



## **VIRGINIA LOGGERS ASSOCIATION, INC.**

May 4, 2020

*"Voice for Virginia's Professional Loggers"*

Ms. Susan M. Adams  
Appomattox County Administrator  
153-A Morton Lane  
PO Box 863  
Appomattox, VA 24522

**RECEIVED**

**MAY 6 2020**

**Initial:** \_\_\_\_\_

Dear Ms. Adams:

Virginia Loggers Association (VLA) received the unanimous support from the Virginia Farm Bureau and VACO and the unanimous approval from the 2020 General Assembly in both the House of Delegates and Senate, and Governor Northam's approval to give local jurisdictions the option to exempt all personal property and tools & machinery tax on forest harvesting and silvicultural equipment. This recent legislative authority now places equipment used for forest harvesting and silvicultural activities in the same statute which exempts agricultural equipment. See state statutes (58.1-3505 -58.1-3506) attached for your easy reference. VLA is happy to answer questions and help you execute forestry and silvicultural equipment exemptions into your local ordinance.

Like agricultural equipment, silvicultural (forest harvesting) equipment is designed for the sole purpose of harvesting trees. The equipment was listed under the commercial heavy construction equipment category but is completely unrelated to the construction industry. The Code of Virginia §3.2-6400 already defines agricultural products to include silviculture along with livestock, aquaculture, poultry, horticultural, floricultural, viticulture and other crops.

These businesses provide all forest raw materials to mills which create paper and wood products used in every household. Forest harvesting is like farming in every way whose equipment is exempted across the Commonwealth of Virginia.

The truth is that loggers, like farmers, are hard working families working in one of the world's most dangerous occupations. Logging businesses are owned and operated by families who often pass their business down to the next generation. Like farming, forest harvesting is subject to the weather which can shut down production. The tree crop is like any other except it takes longer to grow. Daily market volatility causes unpredictable production and threatens our sustainability.

Thanks in advance for updating your local ordinance and exempting all forest harvesting and silvicultural equipment from either personal property and tools and machinery tax. The new law becomes effective on July 1, 2020. Business owners in your community will soon be in contact with you about their accounts.

Sincerely,

*Ron Jenkins*

Ron Jenkins  
Executive Director, Virginia Loggers Association

**5251 Tavern Lane • Goochland, Virginia 23063 • Phone (804) 677-4290 • Email [info@valoggers.org](mailto:info@valoggers.org)**

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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 58.1-3505 and 58.1-3506 of the Code of Virginia, relating to personal property tax; forest harvesting machinery and equipment.*

[H 1021]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-3505 and 58.1-3506 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-3505. Classification of farm animals, certain grains, agricultural products, farm machinery, farm implements and equipment; governing body may exempt.**

A. Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products as defined in § 3.2-6400, farm machinery and farm implements are hereby defined as separate items of taxation and classified as follows:

1. Horses, mules and other kindred animals.
2. Cattle.
3. Sheep and goats.
4. Hogs.
5. Poultry.
6. Grains and other feeds used for the nurture of farm animals.
7. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100 and other agricultural products in the hands of a producer.
8. Farm machinery other than the farm machinery described in subdivision 10, and farm implements, which shall include (i) equipment and machinery used by farm wineries as defined in § 4.1-100 in the production of wine; (ii) equipment and machinery used by a nursery as defined in § 3.2-3800 for the production of horticultural products; and (iii) any farm tractor as defined in § 46.2-100, regardless of whether such farm tractor is used exclusively for agricultural purposes.
9. Equipment used by farmers or farm cooperatives qualifying under § 521 of the Internal Revenue Code to manufacture industrial ethanol, provided that the materials from which the ethanol is derived consist primarily of farm products.
10. Farm machinery designed solely for the planting, production or harvesting of a single product or commodity.
11. Privately owned trailers as defined in § 46.2-100 that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions A 1 through A 7 of this section.
12. Motor vehicles that are used primarily for agricultural purposes, for which the owner is not required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to § 46.2-665, 46.2-666, or 46.2-670.
13. Trucks or tractor trucks as defined in § 46.2-100, that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7 or for the transport of farm-related machinery.
14. *Farm machinery and farm implements, other than the farm machinery and farm implements described in subdivisions 8 and 10, which shall include equipment and machinery used for forest harvesting and silvicultural activities.*

B. The governing body of any county, city or town may, by ordinance duly adopted, exempt in whole or in part from taxation, or provide a different rate of tax upon, all or any of the above classes of farm animals, grains and feeds used for the nurture of farm animals, farm vehicles, and farm machinery, implements or equipment set forth in subsection A.

C. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100; and other agricultural products, as defined in § 3.2-6400, shall be exempt from taxation under this chapter while in the hands of a producer.

