Sec. 1, eff. Jan. 1, 1980. Amended by Acts 1991, 72nd Leg., 2nd C.S., ch. 6, Sec. 38, eff. Sept. 1, 1991.

Sec. 24.38. CERTIFICATION OF APPORTIONED VALUE. Before July 26, the comptroller shall certify to the county assessor-collector for each county in which a railroad operates:

(1) the county's apportioned amount of the market value of each owner's rolling stock; and

(2) the name and business address of each owner.

Acts 1979, 66th Leg., p. 2268, ch. 841, Sec. 1, eff. Jan. 1, 1980. Amended by Acts 1983, 68th Leg., p. 4825, ch. 851, Sec. 16, eff. Aug. 29, 1983; Acts 1991, 72nd Leg., 2nd C.S., ch. 6, Sec. 38, eff. Sept. 1, 1991.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 908 (H.B. 1309), Sec. 1, eff. January 1, 2010.

Sec. 24.39. IMPOSITION OF TAX. The county assessor-collector and commissioners court may not change the apportioned values certified as provided by this subchapter. The county assessor-collector shall add each owner's rolling stock and the value apportioned to the county as certified to him to the appraisal roll certified to him by the chief appraiser as provided by Section 26.01 of this code for county tax purposes. He shall calculate the county tax due on the rolling stock as provided by Section 26.09 of this code.

Acts 1979, 66th Leg., p. 2268, ch. 841, Sec. 1, eff. Jan. 1, 1980. Amended by Acts 1981, 67th Leg., 1st C.S., p. 155, ch. 13, Sec. 94, eff. Aug. 14, 1981; Acts 1983, 68th Leg., p. 4825, ch. 851, Sec. 16, eff. Aug. 29, 1983.

Sec. 24.40. OMITTED PROPERTY. (a) If a chief appraiser discovers that rolling stock used in this state and subject to

appraisal by him has not been appraised and apportioned to the counties in one of the two preceding years, he shall appraise the property as of January 1 for each year it was omitted, submit the appraisal for review and protest, and certify the approved value to the comptroller.

(b) The certification shall show that the appraisal is for property that escaped taxation in a prior year and shall indicate the year and the appraised value for each year.

Acts 1979, 66th Leg., p. 2268, ch. 841, Sec. 1, eff. Jan. 1, 1980.
Amended by Acts 1981, 67th Leg., 1st C.S., p. 156, ch. 13, Sec. 95,
eff. Aug. 14, 1981; Acts 1991, 72nd Leg., 2nd C.S., ch. 6, Sec. 39,
eff. Sept. 1, 1991.