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
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 property books, shall correct any and every mistake he or she shall discover in the books for any previous year.

2. When the assessor shall ascertain that any real or personal property in his or her county liable to taxation,
other than that mentioned in the next succeeding paragraph, has been omitted from the land or personal property books for a period of less than five years, he or she shall make an entry thereof in the proper book of the year in which the omission was discovered and assess the same, according to the rule prescribed in section one of this article, and shall charge the same with all taxes chargeable against it at the rate of levy for the year or years the same was omitted, together with interest thereon at the rate of six percent per annum for the years the same was omitted from the books: Provided, That if the taxpayer requires proof of payment of personal property taxes pursuant to section three-a, article three, chapter seventeen-a of this code, then the taxpayer shall file a listing of all personal property owned on the assessment date preceding the tax year or years for which proof must be shown. The assessor shall then create a supplemental assessment for the year or years required for proof of payment for all personal property taxes provided on the listing and present the supplemental assessment to the sheriff who shall apply the levy rate or rates for the year or years so assessed and prepare a tax bill and collect the taxes together with interest thereon at the rate of six percent per annum for the years the same was omitted from the books and any penalties included thereon: Provided, however, That any person who has been a resident of the state less than one year prior to the assessment date shall not be required to pay any interest or penalty.

And when the assessor shall ascertain that any notes, bonds, bills and accounts receivable, stocks and other intangible personal property in his or her county liable to taxation has been omitted from the personal property books for a period of five years or less after the thirty-first day of December, one thousand nine hundred thirty-two, he or she shall make entry thereof in the personal property book of the year in which the omission was discovered and assess the same at its true and actual value, according to the rule prescribed in section one of this article, and shall
charge the same with all taxes chargeable against it after
the year last aforesaid at the rate of levy for the year or
years the same was omitted after the year aforesaid,
together with interest thereon at the rate of six percent per
annum for the years the same was omitted from the books.

Any assessor failing to make an entry as in this section
provided, when discovered by him or her or called to his or
her attention by any taxpayer interested therein, shall
forfeit one hundred dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
PRESENTED TO THE GOVERNOR

APR 15 2005

Time

4:00 pm