

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943

ENROLLED

SENATE BILL No. 223

(By Mr. Herring)

PASSED March 12 1943

In Effect Twenty days from Passage



11-1

ENROLLED

Senate Bill No. 223

(By MR. HANNIG)

[Passed March 12, 1943; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and five, article twelve-a, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to privilege tax on certain carrier corporations.

Be it enacted by the Legislature of West Virginia:

That sections one and five, article twelve-a, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. *Definitions.* When used in this article the

2 term "company" shall include any partnership, joint ad-

3 venture, joint stock company or association.

4 The phrase "motor vehicle carrier" shall mean any
5 person engaged in the transportation of passengers or
6 property, or both, for compensation by motor propelled
7 vehicle for the operation of which a permit or certificate
8 of convenience or convenience and necessity is required
9 by law.

10 The term "ton-mile" shall be a unit of transportation
11 meaning transportation of one net ton in weight a dis-
12 tance of one mile.

13 The term "passenger-mile" means the transportation
14 of one passenger a distance of one mile.

15 The term "car-mile" means the operation of a railroad
16 car over a distance of one mile.

17 The term "barrel-mile" means the transportation of the
18 equivalent of a barrel of oil a distance of one mile.

19 The phrase "one thousand cubic feet-mile" means the
20 transportation of one thousand cubic feet of gas, measured
21 at sixty degrees Fahrenheit and a pressure of thirty inches
22 of mercury, a distance of one mile.

23 The term "wire-mile" means the equivalent of a single

24 metallic telephone or telegraph conductor one mile in
25 length.

26 The phrase "motor vehicle mile" means the operation
27 of a motor vehicle carrier over a distance of one mile.

Sec. 5. *Additional Privilege Tax on Net Income of*
2 *Businesses Included in Preceding Section, and on Railroad*
3 *Corporations; Computing Tax.* In addition to the tax
4 imposed in the preceding sections, every motor vehicle
5 carrier operating on the public highways of the state and
6 every railroad corporation, railroad car corporation, ex-
7 press corporation or company, pipe line corporation,
8 telephone and telegraph corporation doing business in this
9 state shall pay an annual privilege tax for each calendar
10 year for the privilege of doing business in the state, to be
11 determined as follows:

12 (a) The tax as to motor vehicle carriers shall be equal
13 to one and one-half per cent of the net income earned
14 within the state, such income to be determined by ascer-
15 taining a sum bearing the proportion to the total net in-
16 come of the motor vehicle carrier that its business done
17 in West Virginia measured in motor vehicle miles of motor

18 vehicle carrier operation, bears to all business done,
19 measured in like fashion.

20 (b) The tax as to railroad corporations shall be equal
21 to four per cent of the net income earned within the
22 state, such income to be determined by ascertaining a sum
23 bearing the proportion to total net income of the cor-
24 poration that its business done in West Virginia, measured
25 in ton-miles, bears to all business done, measured in like
26 fashion.

27 (c) The tax as to railroad car corporations and as to
28 express corporations or companies shall be one and one-
29 half per cent of net income earned within the state, such
30 income to be determined by ascertaining a sum bearing
31 the proportion to the total net income of the corporation
32 or company that its business done in West Virginia, meas-
33 ured in car-miles of car operation, bears to all business
34 done, measured in like fashion; *Provided, however, That*
35 nothing in this act shall be construed as applying to rail-
36 road freight car corporations not owned by railroad cor-
37 porations or their subsidiaries.

38 (d) The tax as to pipe line corporations shall be three
39 and one-half per cent of net income earned within the
40 state, such income to be determined by ascertaining a
41 sum bearing the proportion to the total net income of the
42 corporation that its business done in West Virginia,
43 measured in barrel-miles in the case of oil and of thou-
44 sand cubic feet-miles in the case of gas, bears to all busi-
45 ness done, measured in like fashion.

46 (e) The tax as to telephone and telegraph corporations
47 shall be two and three-fourths per cent of net income
48 earned within the state as to telephone corporations, and
49 five per cent as to telegraph corporations, such income
50 to be determined by ascertaining a sum bearing the pro-
51 portion to the total net income of the corporation that its
52 business done in West Virginia, measured in wire-miles,
53 bears to all business done, measured in like fashion.

54 (f) In computing the tax imposed by this section the
55 total net income of a taxpayer, who shall have been taxed
56 under the preceding section, shall be reduced by an
57 amount bearing the proportion to such total net income
58 that the gross income of the taxpayer which is the meas-

59 ure of the tax under the preceding section bears to its
60 total gross income from all business done wherever con-
61 ducted. This section shall not apply to a taxpayer taxed
62 under the preceding section and engaged exclusively in
63 business within this state.

The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Ray L. Junison
Chairman Senate Committee

Sted L. Rotroff
Chairman House Committee

Originated in the Senate

Takes effect Thirty days from passage
Fred B. Watkins
Clerk of the Senate

J. R. Cluff
Clerk of the House of Delegates

James Paul
President of the Senate

John E. Amor
Speaker House of Delegates

The within approved this the 19th
day of March, 1943.

Matthew M. Neely
Governor.

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Filed in the office of the Secretary of State
of West Virginia MAR 19 1943
Wm. S. O'BRIEN,
Secretary of State