

The 1995 amendment, effective July 1, 1995, substituted "required to register under the provisions of Section 7-10-4 NMSA 1978" for "who leases or sells property to or performs services for the state", and "department" for "bureau".

ARTICLE 11

Railroad Car Company Tax

7-11-1. Short title.

Chapter 7, Article 11 NMSA 1978 may be cited as the "Railroad Car Company Tax Act".

History: 1978 Comp., § 7-11-1, enacted by Laws 1982, ch. 18, § 17.

ANNOTATIONS

Repeals and reenactments. — Laws 1982, ch. 18, § 17, repealed former 7-11-1 NMSA 1978, relating to definitions, and enacted a new section. For present provisions relating to definitions, see 7-11-2 NMSA 1978.

7-11-2. Definitions.

As used in the Railroad Car Company Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "gross earnings" means the total income received from all sources by an organization from the use or operation of railway cars within the state;

C. "organization" means every foreign or domestic car or car line company, every foreign or domestic joint-stock company, every foreign or domestic mercantile company, every foreign or domestic corporation of any other class, every foreign organization classed as a New England, Massachusetts or business trust, every association for profit, every partnership and every individual who owns one or more railway cars other than a railroad company operating its own or leased lines; and

D. "railway car" means any passenger, sleeping, parlor, refrigerator, tank, observation, dining, freight or coal car.

History: 1978 Comp., § 7-11-1; reenacted as 1978 Comp., § 7-11-2, enacted by Laws 1982, ch. 18, § 18; 1986, ch. 20, § 71; 1988, ch. 95, § 1.

ANNOTATIONS

Am. Jur. 2d, A.L.R. and C.J.S. references. — 71 Am. Jur. 2d State and Local Taxation §§ 392 to 395.

84 C.J.S. Taxation § 225.

7-11-3. Imposition of tax; tax rate; tax in lieu of property taxes.

A. There is imposed on the gross earnings of each organization for the 1996 and subsequent calendar years a tax of one and one-half percent.

B. The tax imposed in Subsection A of this section is in lieu of all property taxes on railway cars owned by an organization.

History: 1978 Comp., § 7-11-3, enacted by Laws 1982, ch. 18, § 19; 1987, ch. 108, § 1; 1997, ch. 92, § 1.

ANNOTATIONS

The 1997 amendment, effective April 8, 1997, in Subsection A, substituted "1996" for "1987" and "one and one-half percent" for "three and one-half percent".

Am. Jur. 2d, A.L.R. and C.J.S. references. — 71 Am. Jur. 2d State and Local Taxation §§ 127, 291, 392 to 395, 399, 402, 405, 427, 438.

7-11-4. Situs of railway cars; gross earnings.

A. For the purpose of taxation, any railway car owned by an organization and used exclusively within this state or used partially within and partially without this state has situs within this state.

B. The term "gross earnings" shall be construed to mean all earnings on business beginning and ending within this state and on a proportion, based on the division of mileage in this state by the entire mileage over which business is done, of all interstate business passing through, into or out of this state.

History: 1978 Comp., § 7-11-4, enacted by Laws 1982, ch. 18, § 20.

ANNOTATIONS

Repeals and reenactments. — Laws 1982, ch. 18, § 20, repealed former 7-11-4 NMSA 1978, relating to the inspection and verification of filed reports by the revenue division of the taxation and revenue department, and enacted a new section.

7-11-5. Withholding and payment of tax; duty of railroads using or leasing cars to make reports.