

1 **H. B. 4557**

2  
3 (By Delegate Fragale)

4 [Introduced February 14, 2014; referred to the  
5 Committee on Finance.]  
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10 A BILL to amend and reenact §11-5-4 of the Code of West Virginia,  
11 1931, as amended, relating to requiring that motor vehicles,  
12 except leased motor vehicles, used in a business be assessed  
13 for taxation in the tax district where the principal office  
14 for the business is located; and providing exceptions.

15 *Be it enacted by the Legislature of West Virginia:*

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

18 **ARTICLE 5. ASSESSMENT OF PERSONAL PROPERTY.**

19 **§11-5-4. In what district personalty assessed.**

20 (a) Every person required by law to list personal property for  
21 taxation shall list the tangible personal property in the tax  
22 district ~~wherein~~ where it is on the first day of the assessment  
23 year, and chattels real in the tax district ~~wherein~~ where the land

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

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

4 (b) Notwithstanding any provision of this code to the  
5 contrary, after June 30, 2014, each motor vehicle, except leased  
6 motor vehicles, employed in any trade or business, other than  
7 agriculture, belonging to a company whether it is incorporated or  
8 not, or to an individual, shall be assessed for taxation in the tax  
9 district where the principal office for the transaction of the  
10 financial concerns pertaining to the trade or business is located  
11 notwithstanding the actual presence of the motor vehicle in another  
12 district for more than half of the tax year in another tax district  
13 of the state; or, if there is no office in the state, then in the  
14 district where the operations are carried on.

15 (c) For purposes of this section, "motor vehicle" means a  
16 vehicle subject to registration under chapter seventeen-a of this  
17 code.

NOTE: The purpose of this bill is to require that motor vehicles, except leased motor vehicles, used in a business be assessed for taxation in the tax district where the principal office for the business is located.

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