

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

SENATE BILL NO. 463

(By Senators Minard and Sharpe)

PASSED April 9, 2005

In Effect ninety days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 463

(BY SENATORS MINARD AND SHARPE)

[Passed April 9, 2005; in effect ninety days from passage.]

AN ACT to amend and reenact §11-3-5 of the Code of West Virginia, 1931, as amended, relating to allowing a supplemental assessment on all personal property when personal property has been omitted from the record books.

Be it enacted by the Legislature of West Virginia:

That §11-3-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. ASSESSMENTS GENERALLY.

§11-3-5. Correction of previous property books; entry of omitted property.

1 The assessor, in making out the land and personal
2 property books, shall correct any and every mistake he or
3 she shall discover in the books for any previous year.

4 When the assessor shall ascertain that any real or
5 personal property in his or her county liable to taxation,

6 other than that mentioned in the next succeeding para-
7 graph, has been omitted from the land or personal prop-
8 erty books for a period of less than five years, he or she
9 shall make an entry thereof in the proper book of the year
10 in which the omission was discovered and assess the same,
11 according to the rule prescribed in section one of this
12 article, and shall charge the same with all taxes chargeable
13 against it at the rate of levy for the year or years the same
14 was omitted, together with interest thereon at the rate of
15 six percent per annum for the years the same was omitted
16 from the books: *Provided*, That if the taxpayer requires
17 proof of payment of personal property taxes pursuant to
18 section three-a, article three, chapter seventeen-a of this
19 code, then the taxpayer shall file a listing of all personal
20 property owned on the assessment date preceding the tax
21 year or years for which proof must be shown. The assessor
22 shall then create a supplemental assessment for the year or
23 years required for proof of payment for all personal
24 property taxes provided on the listing and present the
25 supplemental assessment to the sheriff who shall apply the
26 levy rate or rates for the year or years so assessed and
27 prepare a tax bill and collect the taxes together with
28 interest thereon at the rate of six percent per annum for
29 the years the same was omitted from the books and any
30 penalties included thereon: *Provided, however*, That any
31 person who has been a resident of the state less than one
32 year prior to the assessment date shall not be required to
33 pay any interest or penalty.

34 And when the assessor shall ascertain that any notes,
35 bonds, bills and accounts receivable, stocks and other
36 intangible personal property in his or her county liable to
37 taxation has been omitted from the personal property
38 books for a period of five years or less after the thirty-first
39 day of December, one thousand nine hundred thirty-two,
40 he or she shall make entry thereof in the personal property
41 book of the year in which the omission was discovered and
42 assess the same at its true and actual value, according to
43 the rule prescribed in section one of this article, and shall

44 charge the same with all taxes chargeable against it after
45 the year last aforesaid at the rate of levy for the year or
46 years the same was omitted after the year aforesaid,
47 together with interest thereon at the rate of six percent per
48 annum for the years the same was omitted from the books.

49 Any assessor failing to make an entry as in this section
50 provided, when discovered by him or her or called to his or
51 her attention by any taxpayer interested therein, shall
52 forfeit one hundred dollars.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Candy White
.....
Chairman Senate Committee

W. Keith Burns
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell Holmes
.....
Clerk of the Senate

Bruce W. Sawyer
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the 21st
Day of April, 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 15 2005

Time 4:00pm