

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1962

ENROLLED

SENATE BILL NO. 56

(By Mr. Kaufman)

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
(By MR. KAUFMAN)

[Passed February 7, 1962: 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, 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-
3 **ness Included in Preceding Section; Computing Tax.**—In
4 addition to the tax imposed in the preceding sections,
5 every motor vehicle carrier operating on the public high-
6 ways of the state and every railroad corporation, rail-
7 road car corporation, express corporation or company,
8 pipeline corporation, telephone and telegraph corpora-
9 tion, airline corporation or company, and operator of a
10 steam boat or other watercraft, for the transportation
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.

Harold Davis, Jr.
Chairman Senate Committee

Mrs. H. 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

Harold W. Carson
President of the Senate

Julius W. Singleforth
Speaker House of Delegates

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

Samuel R. Bauman
Governor