

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 147

BY SENATORS ROMANO, SNYDER AND FACEMIRE

[Introduced January 13, 2016;

Referred to the Committee on Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended by adding thereto a new section,
2 designated §11-15-9o, relating to specifying exemption from the consumers sales and
3 service tax and use tax for purchases of certain services and tangible personal property
4 sold for the repair, remodeling and maintenance of certain specified aircraft; defining
5 terms; and specifying method for claiming exemption.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §11-15-9o, to read as follows:

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

**§11-15-9o. Exemption for purchases of services and tangible personal property sold for
the repair, remodeling and maintenance of aircraft owned and operated
under a fractional ownership program.**

1 (a) The following sales are exempt from the consumers sales and service tax: Sales of
2 aircraft repair, remodeling and maintenance services when the services are to an aircraft owned
3 and operated under a fractional ownership program, or to an engine or other component part of
4 an aircraft owned and operated under a fractional ownership program, and sales of tangible
5 personal property that is permanently affixed or permanently attached as a component part of an
6 aircraft owned and operated under a fractional ownership program, as part of the repair,
7 remodeling or maintenance service, and sales of machinery, tools or equipment directly used or
8 consumed exclusively in the repair, remodeling or maintenance of aircraft, aircraft engines or
9 aircraft component parts for an aircraft owned and operated under a fractional ownership
10 program, or used exclusively in combination with the purposes specified in this subsection and
11 the purposes specified in subdivision (33), subsection (a), section nine of this article, or successor
12 provisions thereof.

13 (b) Any person having a right or claim to any exemption set forth in this section shall: First
14 pay to the vendor the tax imposed by this article and then apply to the Tax Commissioner for a

15 refund or credit, or, as provided in section nine-d of this article and section three-d, article fifteen-
16 a of this chapter, give to the vendor his or her West Virginia direct pay permit number: *Provided,*
17 That a person having a right or claim to the exemption set forth in this section may apply to the
18 Tax Commissioner for permission to use an exemption certificate. Upon the granting of such
19 permission, a person having a right or claim to the exemption set forth in this section may, in lieu
20 of paying the tax imposed by this article and filing a claim for refund, execute a certificate of
21 exemption, in the form required by the Tax Commissioner, and deliver it to the vendor of the
22 property or service in the manner required by the Tax Commissioner.

23 (c) For purposes of this article, the term “fractional ownership program” means any system
24 of aircraft ownership and exchange that consists of all of the elements set forth in Federal Aviation
25 Regulation Part 91, Subpart K, Section 91.1001, or successor provisions thereof.

NOTE: The purpose of this bill is to provide a consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for the repair, remodeling and maintenance of aircraft owned and operated under a fractional ownership program.

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

FINANCE COMMITTEE AMENDMENTS

On page one, section nine-o, by striking out the section caption and substituting therefor a new section caption, to read as follows:

§11-15-9o. Exemption for purchases of services and tangible personal property sold for the repair, remodeling and maintenance of aircraft operated under a fractional ownership program.;

On page one, section nine-o, lines two and three, by striking out the words “owned and”;

On page one, section nine-o, line four, by striking out the words “owned and”;

On page one, section nine-o, line six, by striking out the words “owned and”;

And,

On page one, section nine-o, line nine, by striking out the words “owned and”.