

H. B. 2812

(By Delegates Ireland, White, Marcum, Perry, Moore, Craig, Perdue, Ferns, Espinosa and Anderson)

[Introduced March 4, 2013; referred to the Committee on Roads and Transportation then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-1C-5c, all relating to the valuation of motor vehicles for purposes of ad valorem property taxes; requiring antique motor vehicles not used for general transportation to be assigned an appraised value of \$5,000; and requiring the assessed value for all motor vehicles to be at least \$420.

*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; and that said code be amended by adding thereto a new section, designated §11-1C-5c, all 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

1 Commissioner in other provisions of this article and this code, the  
2 Tax Commissioner shall: ~~have the power and duty to~~

3 (1) Perform ~~such~~ duties and exercise ~~such~~ powers as may be  
4 necessary to accomplish the purposes of this article;

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

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

1 values or sixty percent of \$700, whichever is higher.

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

18 (C) As to farmland used, occupied and cultivated by an owner  
19 or bona fide tenant, the Tax Commissioner shall provide a method to  
20 appraise ~~such that~~ that property in the state so that ~~all such property~~  
21 it is valued in the same manner no matter where it is situated in  
22 the state, which valuation shall be arrived at according to the  
23 fair and reasonable value of the property for the purpose for which  
24 it is actually used regardless of what the value of the property

1 would be if used for some other purpose, in accordance with section  
2 one, article three of this chapter and as authorized by subsection  
3 B, section one-b, article X of the Constitution of West Virginia.

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

14 (3) Evaluate the performance of each assessor based upon the  
15 criteria established by the commission and each county's approved  
16 plan and take appropriate measures to require any assessor who does  
17 not meet these criteria or adequately carry out the provisions of  
18 the plan to correct any deficiencies. ~~Such~~ The evaluation shall  
19 include the periodic review of the progress of each assessor in  
20 conducting the appraisals required in sections seven and nine of  
21 this article and in following the approved valuation plan. If the  
22 Tax Commissioner determines that an assessor has substantially  
23 failed to perform the duties required by ~~said~~ those sections, the  
24 Tax Commissioner shall take all necessary steps, including the

1 appointment of one or more special assessors in accordance with the  
2 provisions of section one, article three of this chapter, or  
3 ~~utilize such~~ use other authority ~~as~~ the commissioner has over  
4 county assessors pursuant to other provisions of this code as ~~may~~  
5 ~~be~~ necessary to complete the tasks and duties imposed by this  
6 article: *Provided*, That a writ of mandamus ~~shall be~~ is the  
7 appropriate remedy if the Tax Commissioner fails to perform his or  
8 her statutory duty provided ~~for~~ in section five, article one of  
9 this chapter;

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

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

21 (6) Establish by uniform rules a procedure for the sale of  
22 computer generated material and appraisal manuals. Any funds  
23 received as a result of the sale of such reproductions shall be  
24 deposited to the appropriate account from which the payment for

1 reproduction is made.

2 (b) The Tax Commissioner may adopt any ~~regulation~~ rule adopted  
3 prior to January 1, 1990, pursuant to article one-a of this  
4 chapter, which adoption ~~shall not constitute~~ is not an  
5 implementation of the statewide mass reappraisal of property. ~~Such~~  
6 The adoption, including context modifications made necessary by the  
7 enactment of this article, shall occur on or before July 1, 1991,  
8 through inclusion in the plan required by section ten of this  
9 article or inclusion in the minute record of the valuation  
10 commission. Upon the adoption of any such ~~regulations~~ rule, any  
11 modification or repeal of ~~such regulation~~ the rule shall be in  
12 accordance with the provisions of article three, chapter twenty-  
13 nine-a of this code.

14 **§11-1C-5c. Antique motor vehicle valuation for personal property**  
15 **tax purposes.**

16 Notwithstanding any other provision of this code to the  
17 contrary, any vehicle that is registered as an antique motor  
18 vehicle as defined in section three-a, article ten, chapter  
19 seventeen-a of this code and that is not used for general  
20 transportation shall be assigned an appraised value of \$5,000 for  
21 purposes of ad valorem property taxes.

NOTE: The purpose of this bill is to require antique motor vehicles to be assigned an appraised value of \$5,000 for purposes

of ad valorem property taxes. The bill also requires the assessed value for all motor vehicles to be at least \$420.

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

§11-1C-5c is new; therefore, it has been completely underscored.