

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1962

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ENROLLED

SENATE BILL NO. 56

(By Mr. Kaufman)

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PASSED February 7 1962

In Effect Ninety days from Passage



Filed in Office of the Secretary of State  
of West Virginia 2-14-62

JOE F. BURDETT  
SECRETARY OF STATE

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**Senate Bill No. 56**  
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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, relating to privilege tax on certain carrier corporations, and in particular to provide a definition of "barrel-miles" in the case of liquid coal or slurry as that term is used in said article, and to provide a measurement of business done in West Virginia by coal pipe line corporations for the purpose of imposing an additional privilege tax on such 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:

**Article 12A. Privilege Tax on Certain Carrier Corporations.**

**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 or the transportation of the

19 equivalent of a barrel of liquid coal or slurry a distance  
20 of one mile.

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

25 The term "wire-mile" means the equivalent of a single  
26 metallic telephone or telegraph conductor one mile in  
27 length.

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

**Sec. 5. Additional Privilege Tax on Net Income of Busi-**  
2 **ness Included in Preceding Section; Computing Tax.**—In  
3 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, rail-  
6 road car corporation, express corporation or company,  
7 pipeline corporation, telephone and telegraph corpora-  
8 tion, airline corporation or company, and operator of a  
9 steam boat or other watercraft, for the transportation  
10 of passengers or freight, doing business in this state

11 shall pay an annual privilege tax for each calendar year  
12 for the privilege of doing business in the state, to be  
13 determined as follows:

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

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

29 (c) The tax as to railroad car corporations and as to  
30 express corporations or companies shall be one and one-  
31 half per cent of net income earned within the state, such

32 income to be determined by ascertaining a sum bearing  
33 the proportion to the total net income of the corporation  
34 or company that its business done in West Virginia,  
35 measured in car-miles of car operation, bears to all busi-  
36 ness done, measured in like fashion: *Provided, however,*  
37 That nothing in this act shall be construed as applying  
38 to railroad freight car corporations not owned by railroad  
39 corporations or their subsidiaries;

40 (d) The tax as to pipeline corporations shall be three  
41 and one-half per cent of net income earned within the  
42 state, such income to be determined by ascertaining a  
43 sum bearing the proportion to the total net income of  
44 the corporation that its business done in West Virginia,  
45 measured in barrel-miles in the case of oil and liquid  
46 coal or slurry and of thousand cubic feet-miles in the  
47 case of gas, bears to all business done, measured in like  
48 fashion;

49 (e) The tax as to telephone and telegraph corpora-  
50 tions shall be two and three-fourths per cent of net  
51 income earned within the state as to telephone corpora-  
52 tions, and five per cent as to telegraph corporations, such

53 income to be determined by ascertaining a sum bearing  
54 the proportion to the total net income of the corporation  
55 that its business done in West Virginia, measured in  
56 wire-miles, bears to all business done, measured in like  
57 fashion;

58 (f) The tax as to airline corporations and operators  
59 of a steamboat or other watercraft, for the transporta-  
60 tion of passengers or freight, shall be three per cent of  
61 net income earned within the state, such income to be  
62 determined by ascertaining a sum bearing the propor-  
63 tion to the total net income of the corporation that its  
64 business done in West Virginia, measured in passenger-  
65 miles in the case of airline corporations and ton-miles  
66 in the case of the operator of a steamboat or other water-  
67 craft, bears to all business done, measured in like fashion;

68 (g) In computing the tax imposed by this section the  
69 total net income of a taxpayer, who shall have been  
70 taxed under the preceding section, shall be reduced by  
71 an amount bearing the proportion to such total net in-  
72 come that the gross income of the taxpayer which is the  
73 measure of the tax under the preceding section bears

74 to its total gross income from all business done wherever  
75 conducted. This section shall not apply to a taxpayer  
76 taxed under the preceding section and engaged exclu-  
77 sively in business within this state.

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

*Joseph Davis, Jr.*  
Chairman Senate Committee

*Mrs. A. H. Withrow*  
Chairman House Committee

Originated in the Senate.

Takes effect *Ninety days from* passage.

*Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Harvard W. Carson*  
President of the Senate

*Julius W. Singleforth*  
Speaker House of Delegates

The within *approved* this the *thirteenth* day of *February*, 1962.

*James M. Baran*  
Governor

