

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2379**

BY DELEGATE HOWELL

[Introduced February 13, 2017; Referred  
to the Committee on the Judiciary then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5 and §11-6L-6, all relating  
 3 to providing a special method for valuation of certain wireless technology property for  
 4 property taxes; defining terms; providing mandated salvage valuation of certain wireless  
 5 businesses' property; specifying method for valuation of certain property; requiring initial  
 6 determination by county assessors of whether certain property is subject to this article;  
 7 and specifying procedure for protest and appeal of determination by county assessor.

*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 article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5 and §11-6L-6, all to read as  
 3 follows:

**ARTICLE 6L. SPECIAL METHOD FOR VALUATION OF CERTAIN WIRELESS  
 TECHNOLOGY PROPERTY.**

**§11-6L-1. Short title.**

1 This article shall be known and cited as the "Wireless Technology Business Property  
 2 Valuation Act."

**§11-6L-2. Definitions.**

1 For the purposes of this article:  
 2 "Antenna" means a tower used for the purposes of transmitting cellular or wireless signals  
 3 for communications purposes, including telephonically, or for computing purposes; and  
 4 "Salvage value" means five percent of original cost.

**§11-6L-3. Valuation of certain specialized wireless technology property.**

1 Notwithstanding any other provision of this code to the contrary, the value of an antenna  
 2 is its salvage value, if it is:  
 3 (1) In a county of less than twenty thousand in population; and

4           (2) Within four miles of a four-lane highway which is either completed, under construction  
5 or designed and planned to be constructed.

**§11-6L-4. Initial determination by county assessor.**

1           The assessor of the county in which a specific item of tangible personal property is located  
2 shall determine, in writing, whether that specific item of tangible personal property is directly used  
3 in accordance with this article. Upon making a determination that a taxpayer has tangible  
4 personal property directly used in accordance with this article, the county assessor shall notify  
5 the Tax Commissioner of that determination and shall provide information to the Tax  
6 Commissioner as he or she requires relating to that determination.

**§11-6L-5. Protest and appeal.**

1           (a) At any time after the property is returned for taxation, but prior to January 1 of the  
2 assessment year, any taxpayer may apply to the county assessor for information regarding the  
3 issue of whether any particular item or items of property constitute property directly used in a high-  
4 technology business or an Internet advertising business under this article which is subject to  
5 valuation in accordance with this article. If the taxpayer believes that some portion of the  
6 taxpayer's property is subject to this article, the taxpayer shall file objections in writing with the  
7 county assessor. The county assessor shall decide the matter by either sustaining the protest  
8 and making proper corrections, or by stating, in writing if requested, the reasons for the county  
9 assessor's refusal. The county assessor may, and if the taxpayer requests, the county assessor  
10 shall, before January 1 of the assessment year, certify the question to the Tax Commissioner in  
11 a statement sworn to by both parties, or if the parties are unable to agree, in separate sworn  
12 statements. The sworn statement or statements shall contain a full description of the property  
13 and any other information which the Tax Commissioner requires.

14           (b) The Tax Commissioner shall, as soon as possible on receipt of the question, but in no  
15 case later than February 28 of the assessment year, instruct the county assessor as to how the  
16 property shall be treated. The instructions issued and forwarded by mail to the county assessor

17 are binding upon the county assessor, but either the county assessor or the taxpayer may apply  
18 to the circuit court of the county for review of the question of the applicability of this article to the  
19 property in the same fashion as is provided for appeals from the county commission in section  
20 twenty-five, article three of this chapter. The Tax Commissioner shall prescribe forms on which  
21 the questions under this section shall be certified and the Tax Commissioner has the authority to  
22 pursue any inquiry and procure any information necessary for disposition of the matter.

**§11-6L-6. Effective date.**

1 This article is effective on and after July 1, 2017.

NOTE: The purpose of this bill is to establish the Wireless Technology Business Property Valuation Act which provides for mandated salvage valuation for property tax purposes of tangible personal property directly used in certain wireless technology businesses.

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