

THE COUNTY TAX \$STATEMENT



Volume 16, Issue 1—June 2016

President's Message

By Thelma "Midget" Sherman, Angelina County Tax Assessor-Collector



Hello everyone! I cannot believe how fast this year has gone by. We have been through another heavy property tax year, the holiday season & yes, another one of our "Texas" winters. We have so much to be thankful for as we continue "Reaching out, to Rise Up".

This year has started out to be a very wet & windy one. With many of our counties having to deal with severe

weather, tornadoes, heavy rain & severe flooding. But through it all, you have persevered!

Oh, did I mention this also just happens to be our election year? Some of you were blessed by not having opposition in this year's election. But those of you that did and made it through the Primary Election, a big Congratulations to you! To those of you that are in a run-off, we wish you the BEST! Then those of you that have to go all the way through the General Election, God bless you & our BEST to you!

At this time I would like to touch on some of the exciting and new things that have happened this past year. We have had several large projects that we had to get implemented such as "Two Step, One Sticker", Refactoring & COGNOS. And then the Second Phase of "Two Step, One Sticker". I think this was a real test of our ability to accept change in a rather large way.

What massive endeavors each of these projects were, especially in the large counties, and we "Survived".

We had our first VG Young Educational Seminar in San Marcos this year, November 16th - 18th, and it was a huge success. There were several "first" this year for that seminar. First year away from Bryan/College Station, first year in San Marcos, first year for Peter McGill and his Staff and first year for "Me" as your new president. A big "Thank You" to Luanne Caraway & Peter McGill for making this seminar the HUGE success that it was!!!

Thank you to Ro'Vin Garrett, our Education Director, Randy Riggs, Chair of our Education Committee, & Tammy McRae, Vice-Chair of our Education Committee, for their continued hard work to make our education program the best in the state. Please be sure to visit our TACA website at www.tacaoftexas.org at classes that are being offered. For all other information concerning your CE's and your certification, contact Ro'Vin Garrett, Brazoria County TAC.

I want to congratulate Becky Watson-Fant, Tax A/C of Cass County, for being awarded the Tax Assessor-Collector of the Year Award, at the VG Young Seminar in San Marcos. CONGRATULATIONS BECKY!!!

Proudly Serving as your President,
Thelma "Midget" Sherman



Texas Department of Motor Vehicles

Submitted by: David Pyndus



Welcome to the Texas Department of Motor Vehicles (TxDMV) On-Ramp! We appreciate the Tax Assessor-Collectors Association of Texas continuing to provide newsletter space for us. Please know you may reach out to your Regional Service Center (RSC) for any questions you may have. We are happy to share the following announcements:

"Two Steps, One Sticker" Transition Year Complete

Nearly every vehicle in the state has successfully transitioned to "Two Steps, One Sticker." The vast majority of vehicle owners are already enjoying a better view out of their windshield with the elimination of the inspection sticker and now have the convenience of only having to remember one expiration date.

"Two Steps, One Sticker" was implemented as a multi-phase program. Certain considerations were made during the initial year of the program in an effort to make the transition as smooth as possible for both motorists and vehicle dealers. Although enforcement of statutory timeframes for motorists and dealers began in March 2016, counties will see very few changes in the second year of the program.

(Continued to page 3)

Dates to Remember

82nd Annual
T.A.C.A. Conference
June 12-16, 2016
Waco

Independence Day
July 4, 2016

34th Annual Secretary of
State Election Law Seminar
July 11-13, 2016
Austin

TIADA Annual
Conference & Expo
July 24-26, 2016
San Antonio

The County Tax \$tatement

The County Tax Statement is the official publication of the Tax Assessor-Collector's Association of Texas and is published quarterly beginning in January of each year for the benefit of its members and interested contributing parties. The purpose of the organization is to promote professional standards, to unify actions for the benefit of its constituents, to be aware and participate in the legislative process, and to provide a vehicle to educate its members in the proper conduct of the constitutional office of the Assessor-Collector of Taxes.

Advertisements in this publication are paid and in no way imply endorsement by this association of products or services.

