



**Georgia Department of Revenue - Motor Vehicle Division
Title Ad Valorem Tax
Informational Bulletin
Non-Resident Servicemembers of the Armed Forces**

May 6, 2013

NON-RESIDENT SERVICEMEMBERS

Generally, any motor vehicle purchased on or after March 1, 2013 and titled in Georgia is subject to a one-time title ad valorem tax fee ("TAVT") and thereby receives an exemption from sales and use tax and the annual ad valorem tax, also known as the "birthday tax".

However, under the federal Servicemembers Civil Relief Act ("SCRA"), a non-resident servicemember of the armed forces stationed in Georgia and their qualifying dependents are subject to different tax rules and therefore are not required to pay TAVT on the sale or purchase of a motor vehicle titled in Georgia nor can such persons be charged annual ad valorem tax on their motor vehicle. Instead, as noted in the Georgia Department of Revenue Tax Guide for Motor Vehicle Dealers dated January 1, 2013, a non-resident servicemember is subject to sales and use tax on tangible personal property such as a motor vehicle. At the same time, a servicemember who is a resident of Georgia and who titles a car in Georgia is subject to the TAVT and will receive the associated exemption from sales and use tax and the annual ad valorem tax.

Although non-resident servicemembers paying sales and use tax is compliant with the requirements of federal law, the result may be that a non-resident servicemember will sometimes pay sales tax at a rate that is higher than the TAVT rate. Accordingly, this bulletin addresses the need to ensure an equitable rate of taxation for motor vehicles titled in Georgia for non-resident servicemembers and their qualifying dependents.

POLICY

In an effort to ensure that non-resident servicemembers are not disadvantaged by their rate of taxation, a non-resident servicemember or their qualifying dependents titling a motor vehicle in Georgia may voluntarily pay the TAVT and in so doing can avoid having to pay sales tax. Dealers must calculate both the TAVT and sales tax and show non-resident servicemembers the two options so the non-resident servicemember can make an informed determination.

For calendar year 2013, the TAVT rate is 6.5%. In many counties, the sales tax rate may be 7% or 8%, but in some instances will only be 6%.

Allowing non-resident servicemembers to choose their method of taxation will ensure that non-resident servicemembers are not disadvantaged by their rate of taxation.

Who Qualifies?

This policy applies to any non-resident servicemember or their qualifying dependent who purchased a motor vehicle on or after March 1, 2013 and titled it in Georgia. Such servicemembers include any active duty member of the armed services, who is not a Georgia resident, who is a citizen of the United States, and who is stationed at a military instrumentality within the State of Georgia solely by virtue of military orders. Qualified dependents means such servicemember's spouse who is not a Georgia resident, such servicemember's child who is not a Georgia resident, or an individual who is not a Georgia resident for whom the servicemember provided more than one-half of the individual's support for 180 days preceding request for relief under the SCRA.

Proving Status

In order to prove their status as a non-resident service member or qualifying dependent, such persons should provide form PT-472NS to the selling dealer if the purchase is made at a dealership or directly to the county tag office if the purchase is made from an individual. The selling dealer and county tag offices should keep form PT-472NS on hand so it can be provided to a customer claiming non-resident servicemember status.

Refunds

Any non-resident servicemember or their qualifying dependent that purchased a motor vehicle on or after March 1, 2013 and titled it in Georgia and paid sales tax in amount greater than what they would have paid under this policy is eligible to receive a refund of the difference. In order to receive this refund, such person should submit form ST-12 and form ST-12A to the Georgia Department of Revenue. Included with these forms should be an executed form PT-472NS and a copy of the bill of sale of the motor vehicle showing the payment of sales tax.

DEALER PROCEDURE

1. If a buyer claims to be a non-resident servicemember or qualifying dependent, then the dealer should provide that person with form PT-472NS. An indication should be made on that form whether the purchase of the vehicle in question will be subject to sales tax rules including any applicable exemptions or if the person will instead voluntarily pay TAVT.
2. Dealers must calculate what a customer would have to pay under TAVT as well as what they would have to pay under sales tax and present both numbers to the non-resident servicemember or qualifying dependent.
3. If the non-resident servicemember or qualifying dependent voluntarily pays the TAVT, they will not have to pay the sales tax. If they instead pay the sales tax or have an applicable exemption from sales tax, they will not be subject to the TAVT.
4. If the non-resident servicemember or qualifying dependent pays TAVT, then the title work should be processed and sent to the county where the vehicle will be registered in accordance with normal TAVT procedures. If they instead pay sales tax, the tax should be remitted to the state on form ST-3 and the title work should be processed and sent to the county where the vehicle will be registered.

