WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 1018

(By Mr. Speaker, Mr. McMannis)

PASSED March 11, 1972

In Effect 90 days from Passage
AN ACT to amend and reenact section five, article thirteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the imposition of business and occupation tax or privilege tax by municipalities, and limitations thereon as to contractors and financial institutions.

Be it enacted by the Legislature of West Virginia:

That section five, article thirteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 13. TAXATION AND FINANCE.

§8-13-5. Business and occupation or privilege tax; limitations as to contractors and financial institutions.

1 Whenever any business or occupation, upon which the state imposes an annual business and occupation or privilege tax under article thirteen, chapter eleven of this code, is engaged in or carried on within the corporate limits of any municipality, the governing body thereof shall have plenary power and authority, unless prohibited by general law, to impose a similar business and occupation or privilege tax thereon for the use of the municipality: Provided, That in no case shall the rate of such municipal business and occupation or privilege tax on a par-
ticular activity exceed the rate imposed by the state, ex-
cclusive of surtaxes, and the ordinance imposing such tax
shall conform with the provisions of said article thirteen
as to the waiver of penalties: Provided, however, That
no municipality shall impose a business and occupation
or privilege tax upon any businesses, occupations or priv-
ileges taxed under sections two-a, two-b, two-c, two-d,
two-e, two-g, two-h, two-i and two-j of said article thir-
ten, chapter eleven in excess of the rates in effect under
said article thirteen on January one, one thousand nine
hundred fifty-nine or in excess of one percent of gross
income under section two-k of said article thirteen.
Any taxes levied pursuant to the authority of this sec-
tion may be made operative as of the first day of the cur-
rent fiscal year and each year thereafter: Provided fur-
ther, That any new imposition of tax or any increase in
the rate of tax upon any business, occupations or priv-
ileges taxed under section two-e shall apply only to gross
income derived from contracts entered into after the ef-
fective date of such imposition of tax or rate increase, and
which effective date shall not be retroactive in any re-
spect.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 27th day of March, 1972.

[Signature]
Governor