

erty for hire, the exemptions including one for vehicles hauling people and farm products exclusively between points not having railroad facilities and not passing through or beyond municipalities having railroad facilities.¹⁵¹³

Property Taxes.—The state's latitude of discretion is notably wide in the classification of property for purposes of taxation and the granting of partial or total exemption on the grounds of policy,¹⁵¹⁴ whether the exemption results from the terms of the statute itself or the conduct of a state official implementing state policy.¹⁵¹⁵ A provision for the forfeiture of land for nonpayment of taxes is not invalid because the conditions to which it applies exist only in a part of the state.¹⁵¹⁶ Also, differences in the basis of assessment are not invalid where the person or property affected might properly be placed in a separate class for purposes of taxation.¹⁵¹⁷

Early cases drew the distinction between intentional and systematic discriminatory action by state officials in undervaluing some property while taxing at full value other property in the same class—an action that could be invalidated under the Equal Protection Clause—and mere errors in judgment resulting in unequal valuation or undervaluation—actions that did not support a claim of discrimination.¹⁵¹⁸ Subsequently, however, the Court in *Allegheny Pittsburgh Coal Co. v. Webster County Comm'n*,¹⁵¹⁹ found a denial of equal protection to property owners whose assessments, based on recent purchase prices, ranged from 8 to 35 times higher than comparable neighboring property for which the assessor failed over a 10-year period to readjust appraisals.

Then, only a few years later, the Court upheld a California ballot initiative that imposed a quite similar result: property that is sold is appraised at purchase price, whereas assessments on property that has stayed in the same hands since 1976 may rise no more than 2% per year.¹⁵²⁰ *Allegheny Pittsburgh* was distinguished, the disparity in assessments being said to result from administrative failure to implement state policy rather than from implementation

¹⁵¹³ *Aero Mayflower Transit Co. v. Georgia Pub. Serv. Comm'n*, 295 U.S. 285 (1935).

¹⁵¹⁴ *F.S. Royster Guano Co. v. Virginia*, 253 U.S. 412, 415 (1920).

¹⁵¹⁵ *Missouri v. Dockery*, 191 U.S. 165 (1903).

¹⁵¹⁶ *Kentucky Union Co. v. Kentucky*, 219 U.S. 140, 161 (1911).

¹⁵¹⁷ *Charleston Fed. S. & L. Ass'n v. Alderson*, 324 U.S. 182 (1945); *Nashville C. & St. L. Ry. v. Browning*, 310 U.S. 362 (1940).

¹⁵¹⁸ *Sunday Lake Iron Co. v. Wakefield*, 247 U.S. 350 (1918); *Raymond v. Chicago Traction Co.*, 207 U.S. 20, 35, 37 (1907); *Coutler v. Louisville & Nashville R.R.*, 196 U.S. 599 (1905). *See also* *Chicago, B. & Q. Ry. v. Babcock*, 204 U.S. 585 (1907).

¹⁵¹⁹ 488 U.S. 336 (1989).

¹⁵²⁰ *Nordlinger v. Hahn*, 505 U.S. 1 (1992).