

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 467

BY SENATORS MAYNARD AND PHILLIPS

[Originating in the Committee on Economic
Development; reported on February 16, 2022]

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, §11-29-5, and §11-29-6, all relating
3 to establishing the West Virginia Motorsports Entertainment Complex Investment Act;
4 providing legislative findings; defining terms; creating tax exemption; granting rulemaking
5 authority; and providing 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, designed to qualify as an official motor speedway or racetrack.

§11-29-4. Exemption from tax.

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

3 subsection (b) of this section, is exempt from state and local sales tax on building materials,
4 supplies, fixtures, and equipment for the construction, repair, or improvement of or that become
5 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. Rulemaking authority.

1 The State Tax Commissioner may propose rules for legislative approval in accordance
2 with the provisions of §29A-3-1 et seq. of this code, to implement and effectuate the provisions of
3 this article the powers and authority conferred, and the duties imposed upon the commission
4 under the provisions of this article.

§11-29-6. Time effective.

1 Except where specified otherwise, this article shall be effective upon approval by the
2 Governor 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.