

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-604 of the Code of Virginia, relating to use tax on catalog sales.*

3 [H 2034]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 58.1-604 of the Code of Virginia is amended and reenacted as follows:**

7 § 58.1-604. Imposition of use tax.

8 There is hereby levied and imposed, in addition to all other taxes and fees now imposed by law, a  
9 tax upon the use or consumption of tangible personal property in this Commonwealth, or the storage of  
10 such property outside the Commonwealth for use or consumption in this Commonwealth, in the amount  
11 of three and one-half percent:12 1. Of the cost price of each item or article of tangible personal property used or consumed in this  
13 Commonwealth. Tangible personal property which has been acquired for use outside this Commonwealth  
14 and subsequently becomes subject to the tax imposed hereunder shall be taxed on the basis of its cost  
15 price if such property is brought within this Commonwealth for use within six months of its acquisition;  
16 but if so brought within this Commonwealth six months or more after its acquisition, such property shall  
17 be taxed on the basis of the current market value (but not in excess of its cost price) of such property at  
18 the time of its first use within this Commonwealth. Such tax shall be based on such proportion of the  
19 cost price or current market value as the duration of time of use within this Commonwealth bears to the  
20 total useful life of such property (but it shall be presumed in all cases that such property will remain  
21 within this Commonwealth for the remainder of its useful life unless convincing evidence is provided to  
22 the contrary).23 2. Of the cost price of each item or article of tangible personal property stored outside this  
24 Commonwealth for use or consumption in this Commonwealth.25 3. A transaction taxed under § 58.1-603 shall not also be taxed under this section, nor shall the same  
26 transaction be taxed more than once under either section.27 4. The use tax shall not apply with respect to the use of any article of tangible personal property  
28 brought into this Commonwealth by a nonresident individual, visiting in Virginia, for his personal use,  
29 while within this Commonwealth.30 5. *The use tax shall not apply to out-of-state mail order catalog purchases totaling \$100 or less*  
31 *during any calendar year.*

ENROLLED

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