

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
TOPEKA, KS 66612
(785) 296-7667
brett.fairchild@house.ks.gov

150 NW 40TH STREET
ST. JOHN, KANSAS 67576



BRETT FAIRCHILD
113TH DISTRICT

HCR5022
Proponent

Thank you, Mr. Chairman, for the opportunity to testify in favor of HCR 5022. Over the past year or two, I've received a lot of complaints from constituents who drive what's known as "side-by-side ATVs. They complain that the property taxes on these vehicles are far higher than they should be. A side-by-side ATV is essentially an ATV that has both a front seat and a back seat to it. It's used for both recreational purposes and farming purposes. After receiving these complaints and discussing this issue with my constituents, I decided to contact the revisor's office to draft a bill to reduce taxes on ATVs. However, he indicated to me that it would require a Constitutional amendment to be able to lower property taxes on ATVs. I also discussed this issue with Representative Parshall, who introduced the same Constitutional amendment a few years ago. She told me that in 1992, a Constitutional amendment was passed to allow for property taxes on recreational vehicles to be lowered. In 1995, Attorney General Joann Flower issued an opinion which stated that houseboats aren't considered to be recreational vehicles under the Constitution. The Attorney General's office seems to believe that ATVs are similar in nature and structure to houseboats. I recently requested an opinion from the AG's office, which asked whether ATVs are recreational vehicles. Their response was simply to refer to the 1995 AG's opinion. This made it clear to me that the AG's office views ATV's as being like houseboats, and therefore they aren't considered to be recreational vehicles. Due to that, a Constitutional amendment is required to reduce property taxes on ATV's. I've talked to many different county appraisers who believe that these ATVs are taxed at too high of a rate. They're currently taxed at a 30% rate, and I've been told that they should be taxed at around a 5 or 6% rate. Regular vehicles are taxed at a much lower rate. The county appraiser from my county, Carl Miller, is here today to provide more detailed information regarding why these ATVs should be taxed at a much lower rate. I've also heard from a lot of my constituents that they view the 30% rate to be far too high, but they wouldn't have any problem with paying a 5 or 6% rate on them. Therefore, I believe that if this amendment were to pass and we ultimately lowered the tax on these ATVs to 5 or 6%, it would ultimately lead to a lot more people registering their ATVs. Right now, a lot of people are simply choosing to not register their ATV, because the tax rates on them are so high. If we were to lower the rate to 5 or 6%, that would likely lead to an increase in tax revenue for the counties, due to more people choosing to register their ATV. Lastly, although side-by-side ATVs can be tax exempt for farm use, I recently had a constituent who told me that there's a state statute that prohibits a farm exemption for an ATV which has a back seat. That may also be a state statute that we should look at changing. Additionally, many people who use these ATVs for farming purposes also enjoy using them for recreational purposes, including driving them around town. Obviously, having their ATV tax exempt for farm use still wouldn't allow them to use their ATV for recreational purchases. Therefore, I believe it's clear that this Constitutional amendment needs to be passed, to allow the legislature to reduce tax rates on ATVs in the future

Rep. Brett Fairchild