

011794468

SENATE BILL NO. 1374

Offered January 19, 2001

A BILL to amend and reenact §§ 2.1-155, 9-385, 46.2-623, and 58.1-3912 of the Code of Virginia, and to repeal Chapter 35.1 of Title 58.1, consisting of §§ 58.1-3523 through 58.1-3536, and §§ 15.2-1636.20 and 58.1-3916.01 of the Code of Virginia, relating to the Personal Property Tax Relief Act of 1998.

 Patron—Marye

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-155, 9-385, 46.2-623, and 58.1-3912 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-155. Duties and powers generally.

The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution or other agency in any manner handling state funds. In the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office. ~~As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate into his audit procedures and processes a review process to ensure that the Commonwealth's payments for qualifying vehicles, as defined in § 58.1-3523, are consistent with the provisions of §§ 58.1-3525 and 58.1-3526. The Auditor of Public Accounts shall report to the Governor and the Chairmen of the Senate Finance Committee annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1.~~

If the Auditor of Public Accounts shall at any time discover any unauthorized, illegal, irregular, or unsafe handling or expenditure of state funds, or if at any time it shall come to his knowledge that any unauthorized, illegal, or unsafe handling or expenditure of state funds is contemplated but not consummated, in either case he shall forthwith lay the facts before the Governor, the Joint Legislative Audit and Review Commission and the Comptroller.

In compliance with the provisions of the federal Single Audit Act of 1984, Public Law 98-502, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public Accounts to biennially audit the accounts pertaining to federal funds received by state departments, officers, boards, commissions, institutions or other agencies.

§ 9-385. Tax Credits for Technology Industries in Tobacco-Dependent Localities.

A. Money received by the Commonwealth pursuant to the Master Settlement Agreement shall be deposited into the state treasury subject to the special nonreverting funds established by subsection B of this section and by § 32.1-360 ~~and shall be included in general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536.~~

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Tobacco Indemnification and Community Revitalization Fund. The Fund shall be established on the books of the Comptroller. Fifty percent of the annual amount received by the Commonwealth from the Master Settlement Agreement shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes described in this chapter; however, starting with the fiscal year beginning July 1, 2000, through December 31, 2009, the Commission may deposit moneys from the Fund into the Technology Initiative in Tobacco-Dependent Localities Fund, established under § 58.1-439.15, for purposes of funding the tax credits provided in §§ 58.1-439.13 and 58.1-439.14 and the grants provided in § 58.1-439.17. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written authorization signed by the chairman of the Commission or his designee. The Fund shall also consist of other moneys received by the Commission, from any source, for the purpose of implementing the provisions of this chapter.

§ 46.2-623. Statements in application.

A. Every application for a certificate of title shall contain (i) a statement of the applicant's title and of all liens or encumbrances on the vehicle and the names and addresses of all persons having any interest in the vehicle and the nature of every interest in the vehicle; (ii) the Social Security number, if

INTRODUCED

SB1374

59 any, of the owner and, if the application is in the name of an employer for a business vehicle, the
60 employer's identification number assigned by the United States Internal Revenue Service; and (iii) a
61 brief description of the vehicle to be registered, including the name of the maker, the vehicle
62 identification or serial number and, when registering a new vehicle, the date of sale by the manufacturer
63 or dealer to the person first operating the vehicle.

64 B. Not later than July 15, 1998, the lessor of a qualifying vehicle, as defined in § 58.1-3523, shall
65 send a report to the Department for each such qualifying vehicle it was leasing as of July 1, 1998, and
66 has leased between January 1, 1998, and June 30, 1998, containing (i) the name and address of the
67 lessee as it appears in the lease contract; (ii) the social security number of the lessee; and (iii) the
68 registration number of the vehicle as described under Article 4 (§ 46.2-600 et seq.) of Chapter 6 of Title
69 46.2.

70 C. Beginning with August 1998, such lessor shall send a monthly report to the Department, by the
71 fifteenth day of the month or such later day as may be prescribed in the guidelines promulgated under
72 § 58.1-3532, listing any changes, additions or deletions to the information provided under subsection B
73 as of the last day of the preceding month.

74 DB. The application shall contain such additional information as may be required by the Department.

75 § 58.1-3912. Treasurers to mail certain bills to taxpayers; penalties.

76 A. The treasurer of every city and county shall, as soon as reasonably possible in each year, but not
77 later than fourteen days prior to the due date of the taxes, send or cause to be sent by United States
78 mail to each taxpayer assessed with taxes and levies for that year a bill or bills setting forth the amounts
79 due. The treasurer may elect not to send a bill amounting to twenty dollars or less as shown by an
80 assessment book in such treasurer's office. The treasurer may employ the services of a mailing service or
81 other vendor for fulfilling the requirements of this section. The failure of any such treasurer to comply
82 with this section shall be a Class 4 misdemeanor. Such treasurer shall be deemed in compliance with
83 this section as to any taxes due on real estate if, upon certification by the obligee of any note or other
84 evidence of debt secured by a mortgage or deed of trust on such real estate that an agreement has been
85 made with the obligor in writing within the mortgage or deed of trust instrument that such arrangements
86 be made, he mails the bill for such taxes to the obligee thereof. Upon nonpayment of taxes by either the
87 obligee or obligor, a past-due tax bill will be sent to the taxpayer. No governing body shall publish the
88 name of a taxpayer in connection with a tax debt for which a bill was not sent, without first sending a
89 notice of deficiency to his last known address at least two weeks before such publication.

90 B. The governing body of any county, city or town may attach to or mail with all real estate and
91 tangible personal property tax bills, prepared for taxpayers in such locality, information indicating how
92 the tax rate charged upon such property and revenue derived therefrom is apportioned among the various
93 services and governmental functions provided by the locality.

94 C. Notwithstanding the provisions of subsection A of this section, in any county which that has
95 adopted the urban county executive form of government, and in any county contiguous thereto which
96 has adopted the county executive form of government, tangible personal property tax bills shall be
97 mailed not later than thirty days prior to the due date of such taxes.

98 D. Notwithstanding the provisions of subsection A of this section, any county and town, the
99 governing bodies of which mutually agree, shall be allowed to send, to each taxpayer assessed with
100 taxes, by United States mail no later than fourteen days prior to the due date of the taxes, a single real
101 property tax bill and a single tangible personal property tax bill.

102 E. Beginning with tax year 1999, in addition to all other information currently appearing on tangible
103 personal property tax bills, each such bill shall state on its face (i) whether the vehicle is a qualifying
104 vehicle as defined in § 58.1-3523; (ii) a deduction for the amount to be paid by the Commonwealth as
105 determined by § 58.1-3524; (iii) the vehicle's registration number pursuant to § 46.2-604; (iv) the amount
106 of tangible personal property tax levied on the vehicle; and (v) if the locality prorates personal property
107 tax pursuant to § 58.1-3516, the number of months for which a bill is being sent.

108 F. Beginning with tax year 1999 and through the end of tax year 2002, the treasurer shall include a
109 statement, prepared by the Department, with or as part of the tangible personal property tax bills for
110 such qualifying vehicles. The statement shall explain how the deduction for the percentage of the
111 reimbursable amount was calculated; how the deduction shall be calculated in future years; and the
112 taxpayer's liability for tangible personal property taxes on qualifying vehicles.

113 2. That Chapter 35.1 of Title 58.1, consisting of §§ 58.1-3523 through 58.1-3536, and
114 §§ 15.2-1636.20 and 58.1-3916.01 of the Code of Virginia are repealed effective January 1, 2002.

115 3. That the provisions of this act shall become effective on January 1, 2002.