

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2585

(BY DELEGATE(S) SKAFF, CRAIG, SMITH, P., POORE, GUTHRIE,
HUNT, REYNOLDS, WHITE, RAINES AND NELSON, E.)

[Passed April 9, 2013; in effect ninety days from passage.]

AN ACT to amend and reenact §11-3-15c and §11-3-15d of the Code of West Virginia, 1931, as amended, relating to increasing the time to file a petition for review or appeal in response to a notice of an increased assessment of certain real and personal property; and defining business day.

Be it enacted by the Legislature of West Virginia:

That §11-3-15c and §11-3-15d of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. PROPERTY TAX ASSESSMENTS GENERALLY.

§11-3-15c. Petition for assessor review of improper valuation of real property.

1 (a) A taxpayer who is of the opinion that his or her real
2 property has been valued too high or otherwise improperly
3 valued or listed in the notice given as provided in section two-a
4 of this article may, but is not required to, file a petition for
5 review with the assessor on a written form prescribed by the Tax
6 Commissioner. This section shall not apply to industrial and
7 natural resource property appraised by the Tax Commissioner.

8 (b) The petition shall state the taxpayer's opinion of the true
9 and actual value of the property and substantial information that
10 justifies that opinion of value for the assessor to consider for
11 purposes of basing a change in classification or correction of the
12 valuation. For purposes of this subsection, the taxpayer shall
13 provide substantial information to justify the opinion of value by
14 stating the method or methods of valuation on which the opinion
15 is based:

16 (1) Under the income approach, including the information
17 required in section fifteen-e of this article;

18 (2) Under the market approach, including the true and actual
19 value of at least three comparable properties in the same
20 geographic area or the sale of the subject property; or

21 (3) Under the cost approach, including the replacement cost
22 or the cost to build or rebuild the property, plus the true and
23 actual value of the land.

24 (c) The petition may include more than one parcel of
25 property if they are part of the same economic unit according to
26 the Tax Commissioner's guidelines or if they are owned by the
27 same owner, have the same use, are appealed on the same basis
28 and are located in the same tax district or in contiguous tax

29 districts of the county, and are in a form prescribed by the Tax
30 Commissioner.

31 (d) The petition shall be filed within eight business days
32 after the date the taxpayer receives the notice of increased
33 assessment under section two-a of this article or the notice of
34 increased value was published as a Class II-0 legal advertisement
35 as provided in that section. For purposes of this section, ‘busi-
36 ness day’ means any day other than Saturday, Sunday or any
37 legal holiday set forth in section one, article two, chapter two of
38 this code.

**§11-3-15d. Administrative review of tangible personal property
valuation by assessor.**

1 (a) The owner of business tangible personal property that is
2 valued by the assessor or the person in whose possession it is
3 found on the assessment date may appeal to the assessor within
4 eight business days after the date the notice of increased
5 assessment required by section fifteen-b of this article was
6 received by filing a petition with the assessor on a form pre-
7 scribed by the Tax Commissioner. For purposes of this section,
8 ‘business day’ means any day other than Saturday, Sunday or
9 any legal holiday set forth in section one, article two, chapter
10 two of this code. The petition shall set forth in writing:

11 (1) The taxpayer’s opinion of the value of the tangible
12 personal property; and

13 (2) Substantial information that justifies the opinion of value
14 in order for the assessor to consider the information for the
15 purpose of basing a change in the valuation.

16 (b) The assessor shall rule on each petition no later than
17 February 10 of the tax year.

18 (c) The notice of the assessor’s ruling provided under this
19 section shall be given in the same manner as prescribed in
20 section fifteen-h of this article.

21 (d) If the request of the petitioner is denied, in whole or in
22 part, the notice required by subsection (c) of this section shall
23 include the grounds for refusing to grant the request contained in
24 the petition.

25 (e) This section shall not apply to tangible personal property
26 appraised by the Tax Commissioner as part of an industrial or
27 natural resource property appraisal.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2013.

Governor