5. In either case, the dealer should retain a copy of the executed PT-472NS for audit purposes as well as submit the executed PT-472NS along with the title work to the county where the vehicle will be registered.

COUNTY TAG OFFICE PROCEDURE

1. If the non-resident servicemember or qualifying dependent pays TAVT, then the title work should be processed under normal TAVT procedures.
2. If the non-resident servicemember or qualifying dependent is subject to sales and use tax rules and has paid sales tax or otherwise has a sales tax exemption, the county tag agent should process the title work and use exemption code "NS" to ensure that TAVT is not charged.
3. The voluntary payment of TAVT, or the payment of sales tax, should be looked at on a per transaction basis; i.e. the non-resident servicemember or qualifying dependent should have the opportunity to make the determination for each vehicle titled in their name.
4. When the title work is submitted for imaging, a copy of form PT-472NS should also be submitted and the county should also retain a copy for their records.
5. For all motor vehicles purchased or sold on or after March 1, 2013 and titled in Georgia in the name of a non-resident servicemember or qualifying dependent, form PT-472NS will replace form PT-471 to satisfy the requirement that such vehicle is also exempt from annual ad valorem tax by virtue of the owner's non-resident servicemember status.

FOR MORE INFORMATION

For more information on this subject, contact the Motor Vehicle Division at 1-855-406-5221, from 8:00 am to 4:30 pm EST, Monday through Friday, excluding holidays. Persons with hearing or speech impairments may call our TDD number at 404-417-4302.

**For forms and other information, visit our websites,
(www.dor.ga.gov and www.newtitletax.com).**



Georgia Department of Revenue

FORM PT-472NS: NON-RESIDENT SERVICE MEMBER'S AFFIDAVIT FOR TITLE AD VALOREM TAX ON MOTOR VEHICLES

I, _____
(Servicemember Full Legal Name) (Servicemember's Number)

do hereby solemnly swear or affirm that:

- a) I am an active member of the armed services of the United States of America,
Location of Georgia permanent duty station: _____
- b) I am temporarily residing in the State of Georgia solely because my military orders require me to be stationed in Georgia and,
- c) I am a citizen of the United States and not a legal resident of Georgia.
- d) At this time, my home of record is the City of _____, County of _____, and State of _____.
- e) _____ (if applicable) is my Dependent (servicemember's spouse who is not a Georgia resident; or servicemember's child (as defined in 38 U.S.C. § 101) who is not a Georgia resident; or individual who is not a Georgia resident for whom servicemember provided more than one-half support for 180 days preceding request for relief under the Servicemembers Civil Relief Act) and is a resident in the City of _____, County of _____, and State of _____.

I am qualified to receive the protections of the Servicemembers Civil Relief Act of 2009, as amended. I [] Servicemember or my [] Dependent am/is obtaining a Georgia title for the following motor vehicle in my/their name:

Vehicle Identification Number (VIN)	Year	Make	Model/Body Style

_____ I (or Dependent) am voluntarily paying the title ad valorem tax on this motor vehicle and therefore will not be subject to sales and use tax rules.

or

_____ I (or Dependent) will NOT pay title ad valorem tax on this motor vehicle and therefore will be subject to sales and use tax rules including any sales and use tax exemptions that may be applicable.

Any person making a false affidavit or affirmation as to any matter contained in this affidavit, or forging or causing this affidavit to be forged, shall be guilty of a felony and subject to a fine not to exceed ONE THOUSAND DOLLARS (\$1,000), or imprisonment for not less than one (1) year and not more than five (5) years, or both. (O.C.G.A. § 16-10-71).

Further sayeth affiant not.

(Servicemember's Signature) (Georgia Residence Address)