Articles for printing or information on obtaining display ads of rates should be directed to TACA Newsletter, Teresa McCoy, Hood County Tax Assessor, 1410 W Pearl St., Granbury, TX 76048, by the 10th day prior to the month of publication. Statements of fact and opinion are the responsibility of the authors alone and are no necessarily the opinion of the editing staff or TACA Board.

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2015/2016 Board: (Left to right) Paul Villarreal, John R. Ames, Teri Garvey, Tammy McRae, Midget Sherman, Linda Bridge, Michelle French, Cathy Talcott, Ronnie Keister and Monte Shaw

The TxDMV On Ramp (Continued from page 1)

Counties

The TxDMV Vehicle Titles and Registration (VTR) Division held webinars on Phase 2 of “Two Steps, One Sticker” for county tax assessor-collector offices and others earlier this year to discuss the timeframes. The presentations are posted on the Single Sticker Resources page of www.TxDmv.gov. The webinar presentations were high-level overviews of the changes for Phase 2. Any future webinars will be announced via GovDelivery, which you may enroll in at: <https://public.govdelivery.com/accounts/txdmv/subscriber/new>.

In order to enforce the statutory timeframes for inspections before proceeding with registration, TxDMV systems were programmed to automatically calculate the acceptable timeframes.

Additionally, TxDMV staff documented requirements to update program information and tools on www.TwoStepsOneSticker.com. An improved and enhanced look-up tool for public use, and a new tool for dealer use, were implemented on the “Two Steps, One Sticker” website for Phase 2. These look-up tools provide the user specific information regarding the acceptable inspection timeframe.

Motorists

Motorists are required to have their vehicle inspected no earlier than 90 days before their registration expiration date. Those who renewed in March 2016, were the first customers impacted by the 90-day rule. The improved look-up tool at www.TwoStepsOneSticker.com is in place to help motorists take the guesswork out of determining when they should inspect in order to renew on time.

Aside from this look-up tool, motorists can sign up to be reminded of the need to inspect by using eReminder. eReminder has been enhanced to send an email to motorists informing them of the need to complete a vehicle inspection prior to renewal. The TxDMV is stepping up ef-

orts to increase eReminder enrollment, and we could really use your help. Please encourage your customers to sign up at www.TxDmv.gov/eReminder today! We have also created a QR code to make it easier for customers to sign up.



Dealers

While it was business as usual for dealers during the first year of the program, March 1, 2016, marked the start of a new requirement for used vehicle sales. Beginning March 1, 2016, used vehicles with a current inspection may be sold without obtaining a new inspection if the inspection occurred within the 180 days preceding the date of sale. Otherwise, the vehicle must be inspected before the registration and title paperwork is submitted to the county tax assessor-collector’s office.

Because determining the last inspection date is more difficult without an inspection sticker, the TxDMV developed a look-up tool for dealers who sell used vehicles. Dealers may confirm an acceptable date of inspection by entering the sale date in the look-up tool, which can be accessed from the Dealer page at <http://twostepsonesticker.com/dealers>. Click on the “When Do I Inspect?” button and the tool will calculate the 180-day timeframe based on the date of sale.

webDEALER can also prove valuable to dealers in navigating “Two Steps, One Sticker” requirements. The system is equipped to help dealerships easily calculate all fees due at the time of registration and titling, including the state’s portion of the inspection fee, and offers automatic verification of inspection. Counties already using webDEALER are encouraged to share this tip with dealers who may not yet be using webDEALER. Please contact your local TxDMV RSC to enroll in webDEALER.

webDEALER Update

The department continues to move forward with enhancements and new functionality in webDEALER. Earlier this year, we launched webDEALER release 2.5.0, aimed at further increasing county functionality. Features include the ability to mark transactions as “reviewed” without approving them. This release also allows the county or dealer (based on permissions) to group “reviewed” transactions for payment. Once the payment is received or pulled from the ACH, the transactions can be batch approved. Subsequently, webDEALER 2.5.2 was released in April to refine some issues related to the release of webDEALER 2.5.0.

The coming months will see the release of webDEALER Salvage, followed by eTAG integration into webDEALER later in the year. This will give dealers a single point of entry for both applications, and allow them to start a title transaction from the eTAG record. We will keep you in the know as we get closer to future releases.

