

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 482

BY SENATORS SMITH AND CLEMENTS

[Introduced January 25, 2022; referred to
the Committee on Transportation and Infrastructure;
and then to the Committee on Finance]

FISCAL
NOTE

1 A BILL to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating
 2 to dedication of collections or proceeds of sales tax from the sale of parts, tires, and repair
 3 and maintenance services for motor vehicles to State Road Fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-30. Proceeds of tax; appropriation of certain revenues.

1 (a) The proceeds of the tax imposed by this article shall be deposited in the General
 2 Revenue Fund of the state except as otherwise expressly provided in this article.

3 (b) *School Major Improvement Fund.* — After the payment or commitment of the proceeds
 4 or collections of this tax for the purposes set forth in §11-15-16 of this code, on the first day of
 5 each month, there shall be dedicated monthly from the collections of this tax the amount of
 6 \$416,667, and the amount dedicated shall be deposited on a monthly basis into the School Major
 7 Improvement Fund created pursuant to §18-9D-6 of this code: *Provided, That* for fiscal year 2016,
 8 the amount so dedicated and deposited annually under this subsection is reduced by \$2,000,004,
 9 and the amount so dedicated and deposited monthly is reduced to \$250,000 for fiscal year 2016.
 10 This reduction shall cease for fiscal years beginning after June 30, 2016: *Provided, however, That*
 11 for fiscal year 2017, the amount so dedicated and deposited annually under this subsection is
 12 reduced by \$999,996, and the amount so dedicated and deposited monthly is reduced to
 13 \$333,334 for fiscal year 2017. This reduction shall cease for fiscal years beginning after June 30,
 14 2017.

15 (c) *School Construction Fund.* — After the payment or commitment of the proceeds or
 16 collections of this tax for the purposes set forth in §11-15-16 of this code:

17 (1) On the first day of each month, there shall be dedicated monthly from the collections
 18 of this tax the amount of \$1,416,667 and the amount dedicated shall be deposited into the School
 19 Construction Fund created pursuant to §18-9D-6 of this code.

20 (2) Except as provided in subdivision (3) of this subsection, effective July 1, 1998, there

21 shall be dedicated from the collections of this tax an amount equal to any annual difference that
22 may occur between the debt service payment for the 1997 fiscal year for school improvement
23 bonds issued under the Better School Building Amendment under the provisions of §18-9C-1 *et.*
24 *seq.* of this code and the amount of funds required for debt service on these school improvement
25 bonds in any current fiscal year thereafter. This annual difference shall be prorated monthly,
26 added to the monthly deposit in subdivision (1) of this subsection and deposited into the School
27 Construction Fund created pursuant to §18-9D-6 of this code.

28 (3) After June 30, 2015, the provisions of subdivisions (1) and (2) of this subsection shall
29 have no force or effect. After June 30, 2015, there shall be dedicated from the collections of this
30 tax the amount of \$27,216,996 annually. This amount shall be prorated monthly and deposited
31 into the School Construction Fund created pursuant to §18-9D-6 of this code: *Provided*, That for
32 fiscal year 2016, the amount so dedicated annually under this subdivision is reduced by \$6 million.
33 This reduction shall cease for fiscal years beginning after June 30, 2016: *Provided, however*, That
34 for fiscal year 2017, the amount so dedicated and deposited annually under this subdivision is
35 reduced by \$3 million. This reduction shall cease for fiscal years beginning after June 30, 2017.
36 Amendments to this subdivision enacted in the 2016 regular legislative session are retroactive, in
37 accordance with dates and fiscal years specified herein.

38 (d) *Prepaid wireless calling service.* — The proceeds or collections of this tax from the
39 sale of prepaid wireless service are dedicated as follows:

40 (1) The tax imposed by this article upon the sale of prepaid wireless calling service is in
41 lieu of the wireless enhanced 911 fee, the public safety fee, and the wireless tower fee imposed
42 by §24-6-6b of this code.

43 (2) Within 30 days following the end of each calendar month, the Tax Commissioner shall
44 remit to the Public Service Commission the proceeds of the tax imposed by this article upon the
45 sale of prepaid wireless calling service in the preceding month, determined as follows: For
46 purposes of determining the amount of those monthly proceeds, the Tax Commissioner shall use

47 an amount equal to one twelfth of the wireless enhanced 911 fees, the public safety fees, and the
48 wireless tower fees collected from prepaid wireless calling service under §24-6-6b of this code
49 during the period beginning on July 1, 2020, and ending on June 30, 2021. Beginning on July 1,
50 2022, the Tax Commissioner shall adjust this amount annually by an amount proportionate to the
51 increase or decrease in the enhanced wireless 911 fees, the public safety fees, and the wireless
52 tower fees paid to the Public Service Commission under said section during the previous 12
53 months. The Public Service Commission shall receive, deposit, and disburse the proceeds in the
54 manner prescribed in said section.

55 (e) State Road Fund. — The proceeds or collections of this tax from the sale of parts and
56 tires for motor vehicles and repair and maintenance services for motor vehicles shall be deposited
57 in the State Road Fund in the State Treasurer’s office created pursuant to §17-3-1 of this code
58 and used only for the purposes of construction, reconstruction, maintenance and repair of
59 highways, and payment of principal and interest on state bonds issued for highway purposes. For
60 purposes of this subsection, “motor vehicle” means every propellable device in or upon which any
61 person or property is or may be transported or drawn upon a highway including, but not limited
62 to: Automobiles, buses, motor homes, motorcycles, all-terrain vehicles, utility terrain vehicles,
63 street-legal special purpose vehicles, low-speed vehicles, trucks, truck tractors, trailers,
64 semitrailers, and full trailers, but does not include: Special mobile equipment as defined in §17A-
65 1-1 of this code, modular homes, manufactured homes, mobile homes, and similar nonmotive
66 propelled vehicles susceptible of being moved upon the highways but primarily designed for
67 habitation and occupancy.

NOTE: The purpose of this bill is to dedicate tax proceeds from the sale of parts, tires, and repair services for motor vehicles to the State Road Fund for the purpose of construction, repair, and maintenance of public roads.

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