

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



ENROLLED

HOUSE BILL No. 100

(By Mr. Chilton)



PASSED March 7 1959

In Effect July 1, 1959 Passage



Filed in Office of the Secretary of State
of West Virginia MAR 16 1959

JOE F. BURDETT
SECRETARY OF STATE

100

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House Bill No. 100
(By MR. CHILTON)

[Passed March 7, 1959; in effect July 1, 1959.]

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

Be it enacted by the Legislature of West Virginia:

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article twelve-a, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that sections four and five of said article twelve-a be amended and reenacted to read as follows:

Section 4. *Gross Income of Motor Vehicle Carrier, Railroad Car Corporation, Express Company, Pipe Line Corporation, Telephone and Telegraph Corporation, Airline Corporation, and Operator of Steam Boat or Other Watercraft.*—Every motor vehicle carrier operating on the pub-

6 lie highways of this state and every railroad car corpora-
7 tion, express corporation, or company, pipe line corpora-
8 tion, telephone and telegraph corporation, airline corpora-
9 tion or company and operator of a steam boat or other
10 watercraft, for the transportation of passengers or freight,
11 doing business in the state shall pay to the state an annual
12 privilege tax for each calendar year for the privilege of
13 doing business in the state. This tax shall be equal to the
14 gross income from all business beginning and ending with-
15 in the state multiplied by the respective rates as follows:
16 Motor vehicle carriers, railroad car corporations, express
17 corporations or companies, pipe line corporations, one and
18 one-half per cent; telephone corporations, two and three-
19 fourths per cent; telegraph corporations, five per cent; and
20 airline corporations and operators of steam boat or other
21 watercraft, three per cent.

Sec. 5. *Additional Privilege Tax on Net Income of*

2 *Business Included in Preceding Section; Computing Tax.*

3 —In addition to the tax imposed in the preceding sections,
4 every motor vehicle carrier operating on the public high-
5 ways of the state and every railroad corporation, railroad

6 car corporation, express corporation or company, pipe line
7 corporation, telephone and telegraph corporation, airline
8 corporation or company, and operator of a steam boat or
9 other watercraft, for the transportation of passengers or
10 freight, doing business in this state shall pay an annual
11 privilege tax for each calendar year for the privilege of
12 doing business in the state, to be determined as follows:

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

21 (b) The tax as to railroad corporations shall be equal
22 to four per cent of the net income earned within the state,
23 such income to be determined by ascertaining a sum bear-
24 ing the proportion to total net income of the corporation
25 that its business done in West Virginia, measured in ton-
26 miles, bears to all business done, measured in like 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,
33 measured in car-miles of car operation, bears to all busi-
34 ness done, measured in like fashion: *Provided, however,*
35 That nothing in this act shall be construed as applying to
36 railroad freight car corporations not owned by railroad
37 corporations 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 sum
41 bearing the proportion to the total net income of the
42 corporation that its business done in West Virginia, meas-
43 ured in barrel-miles in the case of oil and of thousand
44 cubic feet-miles in the case of gas, bears to all business
45 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 to
50 be determined by ascertaining a sum bearing the propor-
51 tion 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) The tax as to airline corporations and operators of a
55 steam boat or other watercraft, for the transportation of
56 passengers or freight, shall be three per cent of net in-
57 come earned within the state, such income to be deter-
58 mined by ascertaining a sum bearing the proportion to the
59 total net income of the corporation ~~that~~ its business done
60 in West Virginia, measured in passenger-miles in the case
61 of airline corporations and ton-miles in the case of the
62 operator of a steam boat or other watercraft, bears to all
63 business done, measured in like fashion;

64 (g) In computing the tax imposed by this section the
65 total net income of a taxpayer, who shall have been taxed
66 under the preceding section, shall be reduced by an
67 amount bearing the proportion to such total net income
68 that the gross income of the taxpayer which is the

69 measure of the tax under the preceding section bears to
70 its total gross income from all business done wherever
71 conducted. This section shall not apply to a taxpayer
72 taxed under the preceding section and engaged exclusively
73 in business within this state.

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

W. J. Cooper
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the House of Delegates

Takes effect *July 1, 1959* passage

Thomas H. E.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph W. Bean
President of the Senate

H. P. Bailey
Speaker, House of Delegates

The within *approved* this the *16th*

day of *March*, 1959.

W. J. H. H. H.
Governor