

H. B. 4008

(By Delegate Fragale)

[Introduced January 8, 2014; referred to the
Committee on Roads and Transportation then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §11-5-4 of the Code of West Virginia,
1931, as amended, relating to permitting a business that owns
motor vehicles to have the value of those vehicles assessed in
the tax district where the business has its primary base of
operations instead of where those vehicles may actually be
located.

Be it enacted by the Legislature of West Virginia:

That §11-5-4 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 5. ASSESSMENT OF PERSONAL PROPERTY.

§11-5-4. In what district personalty assessed.

(a) Every person required by law to list personal property for
taxation shall list the tangible personal property in the tax
district wherein it is on the first day of the assessment year, and

1 chattels real in the tax district wherein the land to which they
2 relate is located; and he or she shall list for taxation in the tax
3 district in which he or she resides the notes, bonds, bills, and
4 accounts receivable, stocks and other intangible personal property
5 subject to taxation belonging to himself or herself or under his or
6 her charge or control, whether the same, or the evidence thereof be
7 in or out of the state; but capital, and intangible property
8 (except real estate and chattels real) employed in any trade or
9 business (other than agriculture) belonging to a company whether it
10 is incorporated or not, or to an individual, shall be assessed for
11 taxation in the tax district wherein the principal office for the
12 transaction of the financial concerns pertaining to such trade or
13 business is located; or, if there be no such office, then in the
14 district where the operations are carried on. Goods and chattels
15 and other tangible personal property not exempt from taxation which
16 may not be assessed for taxation in the tax district where the same
17 were on the first day of the assessment year, but which have been
18 removed therefrom, shall be assessed in the tax district where the
19 same were on the first day of the assessment year; but the
20 assessment and payment of taxes in any county or district in any
21 year shall exonerate the owner of such property in any other county
22 or district for such year: *Provided*, That in cases of the
23 assessment of leasehold estates a sum equal to the valuations
24 placed upon such leasehold estates shall be deducted from the total

1 value of the estate, to the end that the valuation of such
2 leasehold estate and the remainder shall aggregate the true and
3 actual value of the estate.

4 (b) Notwithstanding any provision in this code to the
5 contrary, a business that owns and uses motor vehicles in it's
6 business operations may have the value of those vehicles assessed
7 in the tax district where the business has its primary base of
8 operations instead of where those vehicles may actually be located
9 within the state.

NOTE: The purpose of this bill is to permit a business that owns motor vehicles to have the value of those vehicles assessed in the tax district where the business has its primary base of operations instead of where those vehicles may actually be located.

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