

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2638

FISCAL
NOTE

2015 Carryover

(BY DELEGATES MCGEEHAN, FOLK, J. NELSON AND IHLE)

[Introduced January 13, 2016; referred to the
Committee on Roads and Transportation then
Finance.]

1 A BILL to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating
 2 to personal property tax; exempting motor vehicles from personal property tax.

Be it enacted by the Legislature of West Virginia:

1 That §11-3-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 3. ASSESSMENTS GENERALLY.

§11-3-9. Property exempt from taxation.

1 (a) All property, real and personal, described in this subsection, and to the extent limited
 2 by this section, is exempt from taxation:

3 (1) Property belonging to the United States, other than property permitted by the United
 4 States to be taxed under state law;

5 (2) Property belonging exclusively to the state;

6 (3) Property belonging exclusively to any county, district, city, village or town in this state
 7 and used for public purposes;

8 (4) Property located in this state belonging to any city, town, village, county or any other
 9 political subdivision of another state and used for public purposes;

10 (5) Property used exclusively for divine worship;

11 (6) Parsonages and the household goods and furniture pertaining thereto;

12 (7) Mortgages, bonds and other evidence of indebtedness in the hands of bona fide
 13 owners and holders hereafter issued and sold by churches and religious societies for the
 14 purposes of securing money to be used in the erection of church buildings used exclusively for
 15 divine worship or for the purpose of paying indebtedness thereon;

16 (8) Cemeteries;

17 (9) Property belonging to, or held in trust for, colleges, seminaries, academies and free

18 schools, if used for educational, literary or scientific purposes, including books, apparatus,
19 annuities and furniture;

20 (10) Property belonging to, or held in trust for, colleges or universities located in West
21 Virginia, or any public or private nonprofit foundation or corporation which receives contributions
22 exclusively for such college or university, if the property or dividends, interest, rents or royalties
23 derived therefrom are used or devoted to educational purposes of such college or university;

24 (11) Public and family libraries;

25 (12) Property used for charitable purposes and not held or leased out for profit;

26 (13) Property used for the public purposes of distributing electricity, water or natural gas
27 or providing sewer service by a duly chartered nonprofit corporation when such property is not
28 held, leased out or used for profit;

29 (14) Property used for area economic development purposes by nonprofit corporations
30 when the property is not leased out for profit;

31 (15) All real estate not exceeding one acre in extent, and the buildings on the real estate,
32 used exclusively by any college or university society as a literary hall, or as a dormitory or
33 clubroom, if not used with a view to profit, including, but not limited to, property owned by a
34 fraternity or sorority organization affiliated with a university or college or property owned by a
35 nonprofit housing corporation or similar entity on behalf of a fraternity or sorority organization
36 affiliated with a university or college, when the property is used as residential accommodations or
37 as a dormitory for members of the organization;

38 (16) All property belonging to benevolent associations not conducted for private profit;

39 (17) Property belonging to any public institution for the education of the deaf, dumb or
40 blind or any hospital not held or leased out for profit;

41 (18) Houses of refuge and mental health facility or orphanage;

42 (19) Homes for children or for the aged, friendless or infirm not conducted for private profit;

43 (20) Fire engines and implements for extinguishing fires, and property used exclusively
44 for the safekeeping thereof, and for the meeting of fire companies;

45 (21) All property on hand to be used in the subsistence of livestock on hand at the
46 commencement of the assessment year;

47 (22) Household goods to the value of \$200, whether or not held or used for profit;

48 (23) Bank deposits and money;

49 (24) Household goods, which for purposes of this section means only personal property
50 and household goods commonly found within the house and items used to care for the house and
51 its surrounding property, when not held or used for profit;

52 (25) Personal effects, which for purposes of this section means only articles and items of
53 personal property commonly worn on or about the human body or carried by a person and
54 normally thought to be associated with the person when not held or used for profit;

55 (26) Dead victuals laid away for family use;

56 (27) All property belonging to the state, any county, district, city, village, town or other
57 political subdivision or any state college or university which is subject to a lease purchase
58 agreement and which provides that, during the term of the lease purchase agreement, title to the
59 leased property rests in the lessee so long as lessee is not in default or shall not have terminated
60 the lease as to the property;

61 (28) Personal property, including vehicles that qualify for a farm use exemption certificate
62 pursuant to section two, article three, chapter seventeen-a of this code and livestock, employed
63 exclusively in agriculture, as defined in article ten, section one of the West Virginia Constitution:
64 *Provided*, That this exemption only applies in the case of such personal property used on a farm
65 or farming operation that annually produces for sale agricultural products, as defined in rules of

66 the Tax Commissioner; ~~and~~

67 (29) Any other property or security exempted by any other provision of law; and

68 (30) For tax years beginning after December 31, 2015, and notwithstanding any other
69 provision of this code, any motor vehicle owned as personal property.

70 (b) Notwithstanding the provisions of subsection (a) of this section, no property is exempt
71 from taxation which has been purchased or procured for the purpose of evading taxation whether
72 temporarily holding the same over the first day of the assessment year or otherwise.

73 (c) Real property which is exempt from taxation by subsection (a) of this section shall be
74 entered upon the assessor's books, together with the true and actual value thereof, but no taxes
75 may be levied upon the property or extended upon the assessor's books.

76 (d) Notwithstanding any other provisions of this section, this section does not exempt from
77 taxation any property owned by, or held in trust for, educational, literary, scientific, religious or
78 other charitable corporations or organizations, including any public or private nonprofit foundation
79 or corporation existing for the support of any college or university located in West Virginia, unless
80 such property, or the dividends, interest, rents or royalties derived therefrom, is used primarily
81 and immediately for the purposes of the corporations or organizations.

82 (e) The Tax Commissioner shall, by issuance of rules, provide each assessor with
83 guidelines to ensure uniform assessment practices statewide to effect the intent of this section.

84 (f) Inasmuch as there is litigation pending regarding application of this section to property
85 held by fraternities and sororities, amendments to this section enacted in the year one thousand
86 nine hundred ninety-eight shall apply to all cases and controversies pending on the date of such
87 enactment.

88 (g) The amendment to subdivision (27), subsection (a) of this section, passed during the
89 two thousand five regular session of the Legislature, shall apply to all applicable lease purchase

90 agreements in existence upon the effective date of the amendment.

NOTE: The purpose of this bill is to exempt motor vehicles from personal property tax.

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