

770: 8

WEST VIRGINIA LEGISLATURE



FIRST EXTRAORDINARY SESSION, 1986



ENROLLED

SENATE BILL NO. 8

(By Senator Jankovich, Mr. President, et al.)



PASSED May 18, 1986

In Effect July 1, 1987 ~~1987~~



ENROLLED
Senate Bill No. 8

(By SENATORS TONKOVICH, MR. PRESIDENT (By REQUEST) AND HARMAN)

[Passed May 18, 1986; to take effect July 1, 1987.]

AN ACT to amend and reenact section nine, article fifteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to exemptions from consumers sales and services tax; exempting from tax motor vehicles titled pursuant to the provisions of article three of chapter seventeen-a of said code leased to a lessee for a period of thirty or more consecutive days; and providing effective date.

Be it enacted by the Legislature of West Virginia:

That section nine, article fifteen, 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 15. CONSUMERS SALES TAX.

§11-15-9. Exemptions.

- 1 The following sales and services shall be exempt:
- 2 (1) Sales of gas, steam and water delivered to consumers
- 3 through mains or pipes, and sales of electricity;
- 4 (2) Sales of textbooks required to be used in any of the
- 5 schools of this state;
- 6 (3) Sales of property or services to the state, its
- 7 institutions or subdivisions, and to the United States,
- 8 including agencies of federal, state or local governments for
- 9 distribution in public welfare or relief work;

10 (4) Sales of motor vehicles which are titled by the
11 department of motor vehicles and which are subject to the
12 tax imposed by section four, article three, chapter
13 seventeen-a of the code;

14 (5) Sales of property or services to churches and bona
15 fide charitable organizations who make no charge
16 whatsoever for the services they render: *Provided*, That the
17 exemption herein granted shall apply only to services,
18 equipment supplies and materials directly used or
19 consumed by these organizations, and shall not apply to
20 purchases of gasoline or special fuel;

21 (6) Sales of property or services to corporations or
22 organizations qualified under section 501(c)(3) of the
23 Internal Revenue Code of 1954, as amended, or under
24 section 501(c)(4) of the Internal Revenue Code of 1954, as
25 amended, who make casual and occasional sales not
26 conducted in a repeated manner or in the ordinary course of
27 repetitive and successive transactions of like character:
28 *Provided*, That the exemption herein granted shall apply
29 only to services, equipment, supplies and materials directly
30 used or consumed by these organizations and shall not
31 apply to purchases of gasoline or special fuel;

32 (7) Sales of property or services to persons engaged in
33 this state in the business of contracting, manufacturing,
34 transportation, transmission, communication or in the
35 production of natural resources: *Provided*, That the
36 exemption herein granted shall apply only to services,
37 machinery, supplies and materials directly used or
38 consumed in the businesses or organizations named above,
39 and shall not apply to purchases of gasoline or special fuel;

40 (8) An isolated transaction in which any tangible
41 personal property is sold, transferred, offered for sale, or
42 delivered by the owner thereof or by his representative for
43 the owner's account, such sale, transfer, offer for sale or
44 delivery not being made in the ordinary course of repeated
45 and successive transactions of like character by such owner
46 or on his account by such representative;

47 (9) Sales of tangible personal property and services
48 rendered for use or consumption in connection with the
49 conduct of the business of selling tangible personal
50 property to consumers or dispensing a service subject to tax
51 under this article or which would be subject to tax under
52 this article but for the exemption for food provided in

53 section eleven of this article and sales of tangible personal
54 property and services rendered for use or consumption in
55 connection with the commercial production of an
56 agricultural product the ultimate sale of which will be
57 subject to the tax imposed by this article or which would
58 have been subject to tax under this article but for the
59 exemption for food provided in section eleven of this
60 article: *Provided*, That sales of tangible personal property
61 and services to be used or consumed in the construction of
62 or permanent improvement to real property and sales of
63 gasoline and special fuel shall not be exempt;

64 (10) Sales of tangible personal property for the purpose
65 of resale in the form of tangible personal property:
66 *Provided*, That sales of gasoline and special fuel by
67 distributors and importers shall be taxable except when the
68 sale is to another distributor for resale;

69 (11) Sales of property or services to nationally chartered
70 fraternal or social organizations for the sole purpose of free
71 distribution in public welfare or relief work: *Provided*,
72 That sales of gasoline and special fuel shall be taxable;

73 (12) Sales and services, fire fighting or station house
74 equipment, including construction and automotive, made
75 to any volunteer fire department organized and
76 incorporated under the laws of the state of West Virginia:
77 *Provided*, That sales of gasoline and special fuel shall be
78 taxable;

79 (13) Sales of newspapers when delivered to consumers
80 by route carriers;

81 (14) Sales of drugs dispensed upon prescription and
82 sales of insulin to consumers for medical purposes;

83 (15) Sales of radio and television broadcasting time,
84 newspaper and outdoor advertising space for the
85 advertisement of goods or services;

86 (16) Sales and services performed by day care centers;

87 (17) Casual and occasional sales of property or services
88 not conducted in a repeated manner or in the ordinary
89 course of repetitive and successive transactions of like
90 character by corporations or organizations qualified under
91 section 501(c)(3) of the Internal Revenue Code of 1954, as
92 amended, or under section 501(c)(4) of the Internal Revenue
93 Code of 1954, as amended;

94 (18) Bank safety deposit boxes;

95 (19) Sales of property or services to a school which has
96 approval from the West Virginia board of regents to award

97 degrees, which has its principal campus in this state, and
98 which is exempt from federal and state income taxes under
99 section 501(c)(3) of the Internal Revenue Code of 1954, as
100 amended: *Provided*, That sales of gasoline and special fuel
101 shall be taxable;

102 (20) Sales of mobile homes to be utilized by purchasers
103 as their principal year-round residence and dwelling:
104 *Provided*, That these mobile homes shall be subject to tax at
105 the three percent rate;

106 (21) Sales of lottery tickets and materials by licensed
107 lottery sales agents and lottery retailers authorized by the
108 state lottery commission, under the provisions of article
109 twenty-two, chapter twenty-nine of this code; and

110 (22) Leases of motor vehicles titled pursuant to the
111 provisions of article three, chapter seventeen-a of this code
112 to lessees for a period of thirty or more consecutive days.
113 This exemption shall apply to leases executed on or after the
114 first day of July, one thousand nine hundred eighty-seven,
115 and to payments under long-term leases executed before
116 such date, for months thereof beginning on or after such
117 date.

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

Robert O. Williams
.....
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1987.

Judd C. Wills
.....
Clerk of the Senate

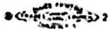
Donald A. Kopp
.....
Clerk of the House of Delegates

Sam Terhune
.....
President of the Senate

Joseph P. Allright
.....
Speaker House of Delegates

The within *approved* this the *28th*
day of *May* 1986.

W. A. Shaare Jr.
.....
Governor



PRESENTED TO THE

GOVERNOR

Date 5/22/86

Time 3:20 p.m.

PROCESSED

1998 MAY 29 PM 1:30

Eastman & Orin