Regional Services Update – Region Chief Named

William Diggs was named Chief of Regional Services, and will oversee all 16 regional service centers located throughout Texas.

A graduate of Midwestern State University, Mr. Diggs retired from the Texas Department of Public Safety as a major in August 2015, after more than 28 years of service. He came to the TxDMV in December 2015 after accepting a position as Assistant Chief of Regional Services.

47 New Military Plates Authorized by the 84th Legislature

A preview is included of some of the 47 new military license plates authorized by the 84th Texas Legislature. As always, please call the Special Plates team at (512) 374-5010 if you have questions.



You Need To Know....

The Titus County Tax Office/Vehicle Registration Office recently relocated to 110 S Madison Ave, Suite A, in Mt. Pleasant, Texas.

Congratulations to Ms. Connie Rose on her new position at McCreary, Veselka, Bragg & Allen P.C. Attorneys at Law. MVBA hired Ms. Rose for her extensive knowledge of the Texas Property Tax Code, her expertise on Truth-in-Taxation and her abilities in both appraisal review board training and binding arbitration.

Governor Greg Abbott has appointed Mike S. Sullivan, Harris County Tax Assessor-Collector, to the Texas Military Preparedness Commission. The Commission's goal is to preserve, protect, expand and attract new military missions, assets and installations. Additionally, the commission encourages defense related businesses to expand or relocate in Texas. Congratulations Mike!

Congratulations to Mary Phillips of the Wichita County Tax Office on her recent retirement after 38 years of service!

Welcome to the following new Tax Assessor-Collectors:

Lydia Cervantes, Milam County - Lydia was appointed in December, she was previously serving as the Chief Deputy

Juan Cantu, Starr County - Juan was appointed in January

Matt Boswell, San Saba County - Matt is the Sheriff and Tax Assessor-Collector

Crystal Hernandez, Armstrong County - Crystal was appointed in January and was unopposed in the primary so she will continue for a full term beginning January 1, 2017

Tiffany Fernandez, Howard County - Tiffany was appointed in March. She was victorious in the primary election and is unopposed in November so she will also begin a full term on January 1, 2017. Her predecessor, Diane Carter, did not seek re-election.

Vanessa Covarrubiaz, Schleicher County - Vanessa was also appointed in March. She was unopposed in the primary election, and is also unopposed in November. Her predecessor, Jeanne Snelson, did not seek re-election.

Also, congrats to any others that are not mentioned! You are not intentionally left out, the editor is just unaware as to who all of you are. Sorry!

Congratulations and welcome to all of you, you have joined a wonderful family and we're all here to assist you so please don't hesitate to call on us!

2015 Tax Assessor-Collector of the Year Nominees



2015 Tax Assessor-Collector of the Year

Becky Watson-Fant, Cass County Tax Assessor-Collector

The 2015 winner of the Tax Assessor-Collector of the Year Award is Mrs. Becky Watson-Fant of Cass County. The award was presented by Kristeen Roe of Brazos County, who was the 2014 winner of this award, on behalf of the Tax Assessor-Collector's Association during the V.G. Young School for County Tax Assessor-Collector's in San Marcos, Texas in November.

The Tax Assessor-Collector of the Year award is presented to an individual who displays outstanding professionalism, conducts county business with high ethical standards, and continues his or her education to improve the operations of the tax office. Nominations for this award are submitted by other county tax assessor-collectors in the nominees region of the state and the scoring is done by the Awards Committee of TACA; the person scoring the most points regulated by a set of questions is chosen as the winner.

Becky took office as Tax Assessor-Collector in Cass County on June 1, 1999 so she has been elected to office by the citizens of her county numerous times. She has been a member of our association since taking office and holds a PCC Certification. Becky served on our Board of Directors for several years and served as our President for two years. She has received the President's Award and has served on the PTEC Board for a number of years. She is also a member of TSAA & TAAO. Becky is also active in her community and has served on multiple boards and won recognition for her service.

The duties performed in Becky's office, in addition to property tax assessment and collections, are motor vehicle title and registration services, boat title and registrations, and voter registration. After Becky took office she consolidated all property tax collections in her office.

In nominating Becky, it was stated that as a friend and fellow TAC, Becky Fant has been there to help anyone who needed it. It was also stated that the term "Professional Lady" describes her and that you always know where she stands on an issue because she will be happy to tell you.