**§ 58.1-3506. Other classifications of tangible personal property for taxation.**

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and

57 operated by scheduled air carriers operating under certificates of public convenience and necessity issued  
58 by the State Corporation Commission or the Civil Aeronautics Board;

59 3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are  
60 not owned or operated by scheduled air carriers recognized under federal law, but not including any  
61 aircraft described in subdivision 4;

62 4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding  
63 those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and  
64 otherwise used for educational purposes (including such flights as are necessary for testing, maintaining,  
65 or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such  
66 flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a  
67 new class of property. Such class of property shall not include any aircraft used for commercial  
68 purposes, including transportation and other services for a fee;

69 5. All other aircraft not included in subdivisions A subdivision 2, A 3, or A 4 and flight simulators;

70 6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation  
71 purposes as provided in subsection C of § 46.2-730;

72 7. Tangible personal property used in a research and development business;

73 8. Heavy construction machinery not used for business purposes, including land movers, bulldozers,  
74 front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural  
75 activity equipment *except as exempted under § 58.1-3505*, and ditch and other types of diggers;

76 9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy  
77 source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any  
78 other alternative energy source for use in manufacturing and any cogeneration equipment purchased to  
79 achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment  
80 shall include, without limitation, such equipment purchased by firms engaged in the business of  
81 generating electricity or steam, or both;

82 10. Vehicles without motive power, used or designed to be used as manufactured homes as defined  
83 in § 36-85.3;

84 11. Computer hardware used by businesses primarily engaged in providing data processing services  
85 to other nonrelated or nonaffiliated businesses;

86 12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes  
87 only;

88 13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons,  
89 including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

90 14. Motor vehicles specially equipped to provide transportation for physically handicapped  
91 individuals;

92 15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a  
93 member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel  
94 or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay  
95 tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer  
96 member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or  
97 volunteer fire department member, or leased by each volunteer member who meets the definition of  
98 "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the  
99 volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor  
100 vehicle, may be specially classified under this section, provided the volunteer regularly responds to  
101 emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer,  
102 with a certification by the chief of the volunteer emergency medical services agency or volunteer fire  
103 department, that the volunteer is an individual who meets the definition of "emergency medical services  
104 personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls  
105 or regularly performs other duties for the emergency medical services agency or fire department, and the  
106 motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by  
107 January 31 of each year to the commissioner of revenue or other assessing officer; however, the  
108 commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good  
109 cause shown and without fault on the part of the volunteer, to accept a certification after the January 31  
110 deadline. In any county that prorates the assessment of tangible personal property pursuant to  
111 § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the  
112 vehicle certified as of the immediately prior January date is transferred during the tax year;

113 16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services  
114 agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency  
115 medical services agency or volunteer fire department if the auxiliary member is obligated by the terms  
116 of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is  
117 regularly used by each auxiliary volunteer fire department or emergency medical services agency

118 member may be specially classified under this section. The auxiliary member shall furnish the  
 119 commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer  
 120 emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary  
 121 member of the volunteer emergency medical services agency or fire department who regularly performs  
 122 duties for the emergency medical services agency or fire department, and the motor vehicle is identified  
 123 as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical  
 124 services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are  
 125 members of the same household, that household shall be allowed no more than two special  
 126 classifications under this subdivision or subdivision 15. The certification shall be submitted by January  
 127 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of  
 128 revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and  
 129 without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

130 17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound  
 131 persons or provide transportation to senior or handicapped citizens in the community to carry out the  
 132 purposes of the nonprofit organization;

133 18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as  
 134 defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as  
 135 defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers  
 136 described in subdivision A 11 of § 58.1-3505;

137 19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of,  
 138 one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as  
 139 certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written  
 140 statement to the commissioner of revenue or other assessing officer from the Department of Veterans  
 141 Services that the veteran has been so designated or classified by the Department of Veterans Services as  
 142 to meet the requirements of this section, and that his disability is service-connected. For purposes of this  
 143 section, a person is blind if he meets the provisions of § 46.2-100;

144 20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police  
 145 officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons  
 146 who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms  
 147 of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is  
 148 regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially  
 149 classified under this section. In order to qualify for such classification, any auxiliary police officer who  
 150 applies for such classification shall identify the vehicle for which this classification is sought, and shall  
 151 furnish the commissioner of revenue or other assessing officer with a certification from the governing  
 152 body that has appointed such auxiliary police officer or from the official who has appointed such  
 153 auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who  
 154 regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for  
 155 which the classification is sought is the vehicle that is regularly used for that purpose. The certification  
 156 shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer;  
 157 however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion,  
 158 and for good cause shown and without fault on the part of the member, to accept a certification after the  
 159 January 31 deadline;

160 21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer  
 161 levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created  
 162 pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in  
 163 manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District,  
 164 provided that such business personal property is put into service within the District on or after July 1,  
 165 1999;

166 22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include  
 167 any vehicle described in subdivision 38 or 40;

168 23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly  
 169 licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such  
 170 use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the  
 171 boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that  
 172 are found in the wild, or in a wild state, and are native to a foreign country;

173 24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and  
 174 used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is  
 175 used by that organization for the purpose of maintaining or using the open or common space within a  
 176 residential development;

177 25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more  
 178 used to transport property for hire by a motor carrier engaged in interstate commerce;

