

132.825 Listing of property required.

- (1) It shall be the duty of all persons providing communications services or multichannel video programming services defined under KRS 136.602 owning or having any interest in tangible personal property in this state to list or have listed the property with the department between January 1 and May 15 in each year reporting the full details, a correct description of the property and its value.
- (2) The department shall have sole power to value and assess all tangible personal property of multichannel video programming service providers and communications service providers. Such property shall be valued and assessed in accordance with procedures established for locally assessed tangible property. The department shall develop forms for reporting.
- (3) Providers of multichannel video programming services or communications services shall not be required to list, and the department shall not assess intangible property as defined in KRS 132.010.
- (4) It is the intent of KRS 136.600 to 136.660 to relieve communications service providers and multichannel video programming service providers from the tax liability imposed under KRS 136.120 by:
 - (a) Requiring real, tangible, and intangible property owned by communications service providers and multichannel video programming service providers to be assessed and taxed in the same manner as real, tangible, and intangible property of all other taxpayers under KRS Chapter 132 excluding KRS 132.030; and
 - (b) Replacing revenues received from communications service providers and multichannel video programming service providers under KRS 136.120, attributable to the franchise portion of operating property as defined in KRS 136.115, with the levy imposed under KRS 136.616.

To the extent that any tangible or intangible property was considered a part of the franchise portion of operating property under KRS 136.115 and 136.120 for tax periods ending prior to January 1, 2006, for a communications service provider or a multichannel video programming service provider, such property shall be exempt from taxation under KRS Chapter 132 and shall not be listed, valued or assessed under this section for tax periods beginning on or after December 31, 2005.

- (5) It is also the intent of KRS 136.600 to 136.660 that for communications service providers and multichannel video programming service providers the following items, to the extent these items are intangible property, shall be exempt from taxation under KRS Chapter 132 and shall not be listed, valued, or assessed by the department or local jurisdictions. The items include but shall not be limited to:
 - (a) Franchises;
 - (b) Certificates of public convenience and necessity;
 - (c) Licenses;
 - (d) Authorizations issued by the Federal Communications Commission or any state public service commission;

- (e) Customer lists;
 - (f) Assembled labor force;
 - (g) Goodwill;
 - (h) Managerial skills;
 - (i) Business enterprise value;
 - (j) Speculative value; and
 - (k) Any other type of personal property that is not tangible personal property.
- (6) Any person dissatisfied with or aggrieved by the finding or ruling of the department may appeal the finding or ruling in the manners provided in KRS 131.110.
 - (7) All persons in whose name property is assessed shall remain bound for the tax, notwithstanding that they may have sold or parted with it.
 - (8) The department shall allocate the assessed value of property described in subsection (1) of this section among the counties, cities, and taxing districts. The assessed value shall be allocated to the county, city, or taxing district where the property is situated.
 - (9) The department shall certify, unless otherwise specified, to the county clerk of each county in which any of the property assessment listed by the corporation is liable to local taxation, the amount of tangible personal property liable for county, city, or district tax.
 - (10) No appeal shall delay the collection or payment of taxes based upon the assessment in controversy. The taxpayer shall pay all state, county, and district taxes due on the valuation that the taxpayer claims as the true value as stated in the protest filed under KRS 131.110. When the valuation is finally determined upon appeal, the taxpayer shall be billed for any additional tax and interest at the tax interest rate as defined in KRS 131.010(6), from the date the tax would have become due if no appeal had been taken. The provisions of KRS 134.015(6) shall apply to the tax bill.
 - (11) The certification of valuation shall be filed by each county clerk in the clerk's office and shall be certified by the county clerk to the proper collecting officer of the county, city, or taxing district for collection. Any district that has the value certified by the department shall pay an annual fee to the department that represents an allocation of the department's operating and overhead expenses incurred in generating the valuations. This fee shall be determined by the department and shall apply to valuations for tax periods beginning on or after January 1, 2005.

Effective: January 1, 2010

History: Amended 2009 Ky. Acts ch. 10, sec. 41, effective January 1, 2010. -- Created 2005 Ky. Acts ch. 168, sec. 119, effective January 1, 2006.

Legislative Research Commission Note (1/01/2006). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.