

1 **H. B. 4557**

2
3 (By Delegate Fragale)

4 [Introduced February 14, 2014; referred to the
5 Committee on Finance.]
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10 A BILL to amend and reenact §11-5-4 of the Code of West Virginia,
11 1931, as amended, relating to requiring that motor vehicles,
12 except leased motor vehicles, used in a business be assessed
13 for taxation in the tax district where the principal office
14 for the business is located; and providing exceptions.

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

16 That §11-5-4 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 5. ASSESSMENT OF PERSONAL PROPERTY.**

19 **§11-5-4. In what district personalty assessed.**

20 (a) Every person required by law to list personal property for
21 taxation shall list the tangible personal property in the tax
22 district ~~wherein~~ where it is on the first day of the assessment
23 year, and chattels real in the tax district ~~wherein~~ where the land

1 to which they relate is located; and he or she shall list for
2 taxation in the tax district in which he or she resides the notes,
3 bonds, bills, and accounts receivable, stocks and other intangible
4 personal property subject to taxation belonging to himself or
5 herself or under his or her charge or control, whether the same, or
6 the evidence thereof ~~be~~ is in or out of the state; but capital, and
7 intangible property, except real estate and chattels real, employed
8 in any trade or business, other than agriculture, belonging to a
9 company whether it is incorporated or not, or to an individual,
10 shall be assessed for taxation in the tax district ~~wherein~~ where
11 the principal office for the transaction of the financial concerns
12 pertaining to ~~such~~ the trade or business is located; or, if there
13 ~~be~~ is no such office, then in the district where the operations are
14 carried on. Goods and chattels and other tangible personal
15 property not exempt from taxation which may not be assessed for
16 taxation in the tax district where the same were on the first day
17 of the assessment year, but which have been removed therefrom,
18 shall be assessed in the tax district where the same were on the
19 first day of the assessment year; but the assessment and payment of
20 taxes in any county or district in any year shall exonerate the
21 owner of ~~such~~ the property in any other county or district for ~~such~~
22 the year: *Provided*, That in cases of the assessment of leasehold
23 estates a sum equal to the valuations placed upon ~~such~~ the
24 leasehold estates shall be deducted from the total value of the

1 estate, to the end that the valuation of ~~such~~ the leasehold estate
2 and the remainder shall aggregate the true and actual value of the
3 estate.

4 (b) Notwithstanding any provision of this code to the
5 contrary, after June 30, 2014, each motor vehicle, except leased
6 motor vehicles, employed in any trade or business, other than
7 agriculture, belonging to a company whether it is incorporated or
8 not, or to an individual, shall be assessed for taxation in the tax
9 district where the principal office for the transaction of the
10 financial concerns pertaining to the trade or business is located
11 notwithstanding the actual presence of the motor vehicle in another
12 district for more than half of the tax year in another tax district
13 of the state; or, if there is no office in the state, then in the
14 district where the operations are carried on.

15 (c) For purposes of this section, "motor vehicle" means a
16 vehicle subject to registration under chapter seventeen-a of this
17 code.

NOTE: The purpose of this bill is to require that motor vehicles, except leased motor vehicles, used in a business be assessed for taxation in the tax district where the principal office for the business is located.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.