

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 445**

5 (SENATORS PREZIOSO, FACEMIRE, STOLLINGS, PLYMALE, MCCABE AND BEACH,  
6 *original sponsors*)

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8 [Passed April 11, 2013; to take effect July 1, 2013.]  
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13 AN ACT to amend the Code of West Virginia, 1931, as amended, by  
14 adding thereto a new section, designated §11-10-5bb, relating  
15 to the collection of taxes; requiring the Lottery Commission  
16 to offset certain lottery prizes against the state tax  
17 liabilities of the prize winner; providing limitations period;  
18 and authorizing an agreement between the Tax Department and  
19 the Lottery Commission for the purpose of establishing  
20 collection procedures.

21 *Be it enacted by the Legislature of West Virginia:*

22 That the Code of West Virginia, 1931, as amended, be amended  
23 by adding thereto a new section, designated §11-10-5bb, to read as  
24 follows:

1 **ARTICLE 10. WEST VIRGINIA TAX PROCEDURE AND ADMINISTRATION ACT.**

2 **§11-10-5bb. Applying lottery prizes to tax liabilities.**

3 (a) *Offsetting lottery prizes against tax liabilities.* - Upon  
4 notification by the State Tax Department that a person who is  
5 entitled to all or part of a lottery prize is delinquent in the  
6 payment of any of the taxes administered under chapter eleven,  
7 article ten of this code, the Lottery Director shall forward to the  
8 State Tax Department the prize or portion thereof to be distributed  
9 directly from the State Lottery Office, and such amount shall be  
10 applied to pay the tax liabilities of the prize winner: *Provided,*  
11 That such distribution shall be subject to the limitations on  
12 collection provided in section sixteen of this article.

13 (b) *Administration.* - (1) The Tax Commissioner shall enter  
14 into a written agreement with the Lottery Director for the purpose  
15 of establishing a procedure for the collection of prizes as set  
16 forth in subsection (a) of this section. The director shall include  
17 in the agreement a method by which Lottery Director will provide  
18 the names of lottery winners as expeditiously as possible.

19 (2) Notwithstanding any provision in this code to the  
20 contrary, the Tax Commissioner may disclose tax information to the  
21 Lottery Director for the purpose of administering the collection  
22 procedure authorized in subsection (a) of this section, and the Tax  
23 Commissioner and Lottery Director may enter into a written  
24 agreement allowing and providing for the disclosure of tax

1 information for the purpose of administering the collection  
2 procedure authorized in subsection (a) of this section.

3 (c) *Effective date.* - The provisions of this section shall  
4 apply to all tax years beginning after December 31, 2013.