

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 467

FISCAL
NOTE

BY SENATORS MAYNARD AND PHILLIPS

[Introduced January 24, 2022; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, and §11-29-5, all relating to creating
 3 the West Virginia Motorsports Entertainment Complex Investment Act; providing
 4 legislative findings; giving definitions; creating a tax exemption; and providing for an
 5 effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. MOTORSPORTS ENTERTAINMENT COMPLEX INVESTMENT ACT.

§11-29-1. Act created.

1 This article may be cited as the West Virginia Motorsports Entertainment Complex
 2 Investment Act.

§11-29-2. Findings.

1 The Legislature finds that motorsports is a popular spectator sport the growth of which
 2 holds potential for significant economic impact by providing additional entertainment venues for
 3 West Virginia citizens and for creating tourist destinations. The state recognizes the importance
 4 of providing incentives through which large-scale investment in a motorsport entertainment
 5 complex would be attracted to the state.

§11-29-3. Definitions.

1 For purposes of this article:

2 “Company” means any corporation, partnership, limited liability company, or other
 3 business entity.

4 “Department” means the Department of Tax and Revenue.

5 “Motorsports entertainment complex” means a motorsports facility, and its ancillary
 6 grounds and facilities, that is designed to qualify as an official motor speedway or racetrack.

§11-29-4. Exemption from tax.

1 (a) A company currently operating, or upon making application for, meeting the
 2 requirements of, and receiving written certification of that designation from the department, as

3 provided in subsection (b) of this section, is exempt from state and local sales tax on building
 4 materials, supplies, fixtures, and equipment for the construction, repair, or improvement of or that
 5 become a part of a motorsports entertainment complex.

6 (b) A company shall become a qualified company by applying with the department. The
 7 director of the department shall approve the application so long as the application is accompanied
 8 by a practical plan to make a capital investment on any motorsports entertainment complex in this
 9 state. Upon receiving written certification from the department, a company may use the exemption
 10 specified in subsection (a) of this section.

11 (c) Once a company has met the requirements of subsection (b) of this section, the
 12 department shall issue a sales tax exemption certificate to the company as evidence of the
 13 exemption. The exemption is effective upon receipt and shall remain effective until December 31
 14 of the fifth full calendar year after its issuance. Once the exemption certificate is ineffective, the
 15 company must return the exemption certificate to the department and submit a report to the
 16 department of the actual expenditures made in West Virginia in connection with the investment.
 17 The company must designate a member or representative of the company to work with the
 18 department on reporting of the investment.

§11-29-5. Time effective.

1 Except where specified otherwise, this article takes effect upon approval by the Governor
 2 and applies to tax years beginning after 2022.

NOTE: The purpose of this bill is to provide tax relief to encourage investment in motorsports entertainment complexes.

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