From all of us at T.A.C.A., **CONGRATULATIONS Becky!** You are very deserving of this award and we truly appreciate your service and commitment, not only to our association!



FROM THE COMPTROLLER OF PUBLIC ACCOUNTS

Submitted By: Stefanie B. Medack, Tax Specialist Training and Web Development, Tax Policy Division

Business Entities and Texas Motor Vehicle Gift Tax

Motor vehicle transfers made without payment of consideration are defined as sales and are subject to the Standard Presumptive Value (SPV) unless the transfer qualifies as a gift. Transfers that qualify as a gift are subject to the \$10 gift tax.

To qualify as a gift transfer, the donor and recipient must be closely related family members, or the donor or recipient must be a nonprofit organization qualifying under the Internal Revenue Code Section 501(c)(3). See [Texas Tax Code Section 152.025](#), *Tax on Gift of Motor Vehicle*, [Rule 3.80](#), *Motor Vehicles Transferred as a Gift or for No Consideration* and our [Motor Vehicle Tax Guidebook](#).

Of all the types of business entities, only a sole proprietorship can qualify to be the donor or recipient in a qualifying gift transfer. The only exception is when the recipient is a nonprofit service organization qualifying under Section 501(c)(3) of the Internal Revenue Code.

What is a Business Entity?

A business entity is a distinct and independent form of business recognized by law and includes a:

- general partnership (GP);
- limited partnership (LP);
- limited liability partnership (LLP);
- limited liability company (LLC) – including a single member LLC;
- corporation (Inc.) – including an S corporation; and
- sole proprietorship (does not include a single member LLC filing as a sole proprietor for federal tax purposes).

With the exception of a sole proprietorship, the business entity is **separate** from its owners or interest holders, such as partners, members or stockholders; they are **not** one and the same.

What is a Sole Proprietorship?

A sole proprietorship is a type of business entity in which there is no legal distinction between the owner and the business. Simply filing an assumed name certificate (commonly referred to as a DBA) does not separate the owner from its company; they **are** one and the same.

The distinction between a sole proprietorship and other types of business entities is important when determining whether a gift transfer has occurred. Again, of the various types of business entities, only a sole proprietorship can qualify for a gift transfer. Because there is no legal distinction between a sole proprietor-

ship and its owner, a proprietorship may have close family members, including a spouse, children, siblings and grandparents, to whom the proprietorship may make a qualifying gift of a motor vehicle. This is illustrated in the following example.

Tracey's Hardware Store is a sole proprietorship. The gift of a motor vehicle titled to the hardware store (Tracey) transferred to Tracey's child qualifies for the \$10 gift tax.

If the organizational structure of Tracey's Hardware Store is a partnership, LLC or corporation (Inc.), a "gift" of a motor vehicle to a child of an owner or interest holder of the business entity does not qualify for the \$10 gift tax. These entities have no relatives. In this case, the transfer of a motor vehicle without payment of consideration is a **sale**. This transaction is subject to motor vehicle tax based on the SPV. See [Rule 3.79](#), *Standard Presumptive Value*.

Motor Vehicle Tax and Operating Leases

The taxability of a leased motor vehicle may be unclear to some lessors. Here is some information about common situations you may need to explain to your customers.

Operating lease

The most common motor vehicle lease agreement is an operating lease. In an operating lease, the lessor remains the title owner of the vehicle and the lessee has no ownership rights.

Lessor's purchase of the vehicle to be leased

Lessors buying motor vehicles in Texas owe motor vehicle sales tax on the purchase price of the vehicle to be leased. The tax is due when the vehicle is titled and registered in the name of the lessor. The lessor can use the fair market value deduction (the value of a Texas titled vehicle retired from service) to reduce the taxable value of the "replacement" vehicle. The lessor indicates this deduction on the Application for Texas Title.

Lessors do not collect any additional tax on the lease payments made by the lessee. As part of the lease agreement, the lessor can require the lessee to reimburse the lessor for the tax, and that charge is shown as a "reimbursement" on the lease contract. The terms of any reimbursement are between the lessor and the lessee.

