

ENROLLED

**Senate Bill No. 310**

(By Senators Sypolt, Williams  
and Nohe)

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[Passed March 14, 2015; in effect ninety days from passage.]

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AN ACT to amend and reenact §11-13-3 of the Code of West Virginia, 1931, as amended, relating to exempting nonprofit public utility companies from the West Virginia Business and Occupation Tax.

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

That §11-13-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 13. BUSINESS AND OCCUPATION TAX.**

**§11-13-3. Exemptions; annual exemption and periods thereof.**

1           (a) *Monthly exemption.* -- For any tax imposed under the provisions of this article with  
2 respect to any period beginning on or after July 1, 1985, there is an exemption in every case of  
3 \$41.67 per month in amount of tax computed under the provisions of this article. Only one  
4 exemption is allowed to any one person, whether the person exercises one or more privileges taxable  
5 hereunder.

6           (b) *Exemptions from tax.* -- The provisions of this article do not apply to:

7           (1) Insurance companies which pay the State of West Virginia a tax upon premiums:

1 *Provided*, That the exemption does not extend to that part of the gross income of insurance  
2 companies which is received for the use of real property, other than property in which any company  
3 maintains its office or offices, in this state, whether the income is in the form of rentals or royalties;

4 (2) Nonprofit cemetery companies organized and operated for the exclusive benefit of their  
5 members;

6 (3) Fraternal societies, organizations and associations organized and operated for the  
7 exclusive benefit of their members and not for profit: *Provided*, That the exemption does not extend  
8 to that part of the gross income arising from the sale of alcoholic liquor, food and related services  
9 of fraternal societies, organizations and associations which are licensed as private clubs under the  
10 provisions of article seven, chapter sixty of this code;

11 (4) Corporations, associations and societies organized and operated exclusively for religious  
12 or charitable purposes and production credit associations, organized under the provisions of the  
13 federal Farm Credit Act of 1933;

14 (5) Any credit union organized under the provisions of chapter thirty-one of this code or any  
15 other chapter of this code: *Provided*, That the exemptions of this section do not apply to  
16 corporations or cooperative associations organized under the provisions of article four, chapter  
17 nineteen of this code;

18 (6) Gross income derived from advertising service rendered in the business of radio and  
19 television broadcasting;

20 (7) Gross income of a nonprofit homeowners' association received from assessments on its  
21 members for community services such as road maintenance, common area maintenance, water  
22 service, sewage service and security service; and

23 (8) Nonprofit water and sewer companies governed by the Public Service Commission of

1 West Virginia and organized and operated for the exclusive benefit of their members.