

Senate Bill No. 460

(By Senator Tucker)

[Introduced January 31, 2012; referred to the Committee on
Transportation and Infrastructure; and then to the Committee on
Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §11-1C-5 of the Code of West Virginia,
1931, as amended, relating to providing that the minimum
appraised value of an automobile be \$700 for taxation
purposes.

Be it enacted by the Legislature of West Virginia:

That §11-1C-5 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 1C. FAIR AND EQUITABLE PROPERTY VALUATION.

§11-1C-5. Tax commissioner powers and duties.

(a) In addition to the powers and duties of the Tax
Commissioner in other provisions of this article and this code, the
Tax Commissioner shall have the power and duty to:

(1) Perform such duties and exercise such powers as may be

1 necessary to accomplish the purposes of this article;

2 (2) Determine the methods of valuation for both real and
3 personal property in accordance with the following:

4 (A) As to personal property, the Tax Commissioner shall
5 provide a method to appraise each major specie of personal property
6 in the state so that all such items of personal property are valued
7 in the same manner no matter where situated in the state, shall
8 transmit these methods to each county assessor who shall use these
9 methods to value the various species of personal property. The Tax
10 Commissioner shall periodically conduct such studies as are
11 necessary to determine that such methods are being followed. Such
12 method shall be in accordance with the provisions of article five
13 of this chapter: *Provided*, That notwithstanding any other
14 provision of this code to the contrary, the several county
15 assessors shall appraise motor vehicles as follows: The State Tax
16 Commissioner shall annually compile a schedule of automobile values
17 based upon the lowest values shown in a nationally accepted used
18 car guide, which ~~said~~ schedule shall be furnished to each assessor
19 and shall be used by the several county assessors to determine the
20 assessed value for all motor vehicles in an amount equal to sixty
21 percent of ~~said~~ the lowest values or sixty percent of \$700,
22 whichever is higher.

23 (B) As to managed timberland as defined in section two of this
24 article, the Tax Commissioner shall provide a method to appraise

1 such property in the state so that all such property is valued in
2 the same manner no matter where it is situated in the state, which
3 shall be a valuation based on its use and productive potential as
4 managed timberland, which may be accorded special valuation as
5 forestlands as authorized by section fifty-three, article six of
6 the Constitution of West Virginia: *Provided*, That timberland that
7 does not qualify for identification as managed timberland shall be
8 valued at market value: *Provided, however*, That the Tax
9 Commissioner may not implement any rules or regulations in title
10 one hundred ten, which relate to valuation or classification of
11 timberland: *Provided further*, That on or before October 1, 1990,
12 the Tax Commissioner shall, in accordance with chapter twenty-nine-
13 a of this code, promulgate new rules relating to the valuation and
14 classification of timberland.

15 (C) As to farmland used, occupied and cultivated by an owner
16 or bona fide tenant, the Tax Commissioner shall provide a method to
17 appraise such property in the state so that all such property is
18 valued in the same manner no matter where it is situated in the
19 state, which valuation shall be arrived at according to the fair
20 and reasonable value of the property for the purpose for which it
21 is actually used regardless of what the value of the property would
22 be if used for some other purpose, in accordance with section one,
23 article three of this chapter and as authorized by subsection B,
24 section one-b, article X of the Constitution of West Virginia.

1 (D) As to public utility property, the Tax Commissioner shall
2 prescribe appropriate methods for the appraisal of the various
3 types of property subject to taxation as public utilities and the
4 types of property which are to be included in the operating
5 property of a public utility and thereby not subject to taxation by
6 the county assessor. Only parcels or other property, or portions
7 thereof, which are an integral part of the public utility's
8 function as a utility shall be included as operating property and
9 assessed by the board of public works under provisions of article
10 six of this chapter;

11 (3) Evaluate the performance of each assessor based upon the
12 criteria established by the commission and each county's approved
13 plan and take appropriate measures to require any assessor who does
14 not meet these criteria or adequately carry out the provisions of
15 the plan to correct any deficiencies. Such evaluation shall
16 include the periodic review of the progress of each assessor in
17 conducting the appraisals required in sections seven and nine of
18 this article and in following the approved valuation plan. If the
19 Tax Commissioner determines that an assessor has substantially
20 failed to perform the duties required by said sections, the Tax
21 Commissioner shall take all necessary steps, including the
22 appointment of one or more special assessors in accordance with the
23 provisions of section one, article three of this chapter, or
24 utilize such other authority as the commissioner has over county

1 assessors pursuant to other provisions of this code as may be
2 necessary to complete the tasks and duties imposed by this article:
3 *Provided*, That a writ of mandamus shall be the appropriate remedy
4 if the Tax Commissioner fails to perform his or her statutory duty
5 provided for in section five, article one of this chapter.

6 (4) Submit to the Legislature, on or before February 15 of
7 each year, a preliminary statewide aggregate tax revenue projection
8 and other information which shall assist the Legislature in its
9 deliberations regarding county board of education levy rates
10 pursuant to section six-f, article eight of this chapter, which
11 information shall include any amount of reduction required by said
12 section six-f;

13 (5) Maintain the valuations each year by making or causing to
14 be made such surveys, examinations, audits and investigations of
15 the value of the several classes of property in each county which
16 should be listed and taxed under the several classifications; and

17 (6) Establish by uniform rules a procedure for the sale of
18 computer generated material and appraisal manuals. Any funds
19 received as a result of the sale of such reproductions shall be
20 deposited to the appropriate account from which the payment for
21 reproduction is made.

22 (b) The Tax Commissioner may adopt any regulation adopted
23 prior to January 1, 1990, pursuant to article one-a of this
24 chapter, which adoption shall not constitute an implementation of

1 the statewide mass reappraisal of property. Such adoption,
2 including context modifications made necessary by the enactment of
3 this article, shall occur on or before July 1, 1991, through
4 inclusion in the plan required by section ten of this article or
5 inclusion in the minute record of the valuation commission. Upon
6 the adoption of any such regulations, any modification or repeal of
7 such regulation shall be in accordance with the provisions of
8 article three, chapter twenty-nine-a of this code.

NOTE: The purpose of this bill is to set a minimum appraised value of an automobile be \$700 for taxation purposes.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.