

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 530

BY SENATOR TARR

[Originating in the Committee on the Judiciary;

reported on March 27, 2021]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §11-12-5b, relating to specifying additional grounds for revocation,
3 cancellation, or suspension of business registration certificates; directing means of notice
4 and opportunity for cure; providing procedures therefor; and specifying effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. BUSINESS REGISTRATION TAX.

§11-12-5b. Additional authority to revoke, cancel, or suspend business registration certificate.

1 (a) In addition to the authority in §11-12-5 of this code, the Tax Commissioner may cancel,
2 revoke, or suspend a business registration certificate at any time during a registration period if:

3 (1) The registrant filed an application for a business registration certificate that was false
4 or fraudulent in any material respect;

5 (2) The registrant failed to file a tax return or report information required by the Tax
6 Commissioner for any tax or fee administered under §11-10-1 et seq. of this code, when the return
7 or report became due and payable, determined with regard to any authorized extension of time
8 for payment;

9 (3) The registrant failed to pay any tax or fee, additions to tax, penalties, or interest, or any
10 part thereof, when they became due and payable under §11-1-1 et seq. of this code, or any tax
11 or fee imposed by another chapter of this code and administered under §11-10-1 et seq. of this
12 code, when they became due and payable, determined with regard to any authorized extension
13 of time for payment;

14 (4) The registrant failed to pay the Tax Commissioner on or before its due date, determined
15 with regard to any authorized extension of time for payment, any tax or fee imposed by §11-1-1
16 et seq. of this code, or any tax or fee imposed by another chapter of this code, that is administered
17 under §11-10-1 et seq. of this code, which the registrant collects from any person and holds in
18 trust for this state; or

19 (5) The registrant’s authority to do business in this state was revoked by the Secretary of
20 State.

21 (b) If an individual or business entity has not filed any tax return or report for a tax or fee
22 administered under the provisions of §11-10-1 et seq. of this code, one year after the Tax
23 Commissioner issues a business registration certificate to an individual or business entity, the
24 Tax Commissioner may send the individual or business entity a letter by first-class mail to the
25 address for which the business registration certificate was issued requesting that the individual or
26 business entity explain why no tax return or report was filed. If the individual or business entity
27 fails to respond to the letter within 60 days after it was deposited in the United States mail, postage
28 paid, the Tax Commissioner may begin the process to revoke the individual’s or business entity’s
29 business registration certificate.

30 (c) All individuals and business entities that have applied for, or have been issued, a
31 business registration certificate shall file for each taxable year a business activity report with the
32 Tax Commissioner. The report shall be filed, in a form prescribed by the Tax Commissioner, on
33 or before the 15th day of the fourth month after the end of the registrant’s taxable year for income
34 tax purposes. An individual, or business entity, is not required to file a business activity report
35 under this section if the individual, or business entity, filed a tax return for that taxable year for
36 any of the taxes, or fees, administered under the provisions of §11-10-1 et seq. of this code.

37 (d) This section shall be effective on July 1, 2021.