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No. 78/205

November 27, 1978

TO COUNTY ASSESSORS:

FAILURE TO FILE PENALTY
APPLIES TO AIRCRAFT STATEMENT

Assembly Bill 2902 (Chapter 1209) which was signed by the Governor on September 26, 1978, adds Section 5367 to the Revenue and Taxation Code. Since the bill did not contain an urgency clause, it will become effective on January 1, 1979.

The new section provides for the addition of a 10-percent penalty to the value of an aircraft where the aircraft statement requested by the assessor under Section 5365 is not timely filed. The designation of a filing date is left to the discretion of the assessor.

We see no difficulty where the assessor sends out the aircraft statements around the lien date and assigns a reasonable period, such as 30 days, for their return. However, some assessors send out the aircraft statements all during the year as the aircraft are acquired. This creates a situation where the assessor is asking for information upon acquisition, say July, that will be used to make an assessment the following March and applying a penalty where the statement was not returned within the period requested, say the previous August 31.

To create uniformity and eliminate the above problem, we suggest that all assessors adopt a policy of mailing the aircraft statements around March 1 and allow 30 days for their return.

We also recommend you notify the aircraft owners of the possibility of a penalty by inserting words on your aircraft statement similar to the following: "Failure to file this statement by _____ will compel the assessor to add a 10-percent penalty to the value of your aircraft he places on the current roll."

Any questions regarding the above should be referred to Bud Florence of this Division.

Sincerely,

A handwritten signature in cursive script that reads "Verne Walton".

Verne Walton, Chief
Assessment Standards Division

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