WEST VIRGINIA CODE: §11-10-13K

§11-10-13k. Authority to release levy and return property.

(a) Release of levy. -- It shall be lawful for the Tax Commissioner, under regulations prescribed by him to release the levy upon all or part of the property or rights to property levied upon where the Tax Commissioner determines that such action will facilitate the collection of the liability, but such release shall not operate to prevent a subsequent levy.

(b) Return of property. -- If the Tax Commissioner determines that property has been wrongfully levied upon, it shall be lawful for the Tax Commissioner to return:

(1) The specific property levied upon;

(2) An amount of money equal to the amount of money levied upon; or

(3) An amount of money equal to the amount of money received by the State of West Virginia from a sale of such property. Property may be returned at any time. An amount equal to the amount of money levied upon or received from such sale may be returned at any time before the expiration of nine months from the date of such levy. For purposes of paragraph (3), if property is declared purchased by the State of West Virginia at a sale pursuant to section thirteen-c (relating to manner and conditions to sale), the State of West Virginia shall be treated as having received an amount of money equal to the minimum price determined pursuant to such section or (if larger) the amount received by the State of West Virginia from the resale of such property.

(c) The Tax Commissioner shall, upon request, make public the names and persons in whose favor a release of levy or return of property has been made in subsections (a) and (b).

(d) Interest. -- Interest shall be allowed and paid at an annual rate established under section seventeen-a:

(1) In a case described in subsection (b)(2), from the date the Tax Commissioner receives the money to a date (to be determined by the Tax Commissioner) preceding the date of return by not more than thirty days; or

(2) In a case described in subsection (b)(3), from the date of the sale of the property to a date (to be determined by the Tax Commissioner) preceding the date of return by not more than thirty days.

WV Legislature