

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2854

BY DELEGATE HOUSEHOLDER

[BY REQUEST OF THE STATE TAX DIVISION]

[Introduced February 6, 2019; 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 §11-15-9q, exempting sales by not-for-profit and volunteer school support
 3 organizations for the purpose of raising funds for their schools from the consumers sales
 4 and service tax and use tax; specifying time limitations for fundraisers; specifying the
 5 exemption applies without regard to whether the organization holds, or does not hold, an
 6 exemption under §501(c)(3) or §501(c)(4) of the Internal Revenue Code.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-9q. Exemption for sales by schools and volunteer school support groups.

1 Notwithstanding any other provisions of this code to the contrary, sales of tangible
 2 personal property and services by not for profit volunteer school support groups for elementary
 3 or secondary schools located in this state, that hold fund raisers for their schools that last no more
 4 than 14 consecutive days and are held not more than 18 times during any 12-month period are
 5 exempt from the taxes imposed by §11-15-1 et seq. and §11-15A-1 et seq. of this code if the sole
 6 purpose of the sales is to obtain revenue for the functions and activities of an elementary or
 7 secondary school located in this state. This exemption applies to such sales, without regard to
 8 whether the volunteer school support organizations holds, or does not hold, an exemption under
 9 §501(c)(3) or §501(c)(4) of the Internal Revenue Code of 1986, as amended.

NOTE: The purpose of this bill is to exempt sales by not for profit volunteer school support groups for elementary or secondary schools that hold fund raisers for their schools that last no more than 14 consecutive days and are held no more than 18 times during a rolling 12-month period from the sales and use tax without regard to whether the organization is a 501(c)(3) or (c)(4) tax exempt organization under the Internal Revenue Code.

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