

1997 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

979826346

HOUSE BILL NO. 2906

Offered January 20, 1997

A BILL to amend and reenact § 58.1-1822 of the Code of Virginia, relating to procedures for acting on application for correction.

Patron—McClure

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1822 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1822. Action of Tax Commissioner on application for correction.

If the Tax Commissioner is satisfied, by evidence submitted to him or otherwise, that an applicant is erroneously or improperly assessed with any tax administered by the Department of Taxation, the Tax Commissioner may order that such assessment be corrected. If the assessment exceeds the proper amount, the Tax Commissioner shall order that the applicant be exonerated from the payment of so much as is erroneously or improperly charged, if not already paid into the state treasury, and, if paid, that it be refunded to him. If the assessment is less than the proper amount, the Tax Commissioner shall order that the applicant pay the proper taxes. He shall refund to the taxpayer any exempt funds which have been improperly collected. The Tax Commissioner shall refrain from collecting a contested assessment until he has made a final determination under this section unless he determines that collection is in jeopardy. *In any action on an application for correction, the Tax Commissioner shall state in writing the facts and law supporting the action on such application. The Tax Commissioner shall issue a written order on each application within ninety days of the filing of the application. If the Tax Commissioner does not take any action on an application within such ninety days, the application shall be deemed to have been granted.*

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HB2906