

Selecting a Domicile for Full-Time RVers

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What is a domicile?

That place in which a man has voluntarily fixed the habitation of himself and family, not for a mere special or temporary purpose, but with the present intention of making a permanent home, until some unexpected event shall occur to induce him to adopt some other permanent home. *In re Garneau, 127 Fed. G77, 02 C. C. A. 403.*

Why do I care about domicile?

- **Taxes**
- **Inheritance**
- **Venue for legal actions (lawsuits, divorces, custody, etc.)**
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What about residency?

- **Residency is not necessarily permanent**
- **Residency triggers requirements to register vehicles, get licenses, etc.**
- **Residency triggers taxes**
- **Residency affects insurance eligibility**
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- **Residency and domicile can be—but don't have to be—the same place**

Domicile is a Matter of Intent

- **Intent isn't just what you say it is, it's determined by evidence**
- **Factors include all the residency stuff on last slide, social connections, where you have bank accounts, where you spend time, where you vote, and even testimony from people you know about your intentions**

Make your Intent Clear

- **Cut as many ties as possible to your former state**
- **Establish new ties to your new state**
 - Vehicle titling and registration
 - Driver's licenses
 - Voter registration
 - Financial accounts
 - Mailing address
 - Membership clubs
 - Charities/religious organizations/social clubs
 - Political activism

Which state should you call home?

- **First cut is usually income tax**
- **Alaska, Florida, New Hampshire*, Nevada, South Dakota, Tennessee*, Texas, Washington, Wyoming have no income tax**
 - TN and NH have a tax on interest and dividends, TN's tax is eliminated by 2021

But don't let one factor control...

- **There are lots of factors to consider, and we all have different circumstances/preferences.**
- **How much are you willing to spend for each of them?**
 - Do you want to avoid a trip to Texas to renew your license in July? South Dakota in January?
 - Is it a big deal if you need an upgraded license?
 - Do you plan to purchase an RV/truck/car soon? Or do you already have your forever fleet?
 - Do you have employer-provided health insurance? Health sharing? Medicare?
 - Do you have a clean driving record? Do you run red lights or have a heavy right foot?

Ease of HDT Registration

- **Legally speaking, what the vehicle is called by the agency that does titling and registration doesn't matter for a lot of things**
 - What matters is that it's titled, registered, and you can get insurance.
- **Texas can call it an RV, SD can call it a truck, CA can call it a house car, AZ can call it a commercial truck.**
 - Each state has definitions for particular purposes (including local governments)
 - Your registration, beyond your home state, legally matters for virtually none of them

Ease of HDT Registration

- **Can you walk into the local treasurer/clerk/DMV office and leave with at least some sort of registration?**
- **Commercial registration is likely not viable, *if* it requires the full complement of other commercial requirements (e.g. logs, insurance, physical)**
- **What is the cost of registration? Is an inspection necessary? Are certain items required?**

Vehicles Generally

- **How easy is it to title, register, and renew registration?**
 - Is a VIN or safety inspection required? Annual inspections? Emissions testing?
 - Can titling documents be submitted by mail?
 - Can you renew online? Pay sales tax with credit card?
 - How long are hold times on the phone? Lines in person?
- **How expensive is it? Are there other taxes (e.g. sales/use taxes, ad valorem property taxes)?**
- **What determines cost of registration? Value? Age? Weight on MCO? Weight on scale ticket? Weight towed?**
- **Residency is often not a requirement to register a vehicle**
 - But registering a vehicle can be evidence of intent
 - Physical presence of a vehicle may trigger registration requirement even absent residency or domicile
 - Some states require their residents to register all vehicles they own in the state
 - In other words, you often have a legal obligation to register in more than one state!!

Vehicle Insurance

- **How is insurance regulated?**
- **Are there multiple options for HDT insurance?**
- **Does the local weather (e.g. hail, flood) result in higher insurance rates?**
- **Are crime rates (theft/vandalism) a significant factor in rates?**
- **Can your income, credit history, age, sex, profession, etc., be used to set rates?**
 - Considering these could be good or bad...
- **Do insurance options affect HDT registration, or require modification (e.g. singling, RV conversion)?**

Driver's Licenses

- **What's required to prove who you are and where you live?**
 - Does a one-night stay suffice? Do you need utility bills? What alternatives are available?
- **Is an upgraded license required? Do you have to take a written, vision, or road test?**
- **How long is the license valid? What's required for renewal?**
 - Can you perform certain renewals online? Can you renew well in excess of expiration? Can you request extensions when out of state?

Insurance

- **Virtually nothing exists in terms of conventional major medical insurance that “works” nationwide outside of group plans.**
- **“Catastrophic” or “short term” plans are available**
- **Health-sharing organizations generally allow you to use any provider**
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- **In my opinion, if traveling, insurance is not a significant factor any more.**
 - If you know you have recurring health needs and can have those needs treated with planned visits to home, insurance may play a more significant role

Driver's Licenses

- **What are your rights as a motorist? Is the state a member of NRVC or DLA?**
- **Is there a points system for traffic violations?**
 - What offenses are included? How quickly can your license be suspended?
- **What out-of-state offenses can be entered on your driving record? What can insurers use to calculate your rates?**
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- **Beware that minor offenses in some states (where leniency is unnecessary) are major in your home state.**
 - 81 in 80 mph zone in SD is usually \$85, can't go on record. When transmitted to Virginia or NC, your license is automatically suspended.
 - One mph over in TN can carry up to 30 days in jail, same as citation for 100mph over. But fine only for speeding in construction zones.

