

M e m o r a n d u m**335.0014**

To: Inglewood – Auditing (JKI)

Date: May 28, 1975

From: Headquarters – Legal Counsel (HLC)

Subject: E--- I--- D---

SR -- XX XXXXXX

This is in reply to your memorandum dated May 21, 1975 concerning incorrect classification of vehicles by the Department of Motor Vehicles (DMV).

We agree with you that DMV classifications are not infrequently incorrect and that vehicles that fall within the statutory definition of bus are registered as station wagons causing difficulties in applying the sales and use tax to vehicles that are in the mobile transportation equipment category.

In discussions with G. L. Rigby it was concluded that we cannot rely on DMV classifications. Where an audit reveals that vehicles are actually in the mobile transportation equipment category, sales or use tax will be applied accordingly, regardless of the DMV classification. On the other hand, where sales or use tax has been applied based on the DMV classification, and a taxpayer disputes the consequences of the classification, it will be the responsibility of the taxpayer to furnish a copy of the corrected registration certificate or to bring the vehicle to the appropriate board office for examination and verification of the true classification.

HLC:gj