- 179 26. All tangible personal property employed in a trade or business other than that described in  
180 subdivisions A 1 through A 20, except for subdivision A 18, of § 58.1-3503;
- 181 27. Programmable computer equipment and peripherals employed in a trade or business;
- 182 28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational  
183 purposes only;
- 184 29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for  
185 recreational purposes only;
- 186 30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes  
187 only;
- 188 31. Tangible personal property used in the provision of Internet services. For purposes of this  
189 subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables  
190 users to access content, information, electronic mail, and the Internet as part of a package of services  
191 sold to customers;
- 192 32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy  
193 sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if  
194 the person is obligated by the terms of the lease to pay tangible personal property tax on the motor  
195 vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve,  
196 volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy  
197 sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In  
198 order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification  
199 shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of  
200 revenue or other assessing officer with a certification from the governing body that has appointed such  
201 auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That  
202 certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor  
203 vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification  
204 is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by  
205 January 31 of each year to the commissioner of revenue or other assessing officer; however, the  
206 commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good  
207 cause shown and without fault on the part of the member, to accept a certification after the January 31  
208 deadline;
- 209 33. Forest harvesting and silvicultural activity equipment, *except as exempted under § 58.1-3505*;
- 210 34. Equipment used primarily for research, development, production, or provision of biotechnology  
211 for the purpose of developing or providing products or processes for specific commercial or public  
212 purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural  
213 purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or  
214 for products or purposes related to human embryo stem cells. For purposes of this section,  
215 biotechnology equipment means equipment directly used in activities associated with the science of  
216 living things;
- 217 35. Boats or watercraft weighing less than five tons, used for business purposes only;
- 218 36. Boats or watercraft weighing five tons or more, used for business purposes only;
- 219 37. Tangible personal property which is owned and operated by a service provider who is not a  
220 CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet  
221 service. For purposes of this subdivision, "wireless broadband Internet service" means a service that  
222 enables customers to access, through a wireless connection at an upload or download bit rate of more  
223 than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of  
224 services sold to customers;
- 225 38. Low-speed vehicles as defined in § 46.2-100;
- 226 39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;
- 227 40. Motor vehicles powered solely by electricity;
- 228 41. Tangible personal property designed and used primarily for the purpose of manufacturing a  
229 product from renewable energy as defined in § 56-576;
- 230 42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or  
231 constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the  
232 motor vehicle;
- 233 43. Computer equipment and peripherals used in a data center. For purposes of this subdivision,  
234 "data center" means a facility whose primary services are the storage, management, and processing of  
235 digital data and is used to house (i) computer and network systems, including associated components  
236 such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii)  
237 systems for monitoring and managing infrastructure performance; (iii) equipment used for the  
238 transformation, transmission, distribution, or management of at least one megawatt of capacity of  
239 electrical power and cooling, including substations, uninterruptible power supply systems, all electrical

240 plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data  
 241 communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security  
 242 systems and services;

243 44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense  
 244 Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who  
 245 serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of  
 246 Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal  
 247 property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of  
 248 the Virginia Defense Force to respond to his official duties may be specially classified under this  
 249 section. In order to qualify for such classification, any person who applies for such classification shall  
 250 identify the vehicle for which the classification is sought and shall furnish to the commissioner of the  
 251 revenue or other assessing officer a certification from the Adjutant General of the Department of  
 252 Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member  
 253 of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and  
 254 (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose.  
 255 The certification shall be submitted by January 31 of each year to the commissioner of the revenue or  
 256 other assessing officer; however, the commissioner of revenue or other assessing officer shall be  
 257 authorized, in his discretion, and for good cause shown and without fault on the part of the member, to  
 258 accept a certification after the January 31 deadline;

259 45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal  
 260 property of a business that qualifies under such ordinance for the first two tax years in which the  
 261 business is subject to tax upon its personal property pursuant to this chapter. If a locality has not  
 262 adopted such ordinance, this classification shall apply to the tangible personal property for such first two  
 263 tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703;

264 46. Miscellaneous and incidental tangible personal property employed in a trade or business that is  
 265 not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital  
 266 pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1  
 267 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a  
 268 taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer  
 269 that qualifies under this subdivision, in lieu of a specific, itemized list; and

270 47. Commercial fishing vessels and property permanently attached to such vessels.

271 B. The governing body of any county, city or town may levy a tax on the property enumerated in  
 272 subsection A at different rates from the tax levied on other tangible personal property. The rates of tax  
 273 and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22  
 274 through 24, and 26 through 47, not exceed that applicable to the general class of tangible personal  
 275 property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery  
 276 and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of  
 277 personal property is included in multiple classifications under subsection A, then the rate of tax shall be  
 278 the lowest rate assigned to such classifications.

279 C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is  
 280 defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed  
 281 for tangible personal property taxes by a county, city, or town receiving a payment from the  
 282 Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax  
 283 relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle  
 284 at a rate not to exceed the rates of tax and rates of assessment required under such chapter.