

1 **ENROLLED**

2 **Senate Bill No. 410**

3 (BY SENATORS PREZIOSO AND BEACH)

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5 [Passed March 8, 2012; in effect ninety days from passage.]
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10 AN ACT to amend and reenact §11-21-77 of the Code of West Virginia,
11 1931, as amended, relating to personal income tax; and
12 requiring backup withholding on certain gambling winnings.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §11-21-77 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

16 **ARTICLE 21. PERSONAL INCOME TAX.**

17 PART I. GENERAL.

18 **§11-21-77. Extension of withholding to certain lottery winnings.**

19 (a) *Lottery winnings subject to withholding.* -- Proceeds of
20 more than \$5,000 from any lottery prize awarded by the West
21 Virginia State Lottery Commission is subject to withholding. The
22 commission in making any payment of a lottery prize subject to
23 withholding shall deduct and withhold from the payment a tax in an
24 amount equal to six and one-half percent of the payment.

1 (b) *Statement by recipient.* -- Every person who is to receive
2 payment of winnings which are subject to withholding shall furnish
3 the person making the payment a statement made under the penalties
4 of perjury, containing the name, address and taxpayer
5 identification number of the person receiving the payment and each
6 person entitled to any portion of the payment.

7 (c) *Coordination with other sections.* -- For the purposes of
8 determining liability for payment of taxes and filing of returns,
9 payments of winnings which are subject to withholding shall be
10 treated as if they were wages paid by an employer to an employee.

11 (d) *Backup withholding.* -- Beginning July 1, 2012, every
12 person who is required to file Internal Revenue Service form W-2G,
13 and who is subject to backup withholding under federal law, is
14 subject to West Virginia backup withholding. The payor in making
15 any payment of a gambling prize subject to backup withholding shall
16 deduct and withhold from the payment a tax in an amount equal to
17 six and one-half percent of the payment.