

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2775

BY MR. SPEAKER (MR. ARMSTEAD) AND DELEGATE MILEY

[BY REQUEST OF THE EXECUTIVE]

[Introduced March 2, 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 section,
2 designated §17-2A-24, relating to imposing, administering, and collecting a license tax on
3 successful bidders for road construction contracts; imposing license tax; requiring
4 notification and method for payment of license tax; dedicating taxes collected; requiring
5 bonding; creating a special revenue account; and specifying effective date.

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 §17-2A-24, to read as follows:

ARTICLE. 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-24. License tax on road construction contractors.

1 (a) Imposition of tax. – On and after July 1, 2017, there is imposed on each successful
2 bidder for a road construction project a license tax equal to five percent of the contract price,
3 determined at the time the contract is awarded to the successful bidder.

4 (b) Payment of tax. – Within ten days after being notified by the commissioner that the
5 contractor is the successful bidder for a road construction contract, the contractor shall pay to the
6 commissioner a license tax equal to five percent of the amount of the bid for the road construction
7 contract: *Provided*, That, in his or her discretion, the commissioner may allow the license tax to
8 be paid in five equal installment payments over the period specified by the commissioner. The
9 amount of this tax shall be paid by certified check, cashier's check or electronic funds transfer.

10 (c) Failure to pay license tax. – If the successful bidder fails to pay timely the amount of
11 the license tax to the commissioner, the bidder shall forfeit the contract and the bidder shall not
12 be issued the contract for that road construction work. The commissioner shall then award the
13 contract to the next lowest qualified bidder or reject all bids and start anew the bidding procedure
14 for that road construction contract.

15 (d) Bonding requirements. – Each person submitting a bid for a road construction contract
16 shall furnish to the commissioner a bond at the time the bid is submitted, which bond shall

17 guarantee the payment of the license tax imposed by this section. The bond required by this
18 section shall be furnished in cash or negotiable securities or shall be a surety bond issued by a
19 surety company authorized to do surety business in this state or an irrevocable letter of credit
20 issued by a financial institution acceptable to the commissioner. If furnished in cash or negotiable
21 securities, the principal shall be deposited without restriction in the State Treasurer's office and
22 credited to the commissioner, but any income shall inure to the benefit of the applicant. For
23 applicants bidding on a road construction contract, the bond shall be returned to an applicant
24 following the bidding if the applicant is not the successful bidder for the road construction contract,
25 and, if an applicant is the successful bidder, the bond shall be released after the contract for the
26 road construction project is executed by the parties thereto and the license tax imposed by this
27 section is paid in full.

28 (e) *Deposit and expenditure of collections.* – The commissioner shall deposit the amount
29 of license taxes collected under this section in a special revenue revolving fund hereby created in
30 the State Treasury known as the “Drug Treatment Fund.” Expenditures from this fund shall be
31 made by the Secretary of Health and Human Resources, after appropriation by the Legislature,
32 for drug treatment programs.

Note: The purpose of this bill is to impose a license tax on successful bidders for road construction contract and to provide that the proceeds of the license tax shall be used to fund drug treatment programs after appropriation by the Legislature.

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