

# Idaho Property Tax Updates: Disagreements on What Qualifies for the Personal Property Exemption

Legal Alert  
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In the wake of Idaho's new limited exemption for personal property, the state Tax Commission and stakeholders have been debating which property will qualify as personal property. Over strong industry opposition, the Tax Commission issued last month a new Rule 205 that characterizes cell towers, underground tanks, poles, pipelines, and railroad tracks as real property ineligible for the exemption. The classification in Rule 205 appears inconsistent with the statutory definition of "fixtures" and the common-law classification on which that is based. For at least some of the property listed as ineligible in Rule 205, litigation could likely reach a different result, as occurred when Nebraska courts rejected in 1991 the Nebraska Legislature's attempt to define pipelines as real property. Alternatively, both houses of the Idaho Legislature could simply reject the new rules, though that seems unlikely to occur.

For more information, visit [APTC's Idaho Property Tax Updates' page](#).