

LD2081733

## SENATE BILL NO. 1006

Offered January 23, 1995

A *BILL to amend and reenact § 58.1-3708 of the Code of Virginia, relating to the local business, professional and occupational licensing tax.*

Patrons—Schewel; Delegates: Crouch and Newman

Referred to the Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-3708 of the Code of Virginia is amended and reenacted as follows:**

§ 58.1-3708. Situs for local license taxation of businesses, occupations, etc.

A. Except as otherwise provided by law and except as to public service corporations, the situs for the local license taxation for any licensable business, trade, occupation or calling, shall be the county, city or town (hereinafter called "locality") in which the person so engaged has a definite place of business or maintains his office. If any such person has a definite place of business or maintains an office in any other locality, then such other locality may impose a license tax on him, provided such other locality is otherwise authorized to impose a local license tax with respect thereto.

B. Where a local license tax imposed by any such other locality is measured by volume, the volume on which the tax may be computed shall be the volume attributable to the business, trade, occupation or calling in such other locality. All volume attributable to the business, trade, occupation or calling in any such other locality which levies a local license tax thereon shall be deductible from the base in computing any local license tax measured by volume imposed on him by the locality in which the first-mentioned definite place or office is located.

C. If any such person has no definite place of business or office within the Commonwealth, the situs for the local license taxation of such a person shall be each locality in which he engages in such business, trade, occupation or calling, with respect to what is done in each such locality.

D. The word "volume," as used in this section, means gross receipts, sales, purchases, or other base for measuring a license tax which is related to the amount of business done.

E. This section shall not be construed as prohibiting any locality from requiring a separate license for each definite place of business or each office located in such locality.

F. Where a local license tax, or any portion thereof, is measured other than by volume, the tax, or such portion, shall first be computed for each locality as if the entire business were done within such locality and the amount so determined shall be multiplied by a fraction, the numerator of which is the volume of business done in such locality and the denominator of which is the volume of business done in this Commonwealth.

G. *Notwithstanding any other provision in this section, a person who has contracted with a commercial printer for printing shall not be considered to have a definite place of business or an office within a locality nor shall such person be considered to be engaged in a business, trade, occupation, or calling within a locality, by reason of:*

1. *The ownership or leasing by that person of tangible or intangible property located at the premises of the commercial printer within the locality;*

2. *The sale by that person of property of any kind produced at and shipped or distributed from the premises of the commercial printer within the locality;*

3. *The activities of any kind performed by or on behalf of that person at the premises of the commercial printer within the locality; and*

4. *The activities of any kind performed by the commercial printer within the locality for or on behalf of that person.*

INTRODUCED

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