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HOUSE BILL NO. 1425

House Amendments in [] - February 7, 2011

A *BILL to amend and reenact §§ 58.1-3919.1 and 58.1-3934 of the Code of Virginia, relating to collection of delinquent local taxes.*

Patron Prior to Engrossment—Delegate Albo

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3919.1 and 58.1-3934 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3919.1. Use of private collectors by treasurers for the collection of delinquent local taxes.

Notwithstanding the provisions of § 58.1-3934, the treasurer in any county, city, or town, with the approval of the local governing body, may employ, upon such terms as may be agreed upon, the services of private collection agents to assist with the collection of any local taxes ~~other than real estate~~ which remain delinquent for a period of ~~six~~ *three* months or more and for which the appropriate statute of limitations has not yet run. Compensation for such services shall either be provided by the local governing body directly to such collection agents or by means of an expense in the treasurer's budget or shall be withheld by the agent from the amount collected. The treasurer shall be given credit for taxes collected for any compensation rightfully withheld by such collection agents.

Prior to referring a delinquent account to a collection agent pursuant to this section, the treasurer shall have provided written notification of such delinquency by first-class mail to the taxpayer at such address as is contained in the tax records of the city or county or, if the treasurer has reason to believe the taxpayer's address as contained in such records is no longer current, at such other address, if any, as the treasurer may obtain from sources available to him pursuant to general law, including without limitation the Virginia Employment Commission, the Department of Motor Vehicles, or the Department of Taxation.

§ 58.1-3934. Collection of delinquent local taxes or other charges by sheriff or person employed for purpose.

A. The governing body may appoint or hire, with the approval of the treasurer and upon such terms as may be agreed upon, one or more attorneys *or private collection agents* to collect any local taxes or other charges which may have been delinquent for ~~six~~ *three* months or more. Any attorney *or private collection agent* so appointed or hired shall be entitled to exercise, for the purpose of collecting the taxes or other charges referred to him, the powers conferred by law upon the treasurer, [*provided, however, that a private collection agent who is not a licensed attorney may not exercise the powers provided in §§ 58.1-3919, 58.1-3941, and 58.1-3952,*] shall promptly report and pay over to the treasurer all collections made and, at the conclusion of his term of appointment or employment, shall provide the treasurer with a list of those taxes or other charges referred to the attorney *or private collection agent* for collection that remain unpaid.

B. In the alternative to the procedure set forth in subsection A, the governing body may place local taxes or other charges which have been delinquent for ~~six~~ *three* months or more in the hands of the sheriff of the county or city for collection, or employ a local delinquent tax collector to make such collections, upon such terms as may be agreed. Such sheriff or local delinquent tax collector shall be entitled to exercise for the purpose of collecting taxes or other charges referred to him the powers conferred by law upon the treasurer [*provided, however, that a private collection agent who is not a licensed attorney may not exercise the powers provided in §§ 58.1-3919, 58.1-3941, and 58.1-3952*]. The treasurer shall be entitled to credit for all delinquent taxes or other charges that are referred to the sheriff or such collector for collection.

All collections made by any such sheriff or delinquent tax collector shall be reported by him to such governing body, and the moneys so collected shall be paid over to the treasurer, who shall be held accountable therefor; such sheriff or delinquent tax collector shall, at the end of his term of employment, return to the governing body a list of such delinquent taxes or other charges so turned over to him as may then remain unpaid.

Such governing body shall then have power to employ other delinquent tax collectors to collect the taxes or other charges so returned unpaid, for such time and on such terms as may be agreed upon, such collectors to have the same powers as are hereinbefore conferred upon delinquent tax collectors, and be charged with similar duties, or to make such other disposition thereof as such governing body may deem proper.

ENGROSSED

HB1425E

59 Prior to referring a delinquent account to an attorney, sheriff, or other delinquent tax collector
60 pursuant to this section, the treasurer shall have provided written notification of such delinquency by
61 first-class mail to the taxpayer at such address as is contained in the tax records of the city or county or,
62 if the treasurer has reason to believe the taxpayer's address as contained in such records is no longer
63 current, at such other address, if any, as the treasurer may obtain from sources available to him pursuant
64 to general law, including without limitation the Virginia Employment Commission, the Department of
65 Motor Vehicles, or the Department of Taxation.