

## PERSONAL PROPERTY TAX REPLACEMENT

### **427A.1 Property taxed as real property.**

1. For the purposes of property taxation only, the following shall be assessed and taxed, unless otherwise qualified for exemption, as real property:

*a.* Land and water rights.

*b.* Substances contained in or growing upon the land, before severance from the land, and rights to such substances. However, growing crops shall not be assessed and taxed as real property, and this paragraph is also subject to the provisions of section 441.22.

*c.* Buildings, structures or improvements, any of which are constructed on or in the land, attached to the land, or placed upon a foundation whether or not attached to the foundation. However, property taxed under chapter 435 and property that is a concrete batch plant as that term is defined in subsection 4 shall not be assessed and taxed as real property.

*d.* Buildings, structures, equipment, machinery or improvements, any of which are attached to the buildings, structures, or improvements defined in paragraph "*c*" of this subsection.

*e.* Machinery used in manufacturing establishments. The scope of property taxable under this paragraph is intended to be the same as, and neither broader nor narrower than, the scope of property taxable under section 428.22, Code 1973, prior to July 1, 1974.

*f.* Property taxed under chapter 499B.

*g.* Rights to space above the land.

*h.* Property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434, 437, 437A, and 438.

*i.* Property used but not owned by the persons whose property is defined in paragraph "*h*" of this subsection, which would be assessed by the department of revenue if the persons owned the property. However, this paragraph does not change the manner of assessment or the authority entitled to make the assessment.

*j.* (1) Computers. As used in this paragraph, "*computer*" means stored program processing equipment and all devices fastened to the computer by means of signal cables or communication media that serve the function of signal cables, but does not include point of sales equipment.

(2) Computer output microfilming equipment.

(3) Key entry devices that prepare information for input to a computer.

(4) All equipment that produces a final output from one of the facilities listed in subparagraphs (1), (2) and (3) of this paragraph.

*k.* Transmission towers and antennae not a part of a household.

2. As used in subsection 1, "*attached*" means any of the following:

*a.* Connected by an adhesive preparation.

b. Connected in a manner so that disconnecting requires the removal of one or more fastening devices, other than electric plugs.

c. Connected in a manner so that removal requires substantial modification or alteration of the property removed or the property from which it is removed.

3. Notwithstanding the definition of "*attached*" in subsection 2, property is not "*attached*" if it is a kind of property which would ordinarily be removed when the owner of the property moves to another location. In making this determination the assessing authority shall not take into account the intent of the particular owner.

4. Notwithstanding the definition of "*attached*" in subsection 2, property is not "*attached*" if any of the following conditions are met:

a. It is a fixture used for cooking, refrigeration, or freezing of value-added agricultural products, used in value-added agricultural processing, or used in direct support of value-added agricultural processing. For purposes of this subsection, "*direct support*" includes storage by public refrigerated warehouses for processors of value-added agricultural products. Such fixtures shall not be considered "*attached*" whether owned directly by the processor or warehouse operator or by another who leases the fixture to the processor or warehouse operator. This paragraph shall not apply to fixtures used primarily for retail sale or display.

b. It is a concrete batch plant. A "*concrete batch plant*" is the machinery, equipment, and fixtures used at a concrete mixing facility to process cement dry additive and other raw materials into concrete.

c. It is a hot mix asphalt facility.

5. Notwithstanding the other provisions of this section, property described in this section, if held solely for sale, lease or rent as part of a business regularly engaged in selling, leasing or renting such property, and if the property is not yet sold, leased, rented or used by any person, shall not be assessed and taxed as real property. This subsection does not apply to any land or building.

6. Notwithstanding the other provisions of this section, property that is equipment used for the washing, waxing, drying, or vacuuming of motor vehicles and point-of-sale equipment necessary for the purchase of car wash services shall not be assessed and taxed as real property.

7. Nothing in this section shall be construed to permit an item of property to be assessed and taxed in this state more than once in any one year.

8. The assessing authority shall annually reassess property which is assessed and taxed as real property, but which would be regarded as personal property except for this section. This section shall not be construed to limit the assessing authority's powers to assess or reassess under other provisions of law.

9. The director of revenue shall promulgate rules subject to chapter 17A to carry out the intent of this section.

[C71, 73, 75, 77, 79, 81, § 427A.1]

85 Acts, ch 32, §103; 95 Acts, ch 67, §32; 2001 Acts, ch 116, §21, 28; 2002 Acts, ch 1150, §10; 2003 Acts, ch 145, §286; 2006 Acts, ch 1146, §13; 2006 Acts, ch 1158, §59, 69

2006 amendments to subsection 1, paragraph c, and subsection 4 take effect May 31, 2006, and apply retroactively to January 1, 2006, for assessment years beginning on or after that date; 2006 Acts, ch 1146, §3

Subsection 6 takes effect June 1, 2006, and applies retroactively to January 1, 2006, for assessment years

beginning on or after that date; 2006 Acts, ch 1158, §69

**427A.2 Personal property not subject to property tax.**

Personal property shall not be listed or assessed for taxation and is not subject to the property tax.

95 Acts, ch 67, §33

**427A.3 through 427A.6** Repealed by 94 Acts, ch 1173, §42.

**427A.7 and 427A.8** Repealed by 73 Acts, ch 255, § 4.

**427A.9 through 427A.11** Repealed by 94 Acts, ch 1173, §42.

**427A.12 Replacement fund.** Repealed by 2003 Acts, ch 178, § 11.

**427A.13 Appropriation.** Repealed by 97 Acts, ch 158, § 48.

**427A.14 Computing debt limitations.** Repealed by 99 Acts, ch 152, §39, 40.