



Legal Briefs

From the Fort Knox Legal Assistance Office

MOTOR VEHICLE REGISTRATION AND KENTUCKY SALES, USE, AND PERSONAL PROPERTY TAX REGARDING AUTOMOBILES

REGISTERING YOUR OUT-OF-STATE VEHICLE AND HOW TO QUALIFY FOR AN EXEMPTION TO THE KENTUCKY VEHICLE USAGE TAX

This brief provides some information about registering your vehicle. Soldiers and civilians stationed at Fort Knox must register their vehicles in Kentucky, or their home state, and on post.

COMING FROM AN OVERSEAS ASSIGNMENT

If you are coming to Fort Knox from an overseas assignment, your first stop should be at the Post Vehicle Registration Section in the One-Stop Processing Center, Building 1384, at the traffic circle. Their telephone number is (502) 624-3939. Depending on the level of national security, you may be able to obtain a temporary registration permit that will allow you to drive on post for 30 days; however, temporary permits are not generally issued. Before the 30-day temporary registration expires, you must obtain a valid state registration and return One-Stop to permanently register your vehicle on post. To drive off post you must register your vehicle within the first two weeks the vehicle is in Kentucky. Non-Kentucky residents should register with their home state within the first 15 days after they arrive in Kentucky. To avoid any problems, register as early as possible with the post and your state.

COMING FROM OUT-OF-STATE

If you are coming from another state you may continue to keep that registration. You will have to keep your out-of-state registration valid. Individual requirements for registration vary from state to state. Contact your state vehicle registration office for specifics. The Post Vehicle Registration Section can provide your state vehicle registration address and telephone number.

WHERE DO I REGISTER?

Registering your vehicle in Kentucky can be accomplished by the local county clerk, in the vehicle registration office. The local office phone numbers and addresses are listed at the end of this brief. If you own your vehicle you will need to bring the following items to that office: your registration, your title, proof you paid state sales tax in another state (or proof you have previously registered your vehicle in Kentucky), and proof of vehicle insurance. If you are buying a new vehicle, the dealer will normally handle registration.

LEASED VEHICLES OR VEHICLES WITH A LIENHOLDER

If you are leasing a vehicle or there is a lienholder holding the title on your vehicle, the Registration Office must send a letter to your leasing company or lienholder to get them to release the title so a new one may be issued. Only one state may issue a title for an individual vehicle. Some companies will give you a power of attorney to register and title your vehicle, so contact your vehicle titleholder to see if this option is available. This step is necessary because the titleholder owns all or part of the vehicle. The fact that a leasing company owns an interest in your vehicle is also important in determining vehicle related taxes. Make sure you read the information below about vehicle taxes.

DON'T FORGET TO REGISTER ON POST

Once you have a valid state registration, remember you still have to register the vehicle on post at the Post Vehicle Registration Section. You must register in person and present the following items: your military ID card, your driver's license, proof of state registration, and proof of insurance. If you are registering a vehicle belonging to another person, you must have a power of attorney from them authorizing you to register the vehicle. You can obtain a power of attorney at the Legal Assistance Office.

WILL I OWE TAXES WHEN I REGISTER?

Servicemembers are granted special exemptions from certain vehicle taxes by Kentucky and Federal laws. To understand how these exemptions work, you must clearly define and distinguish each tax. There are three types of taxes in this area: Sales Tax, Vehicle Usage Tax, and Personal Property Tax.

A "**Sales Tax**" is charged as a percentage of the sales price of an item and it is charged to everyone who purchases items at retail in the state. Kentucky does not have sales taxes on vehicles. Most other states do.

A "**Vehicle Usage Tax**" (VUT) is charged on individuals for the privilege of registering and operating a vehicle within the state.

Kentucky normally charges a VUT on all vehicles when an individual first registers the vehicle in Kentucky. The amount of the tax is (6%) six percent of the retail price according to the NADA or "book value." However, Kentucky gives all registrants credit for the amount of sales tax they paid to another state. No credit is given for sales tax paid to counties or cities.

FOR EXAMPLE:

Let us say you are a soldier stationed at Fort Knox, Kentucky and you purchase a vehicle in Missouri and paid Missouri state sales tax of 4.225% and a city sales tax of 3%. The purchase price of the vehicle was \$10,000.00 and, therefore, on your sales documents the dealer noted you paid the sum of \$722.50 sales tax, \$422.50 in state tax and \$300.00 in city sales tax.

Price of vehicle \$10,000.00
MO State Sales Tax 4.225% = \$422.50
City Sales Tax 3% = \$300.00

When you register your vehicle in Kentucky, if they calculate the book value as \$12,000.00, a Vehicle Usage Tax of \$720.00 would be assessed. However, you would receive a credit for the \$422.50 you originally paid as "state" sales tax. Therefore, \$297.50 in VUT would be due to Kentucky.

Book Value \$12,000.00
KY Vehicle Usage Tax 6% = \$720.00
MO State Sales Tax 4.225% = \$422.50
KY VUT Due (\$720 - 422.50) = \$297.50

Under Kentucky law, the "**Non-Resident Military Personnel Motor Vehicle Usage Tax Exemption**" provides a VUT exemption to non-resident active duty military personnel. This exemption is available **only** if a non-Kentucky resident buys a vehicle from an authorized dealer in Kentucky. The vehicle may be new or used, but cannot be purchased in another state.

In order to receive the exemption, the vehicle must:

1. be bought by a non-Kentucky resident, and
2. be bought in Kentucky through an authorized dealer

Also, this exemption does not apply to leased vehicles or vehicles registered to military family members.

A "**Personal Property Tax**" is charged on the value of personal property located in a state based on the

property's assessed value. This type of tax may be charged in addition to Vehicle Usage or Sales Taxes.

Active duty service members have a different special privilege conferred upon them by a federal law called the Servicemembers' Civil Relief Act (SCRA), (50 U.S.C. Appdx 501 et. seq.). If you are not a legal resident of Kentucky, the SCRA protects you from having to pay state personal property tax to Kentucky. In order to invoke this exemption, you need to take your January LES for the current year and a completed DD Form 2058 listing your state of legal residence to the vehicle registration office. When you present these documents, you will not be charged the tax, only the renewal registration fee.

NOTE: The vehicle must be registered in the service member's name as primary owner and not in a spouse or child's name in order for this exemption to be properly applied. Also, this exemption does not apply to leased vehicles.

You may obtain a DD Form 2058 from your local publications point or the Legal Assistance Division of the Staff Judge Advocate's Office.

Visit the Kentucky Department of Transportation website at <http://transportation.ky.gov/mvl/> to get more information on motor vehicle registration or to find an office location.

If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at (502) 624-2771 or visit our website at www.knox.army.mil/center/sja/. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Knox Legal Assistance Office is located in Building 1310, Pike Hall at the corner of Knox and Third Street.
