

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 158

An Act to amend and reenact the first and second enactments of Chapter 644 of the Acts of Assembly of 1998, relating to the apportionment of taxable income of a corporation.

[S 1076]

Approved March 17, 1999

Be it enacted by the General Assembly of Virginia:

1. That the first and second enactments of Chapter 644 of the Acts of Assembly of 1998 are amended and reenacted as follows:

1. That § 58.1-408 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-408. What income apportioned and how.

The Virginia taxable income of any corporation, except those subject to the provisions of §§ 58.1-417, 58.1-418, 58.1-419, or § 58.1-420, excluding income allocable under § 58.1-407, shall be apportioned to the Commonwealth by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor, plus *twice* the sales factor, and the denominator of which is ~~three, reduced by the number of factors, if any, having no denominator~~ *four; however, where the sales factor does not exist, the denominator of the fraction shall be the number of existing factors and where the sales factor exists but the payroll factor or the property factor does not exist, the denominator of the fraction shall be the number of existing factors plus one.*

2. That the provisions of this act are effective for taxable years beginning on and after January 1, 2000, *unless one or more of the events listed in subsection C of § 58.1-3524 has occurred prior to such date. If any one of these events occur before January 1, 2000, this act shall not become effective for taxable years beginning on and after January 1, 2000, but shall instead become effective for taxable years beginning on and after January 1 of the first year thereafter when none of the events listed in subsection C of § 58.1-3524 have occurred during the immediately preceding calendar year.*