

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 255

An Act to amend and reenact §§ 58.1-1101 and 58.1-1103 of the Code of Virginia, relating to intangible personal property; classification and exemption of business property with an original cost of less than \$25.

[H 2440]

Approved March 8, 2019

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-1101 and 58.1-1103 of the Code of Virginia are amended and reenacted as follows: § 58.1-1101. Classification.

A. The subjects of taxation classified by this section are hereby defined as intangible personal property:

1. Capital which is inventory, except wine while in the hands of a farm winery producer as defined in § 4.1-100, merchandise located in a foreign trade zone as defined in subdivision 7 of this subsection and any agricultural product held in this Commonwealth by any manufacturer for manufacturing or processing which is of such nature as customarily requires storage and processing for periods of more than one year in order to age or condition such product for manufacture. Such agricultural product shall be includible in inventory for one tax year only and after being taxed for one year shall thereafter be excluded for all succeeding tax years;

2. Capital which is personal property, tangible in fact, used in manufacturing (including, but not limited to, furniture, fixtures, office equipment and computer equipment used in corporate headquarters), mining, water well drilling, radio or television broadcasting, dairy, dry cleaning or laundry businesses. Machinery and tools, motor vehicles and delivery equipment of such businesses shall not be defined as intangible personal property for purposes of this chapter and shall be taxed locally as tangible personal property according to the applicable provisions of law relative to such property;

2a. Personal property, tangible in fact, used in cable television businesses. Machines and tools, motor vehicles, delivery equipment, trunk and feeder cables, studio equipment, antennae and office furniture and equipment of such businesses shall not be defined as intangible personal property for purposes of this chapter and shall be taxed locally as tangible personal property according to the applicable provisions of law relative to such property;

3. Money;

4. Bonds, notes, and other evidences of debt; demands and claims;

5. Shares of stock;

6. Accounts receivable;

7. All imported and exported foreign merchandise or domestic merchandise scheduled for export while in inventory located in a foreign trade zone within the Commonwealth;

8. Computer application software, except computer application software which is inventory as defined in subdivision 1 of this subsection, is defined as computer instructions, in any form, which are designed to be read by a computer and to enable it to perform specific operations with data or information stored by the computer; ~~and~~

9. Capital which is personal property, tangible in fact, used in commercial fishing businesses, and used in the water to catch or harvest seafood, including but not limited to crab pots, nets, tongs, and dredge equipment. Fishing vessels and property permanently attached to such vessels shall not be defined as intangible personal property for purposes of this chapter and shall be taxed locally as tangible personal property according to the applicable provisions of law relative to such property; *and*

10. *Capital which is personal property, tangible in fact, that (i) is employed in a trade or business, (ii) has an original cost of less than \$25, and (iii) is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.) of Chapter 35, merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.) of Chapter 35, or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.) of Chapter 35.*

B. [Repealed.]

C. The subjects of intangible personal property set forth in subdivisions 1 through 9 *10* of subsection A shall be exempt from taxation as provided in Article X, Section 6 (a) (5) of the Constitution of Virginia.

§ 58.1-1103. Exempt professions and businesses; how property used therein taxable.

Section 58.1-1100, *except subdivision A 10 of § 58.1-1101*, shall not be construed to apply to (i) ~~to~~ any profession ~~which~~ *that* the Commonwealth regulates by law, (ii) ~~to~~ industrial development corporations organized pursuant to the terms of §§ 13.1-981 through 13.1-998, or (iii) ~~to~~ the business of farming, which includes propagating, growing, selling, and planting, as an incident to the sale, of

evergreens, shade trees, shrubs, and all other nursery products, ornamental and otherwise, grown by the seller. Property used or employed in such exempt activities shall be taxable in the actual form in which it exists and not as intangible personal property.