Lessee's purchase of the vehicle at the end of the lease

If the lessee buys the vehicle at the end of a lease for anything but a nominal value, a second transaction occurs. The lessee owes motor vehicle tax on this second transaction. Tax is due

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when the lessee titles and registers the vehicle and is calculated on the amount paid to the lessor on that purchase. The lessee does not receive credit for any tax reimbursed to the lessor on the lessor's initial purchase of the leased vehicle. Standard Presumptive Value applies if no party to the sales transaction is a licensed dealer.

If the vehicle is purchased for a nominal amount at the end of the lease contract, the entire transaction can be considered a conditional sale. If a conditional sale occurs, then tax should be calculated on the total amount paid to the lessor, and credit is

allowed for the initial tax paid in the lessor's name. If the correct amount of tax was not paid, the lessee/purchaser must pay the difference when the vehicle is titled in his name.

For additional information, see [Rule 3.70](#), Motor Vehicle Leases and Sales.

If you have any Motor Vehicle Tax questions, please call our TAC hotline at 1-800-803-2573, or receive tax help at comptroller.texas.gov/taxhelp/.

With Sympathy & Prayers...

“A LIMB HAS fallen from the family tree that says Grieve not for me

Remember the BEST TIMES, the laughter, the song

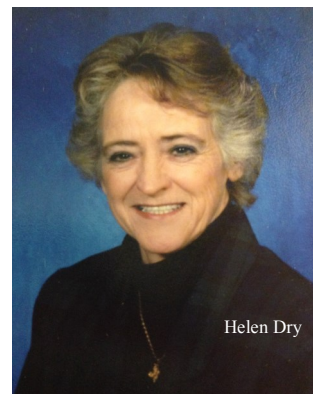
The good life I lived while I was STRONG”

Helen Dry passed away on November 3, 2015. She began her career in the Sheriff/Tax Assessor-Collector's office in 1969. The office was split in 1973 and she became the Tax Assessor-Collector, she then very honorably and proudly served until her retirement in 2004. Helen is and will continue to be dearly missed by many.

Former Tyler County Tax Assessor-Collector Barbara Tolbert passed away on November 29, 2015. She worked in the Tax office for 30 years then retired in 1992. She was a great mentor to current Tyler County Tax A/C Lynnette Cruse and is greatly missed.

Property tax professional Katherine Anthony (Toni) Trumbull passed away on January 10, 2016. Toni worked as a Client Liaison for Perdue, Brandon, Fielder, Collins & Mott, LLP and served on the Board of Directors at the Harris County Appraisal District. She retired as a Tax Assessor-Collector for the Spring Independent School District. Toni was a Past President of TAAO and TAAO Gulf Coast Chapter as well as a Past ICTA Chair. She is greatly missed as she touched, inspired and encouraged many lives within the property tax industry and was a great friend to our association.

Val Verde County Tax Assessor Collector, Bea Munoz, needs our prayers as she lost her mother on Sunday April 10th, 2016.



Region News

COASTAL BEND REGION

Submitted by Ida M. Turner
Refugio County TAC

The Coastal Bend region of the Tax Assessor-Collectors Association held its meeting on Thursday, February 11, 2016 at the Nueces County Courthouse in Corpus Christi, Texas. The meeting was called to order at 10:00 am by President Linda Bridge, Bee County Tax Assessor-Collector. Mr. Kevin Kieschnick, Nueces County TAC, led the Pledge of Allegiance and Mr. Pat Kubala, Wharton County TAC, led the group in prayer.

The first session of the meeting was on WebAgent procedures. Kevin Kieschnick gave us a briefing with the assistance of (2) of his employees. Krista, who handles the ACH processing and Crystal, who contacts the dealers in Nueces County were very knowledgeable regarding this new process. They touched on setting up at the dealerships, inventory, bonding and contracts. Ralph Benavides, Nueces County, did power point presentation and later sent us the PDFs, the ACF forms and the webDealer contracts used by their county. They concluded the session with a walk thru of the Nueces County Motor Vehicle Department.

Lunch consisted of sandwiches compliments of Linebarger, Goggan, Blair and Sampson, LLP.

Melissa De La Garza, Kleberg County TAC made the motion to accept the minutes from the last meeting. Donna Atzenhoffer, Jackson County TAC, seconded the motion. No one opposed so motion carried.

