

1997 SESSION

HOUSE SUBSTITUTE

978459346

HOUSE BILL NO. 2906

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Finance
on February 1, 1997)

(Patron Prior to Substitute—Delegate McClure)

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

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.*

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