

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5276

64th Legislature
2015 Regular Session

Passed by the Senate April 16, 2015
Yeas 47 Nays 0

President of the Senate

Passed by the House April 15, 2015
Yeas 96 Nays 2

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5276** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5276

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senate Ways & Means (originally sponsored by Senators Kohl-Welles, Roach, and Keiser)

READ FIRST TIME 02/25/15.

1 AN ACT Relating to refunds of property taxes paid as a result of
2 manifest errors in descriptions of property; and amending RCW
3 84.69.030, 84.48.065, and 84.68.150.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 84.69.030 and 2014 c 16 s 1 are each amended to read
6 as follows:

7 (1) Except as provided in this section, no orders for a refund
8 under this chapter may be made except on a claim:

9 (a) Verified by the person who paid the tax, the person's
10 guardian, executor, or administrator; and

11 (b) Filed with the county treasurer within three years after the
12 due date of the payment sought to be refunded; and

13 (c) Stating the statutory ground upon which the refund is
14 claimed.

15 (2) No claim for an order of refund is required for a refund that
16 is based upon:

17 (a) An order of the board of equalization, state board of tax
18 appeals, or court of competent jurisdiction justifying a refund under
19 RCW 84.69.020 (9) through (12);

1 (b) A decision by the treasurer or assessor that is rendered
2 within three years after the due date of the payment to be refunded,
3 justifying a refund under RCW 84.69.020; or

4 (c) A decision by the assessor or department approving an
5 exemption application that is filed under chapter 84.36 RCW within
6 three years after the due date of the payment to be refunded.

7 (3) A county legislative authority may authorize a refund on a
8 claim filed more than three years after the due date of the payment
9 sought to be refunded if the claim arises from taxes paid as a result
10 of a manifest error in a description of property.

11 **Sec. 2.** RCW 84.48.065 and 2001 c 187 s 23 are each amended to
12 read as follows:

13 (1)(a) The county assessor or treasurer may cancel or correct
14 assessments on the assessment or tax rolls which are erroneous due to
15 manifest errors in description, double assessments, clerical errors
16 in extending the rolls, and such manifest errors in the listing of
17 the property (~~which~~) that do not involve a revaluation of property,
18 except in the case that a taxpayer produces proof that an authorized
19 land use authority has made a definitive change in the property's
20 land use designation. In such a case, correction of the assessment or
21 tax rolls may be made notwithstanding the fact that the action
22 involves a revaluation of property. Manifest errors that do not
23 involve a revaluation of property include the assessment of property
24 exempted by law from taxation or the failure to deduct the exemption
25 allowed by law to the head of a family. When the county assessor
26 cancels or corrects an assessment, the assessor (~~shall~~) must send a
27 notice to the taxpayer in accordance with RCW 84.40.045, advising the
28 taxpayer that the action has been taken and notifying the taxpayer of
29 the right to appeal the cancellation or correction to the county
30 board of equalization, in accordance with RCW 84.40.038. When the
31 county assessor or treasurer cancels or corrects an assessment, a
32 record of (~~such~~) the action (~~shall~~) must be prepared, setting
33 forth therein the facts relating to the error. The record (~~shall~~)
34 must also set forth by legal description all property belonging
35 exclusively to the state, any county, or any municipal corporation
36 whose property is exempt from taxation, upon which there remains,
37 according to the tax roll, any unpaid taxes.

38 (b) Except as otherwise provided in this subsection (1)(b), no
39 manifest error cancellation or correction, including a cancellation

1 or correction made due to a definitive change of land use
2 designation, (~~shall~~) may be made for any period more than three
3 years preceding the year in which the error is discovered. However, a
4 manifest error cancellation or correction may be made for a period
5 more than three years preceding the year in which the error is
6 discovered if authorized by the county legislative authority and the
7 manifest error cancellation or correction would result in a refund or
8 reduction of taxes for a property owner.

9 (2)(a) In the case of a definitive change of land use
10 designation, an assessor (~~shall~~) must make corrections that involve
11 a revaluation of property to the assessment roll when:

12 (i) The assessor and taxpayer have signed an agreement as to the
13 true and fair value of the taxpayer's property setting forth in the
14 agreement the valuation information upon which the agreement is
15 based; and

16 (ii) The assessment roll has previously been certified in
17 accordance with RCW 84.40.320.

18 (b) In all other cases, an assessor (~~shall~~) must make
19 corrections that involve a revaluation of property to the assessment
20 roll when:

21 (i) The assessor and taxpayer have signed an agreement as to the
22 true and fair value of the taxpayer's property setting forth in the
23 agreement the valuation information upon which the agreement is
24 based; and

25 (ii) The following conditions are met:

26 (A) The assessment roll has previously been certified in
27 accordance with RCW 84.40.320;

28 (B) The taxpayer has timely filed a petition with the county
29 board of equalization pursuant to RCW 84.40.038 for the current
30 assessment year;

31 (C) The county board of equalization has not yet held a hearing
32 on the merits of the taxpayer's petition.

33 (3) The assessor (~~shall~~) must issue a supplementary roll or
34 rolls including such cancellations and corrections, and the
35 assessment and levy (~~shall~~) have the same force and effect as if
36 made in the first instance, and the county treasurer (~~shall~~) must
37 proceed to collect the taxes due on the rolls as modified.

38 **Sec. 3.** RCW 84.68.150 and 2013 c 23 s 380 are each amended to
39 read as follows:

1 No petition for cancellation or reduction of assessment or
2 correction of tax rolls and the refund of taxes based thereon under
3 RCW 84.68.110 through 84.68.150 (~~shall~~) may be considered unless
4 filed within three years after the year in which the tax became
5 payable or purported to become payable, unless the reduction or
6 correction is the result of a manifest error and the county
7 legislative authority authorizes a longer period for a refund of the
8 claim. The maximum refund under the authority of RCW 84.68.110
9 through 84.68.150 for each year involved in the taxpayer's petition
10 (~~shall be~~) is two hundred dollars. Should the amount of excess tax
11 for any such year be in excess of two hundred dollars, a refund of
12 two hundred dollars (~~shall~~) must be allowed under RCW 84.68.110
13 through 84.68.150, without prejudice to the right of the taxpayer to
14 proceed as may be otherwise provided by law to recover the balance of
15 the excess tax paid by him or her.

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