Jury Duty

- **How does your state/county handle jury duty?**
- **Do they understand your traveling lifestyle?**
- **What are the penalties for failing to respond?**

Voting

- **Do the state's primaries/caucuses ever matter in national elections (e.g. Iowa, New Hampshire)?**
 - Are primaries open, closed, or in-between?
- **Is the state's electorate lopsided or competitive? Do you have a choice in local elections?**
- **Is it difficult to register to vote? To request an absentee ballot? Can you vote by mail?**
 - Note that in all 50 states, you can register to vote when getting your driver's license
- **Are the demographics/fiscal situation changing in a way that might lead to policy changes that would affect you? Positively or negatively?**

Firearms

- **Does the state issue concealed carry permits?**
 - What's the process? Shall issue or may issue?
 - Does the state/county keep records of permits issued?
- **Which other states recognize the permits?**
 - Non-resident permits from states like Virginia can help fill gaps
- **Are the things you want to buy available to residents of the state? (e.g. assault weapons bans, limits on magazines or ammo)**
- **Red flag laws are likely more closely tied to the state you're physically present in than where you call home**

Financing/Banking

- **Which banks serve the area? National banks? Local banks? Credit unions?**
- **Does your proposed address cause issues with the financial institutions you want to use?**

Things that don't matter* in domicile selection

- **Length laws, chain laws, how width is measured, double towing limits**
- **Whether you can carry in bars, churches, or at state capitol**
- **Whether RVs are required to stop at weigh stations**
- **Whether flares are required**
 - Many states require flares on board RVs
- **Whether light bars, strobe lights, or other auxiliary lights/equipment are permitted**
- **Sales/use tax (except for vehicles) and real property tax rates**

**These things matter when you're in your home state, but generally don't impact what's required when visiting another state*

So let's go back to the list of states...

...with no income tax. Let's look at some of the factors, and see what falls out.

- All are relatively easy to establish residency for registration or voting.
- All are shall-issue states that do issue permits for concealed carry. Washington has significant firearms restrictions relative to the other 8.
- Florida is known for difficult HDT-to-RV conversions. Most experience with Texas and SD.
- Nevada and New Hampshire have pretty high registration costs. Texas and TN are generally cheaper than SD for RVs, but have higher sales taxes.
- Texas requires registration of all vehicles prior to getting a drivers license. SD registration is required based on physical presence; vehicles can be registered without physical presence or residency.
- Voting rights of full-timers are well-established in SD, TX, TN.
 - Tennessee doesn't allow use of a commercial mail receiving agency's address, but you can use the address of the parking lot of said agency.
- Cost of insurance is highly individualized, as are preferences regarding financial institutions.

Why I chose South Dakota then (2007)

- **Registration of vehicles was significantly simpler and not linked to driver's licensing.**
- **Hadn't visited Black Hills, sounded more interesting than closest location in Texas or Nevada.**
- **Didn't have to pay use tax on vehicles I already owned; paid 3% on purchase of current motorhome (now 4%).**
- **No points for speeding; out of state speeding tickets not recorded**
- **Could visit mail forwarding agency in person in Rapid City, Livingston would have added a loooong drive across Texas.**

Why I would choose South Dakota today

- **State has taken significant action to protect motorists' rights, even when not in South Dakota**
 - Ruled red light photo enforcement unconstitutional
 - Banned red light photo enforcement legislatively
 - Prohibited other states from accessing vehicle registration databases for mailing photo enforcement citations
 - Still treats traffic violations as criminal offenses, and preserves associated constitutional rights (e.g. beyond reasonable doubt standard, attorney, confrontation, etc.)
 - Reasonable, limited sanctions have proven extremely powerful in personal fight against policing for profit
- **State has managed finances reasonably, including through financial crisis**
 - While some taxes/fees have been raised, others have been rejected and overall burden remains low.

Why I would choose South Dakota today

- **What I knew originally, plus:**
- **DMV and Pennington County Treasurer's offices have been super easy to work with**
 - Online renewals (vehicles and driver's licenses)
 - Quick access to live person by phone
 - Easy correspondence by e-mail
 - Perhaps the most detailed, documented, and prompt response to a few questions I've ever received from a government official.
 - Payment for sales tax can be made over the phone.
 - Even had a set of tags lost in the mail, which were quickly replaced.

Why I would choose South Dakota today

- **Local politicians are accessible**
 - First election flyers I received had several cell phone numbers printed on them
- **Have never been called for jury duty**
- **Constitutional carry, and optional “enhanced” permit that’s widely recognized**
- **SD has added online license renewal for every-other renewal**

What could South Dakota do better?