The afternoon session of the meeting was a presentation on motor vehicle sales tax presented by Curt Swenson, Tax Policy Specialist, Texas Comptroller of Public Accounts. He gave us a handout covering current issues such as exemptions, gifts, business transfers, sales tax (limited), and moveable equipment. Mr. Swenson also reminded us about ag timber numbers expiring in March and having the customers renew online or by phone. He also went over the difference between distributing and transporting for farm trucks, school bus exemptions, and modified vehicles. The item that brought up a lot of con-

versation was the \$10.00 gift tax on the state comptroller side and not the DMV side. Both sessions were very informative.

Seventeen (17) counties were represented with a total of 48 in attendance. The date for the next meeting will be Wednesday, May 18, 2016 with Port Lavaca hosting and may be inviting Ms. Connie Rose, formally from State Comptroller's office and now with McCreary, Veselka, Bragg & Allen. The meeting adjourned at 3:06pm.

EAST TEXAS LUNCH BUNCH

Submitted by Midget Sherman
Angelina County TAC

The East Texas Lunch Bunch (Longview & Beaumont Regions) met on December 1, 2015 in Anahuac/Hankamer, Texas. Denise Hutter, Tax Assessor-Collector of Chambers County, hosted the meeting.

Denise, clerks and attorneys, Sarah Cerrone & Russell Ezer opened the meeting and welcomed everyone.

We had recognitions of Lynda Gunstream, Orange County Tax Assessor for Beaumont Region and Becky Watson-Fant, (not present) Cass County Tax Assessor for Longview Region, as the two for those regions nominated for "Tax Assessor-Collector of the Year" award.

There were 34 present, counties represented were Chambers, Montgomery, Angelina, Orange, Liberty, Tyler & Sabine.

Robert Mott with Perdue Brandon Fielder Collins & Mott Law Firm spoke on the latest Legislation. Robert gave a thorough review of the Bills passed and how they would affect our offices. Also with him was Yolanda Humfrey.

Mr. Mitch McCoullough, Chambers County Chief Appraiser, spoke. Also, Idalia Lopez, DMV Longview Region was there and spoke. We had open discussion with questions and answers. This was a great session. There was also a round table discussion concerning voter registration.

CE's were approved for this meeting. We had a wonderful meeting and Denise was a great host.

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BIG COUNTRY REGION

Submitted by Josie Dean
Coke County TAC

The Big Country Region met on October 15th in Abilene. The meeting was called to order by Tammy Walker, Callahan County Tax A/C. The minutes from their July meeting were read and approved. Josie Dean, Tax A/C for Coke County gave the Treasurer's Report and it was approved. During new business Chairman Sandy Cagle, Eastland County Tax A/C announced nominees for new officers: President, Tim Powell - Vice-President, Jan Dukes - Secretary/Treasurer, Josie Dean. These nominations were approved and the meeting was adjourned. Following the meeting a salvage vehicle program was presented by Donna Wright, Customer Service coordinator from the Abilene Regional Service Center and handouts were given. Cake and other refreshments were served for Gay Green's retirement and Gay was presented with a clock to commemorate her years of service.

DFW/NORTH TEXAS REGION

Submitted by Kaye Abbott
Hunt County

The Dallas & Fort Worth regions met on March 16th at the beautiful Texan Theater in Greenville. Thank you to Hunt County Tax A/C Randy Wineinger for hosting. Originally built in 1891, this venue provided outstanding accommodations for our meeting. With nearly 100 attending, and ten counties represented, the day was started with a warm welcome from Hunt County Judge, John Horn. The remainder of the morning schedule was filled with information on 'Web Dealer, POA Forms and Red Flagg training' by representatives from the DMV. After a wonderful catered lunch sponsored by Linebarger, Goggin, Blair & Sampson we proceeded with the afternoons agenda beginning with 'Mobile Home Collections & Seizures'. LGB&S presented information on 'Bankruptcy's' and followed up with 'Resale Auctions'.

81st Annual TACA Conference

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Our sincerest thanks to these businesses and their representatives. Without their participation and support, the special events presented at this conference would not have been possible. Thank you - thank you - thank you!