

810-4-1-.13 Exemption of Personal Property Associated with Farms or Farming Operations.

(1) Purpose - This rule is issued for the purpose of defining the property exempted by farm property exemptions contained in Sections 40-9-1(11) and 40-9-1(22), Code of Alabama 1975.

(2) Definitions – For the purpose of this rule, the definition of farm tractor, farming implement, and farm tool shall be:

(a) Farm Tractor - includes every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

(b) Farm Implement - an instrument or device drawn by a farm tractor, designed and used exclusively in connection with agricultural and forest property as defined in Section 40-8-1(b)(3) in the planting, growing, and harvesting of crops or timber and all other agricultural, horticultural or animal husbandry uses. As directed in Attorney General Opinion 92 – 00093, the term “farm implement” shall include any aircraft and the related equipment used exclusively to dust crops.

(c) Farm Tool – includes all tools used by the owner exclusively for the maintenance and repair of the owner’s farm tractors and farming implements.

(d) Agricultural Property – real property used for raising and harvesting of crops, or for the feeding, breeding, management, and raising of livestock, including beef cattle, sheep, swine, horses, ponies, mules, poultry, fur bearing animals, honeybees and fish; for dairying; or for any other agricultural, horticultural, aquaculture or animal husbandry use, or any combination thereof.

(e) Forest Property – real property used for the planting, growing and harvesting of timber.

(3) The exclusive use provisions of this rule shall not be interpreted as negated by the owner’s incidental use of any farm tractor, farm implement or farm tool for a purpose other than listed above, as long as such incidental use is not for hire or rent.

(4) No taxpayer shall be required to list or assess for property tax purposes any “farm tractor” as that term is defined in paragraph (2)(a) of this rule when used by the owner exclusively in connection with agricultural or forest property as defined in paragraph (2)(d) and (e) of this rule.

(5) No taxpayer shall be required to list or assess for property taxation any “farm implements” as that term is defined in (2)(c) of this rule when used by

the owner exclusively in connection with agricultural or forest property as defined in (2)(d) and (e) of this rule.

(6) No taxpayer shall be required to list or assess for property taxation any "farm tools" as that term is defined in (2)(c) of this rule when used by the owner exclusively for the maintenance and repair of the owner's farm tractors and farming implements.

(7) Nothing in this rule shall prevent any tax assessing official or the Department of Revenue from requiring the owner of any farm tractor, farm implement, or farm tool to provide a complete listing of all assets claimed exempt under the provisions of this rule.

(8) Nothing in this rule shall affect the taxation of manufactured homes as provided in Section 40-11-1(c) (2), Code of Alabama 1975, nor the taxation of that property upon which a tax is levied by Article 5, Chapter 12, Title 40, Code of Alabama 1975, other than farm tractors as defined herein.

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Authority: Section 40-2-11, Code of Alabama 1975.  
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