

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-3980 of the Code of Virginia and to amend the Code of Virginia*
3 *by adding a section numbered 58.1-3903.1, relating to the statute of limitations for the correction*
4 *and voluntary extension of local taxes.*

5 [H 1940]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That § 58.1-3980 of the Code of Virginia is amended and reenacted and that the Code of**
9 **Virginia is amended by adding a section numbered 58.1-3903.1 as follows:**

10 *§ 58.1-3903.1. Waiver of time limitation on assessment of local taxes.*

11 *Before the expiration of the time prescribed for the assessment of any local tax, if both the*
12 *commissioner of the revenue or other assessing official and the taxpayer have consented in writing to*
13 *the tax assessment after such time, the tax may be assessed at any time prior to the expiration of the*
14 *period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing*
15 *made before the expiration of the period previously agreed upon.*

16 *Whenever such an extension is agreed upon, it shall likewise extend the period relating to the*
17 *collection of local taxes pursuant to § 58.1-3940 and applications for correction pursuant to*
18 *§ 58.1-3980.*

19 *§ 58.1-3980. Application to commissioner of the revenue or other official for correction.*

20 *A. Any person, firm or corporation assessed by a commissioner of the revenue or other official*
21 *performing the duties imposed on commissioners of the revenue under this title with local taxes on*
22 *tangible personal property, machinery and tools, or merchants' capital, or a local license tax, aggrieved*
23 *by any such assessment, may, within three years from the last day of the tax year for which such*
24 *assessment is made, or within one year from the date of the assessment, whichever is later, apply to the*
25 *commissioner of the revenue or such other official who made the assessment for a correction thereof.*

26 *Sections 58.1-3980 through 58.1-3983 shall also apply to erroneous assessments of real estate if the*
27 *error sought to be corrected in any case was made by the commissioner of the revenue or such other*
28 *official to whom the application is made.*

29 *B. Notwithstanding the provisions of subsection A, an unpaid tangible personal property tax*
30 *assessment may be appealed to the commissioner of the revenue or other assessing official at any time*
31 *during which such assessment is collectible under § 58.1-3940, provided the taxpayer can demonstrate*
32 *by clear factual evidence that he was not subject to the tax for the year in question. If the assessing*
33 *official is satisfied that the assessment is erroneous, he shall order the treasurer or other collecting*
34 *official to discharge such assessment.*

35 *In the case of an erroneous assessment that has been satisfied in whole or in part through an*
36 *involuntary payment, an appeal to the assessing official must be made within one year from the date of*
37 *the involuntary payment. If the assessing official is satisfied that the assessment is erroneous, he shall*
38 *order the treasurer or other collecting official to issue a refund for the amount of the involuntary*
39 *payment. For purposes of this section, "involuntary payment" means a payment received pursuant to*
40 *§ 58.1-3952 or § 58.1-520 et seq. (Setoff Debt Collection Act).*

ENROLLED

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