Taxes Imposed by the Virginia Code: Their Nature, Rates and Methods of Reporting and Payment

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This article is available in William & Mary Law Review: http://scholarship.law.wm.edu/wmlr/vol2/iss1/6
TAXES IMPOSED BY THE VIRGINIA CODE—THEIR
NATURE, RATES, AND METHODS OF REPORTING
AND PAYMENT

Editor's Note: The 1950 Code of Virginia, as amended, imposes taxes upon a wide variety of objects with varying methods of reporting and payment. Absence of a summary of each taxed object following the arrangement of the Code and correlated with compliance requirements frequently impedes the initial research incident to determining liability for a specific tax and the mechanics for making compliance.

The following compilation is intended as an aid in initiating the necessary research. It includes a general description of most of the taxed objects; the rates of tax imposed; the time and method of reporting the tax; and, the time and method of payment. The information has been compiled from the Virginia Code of 1950, as amended, the official report forms and procedural instructions.

The material was assembled as part of an assignment in the "Survey of Tax Literature" course by Messrs. Fred P. Aucamp, Sidney Jackson Baker, Charles R. Cloud, William H. Colona, Jr., Joseph T. Cutler, Theodore H. Focht, Bruce A. Leslie, John P. Scozzari, Sammie W. Weaver, and Paul T. Wright, Jr.

Special acknowledge is gratefully made to Mr. William H. Sager, Director, Division of Inheritance and Gift Taxes, Department of Taxation, for his kindness in reading over much of the material contained in this compilation. His advice and criticism have been most beneficial. It should be understood that the interpretation given to the tax imposition sections of the Code as contained in this article does not necessarily reflect the views of Mr. Sager or the Department of Taxation.

TABLE OF CONTENTS

The Virginia Code of 1950, as amended.

Title 58, Chapter 3—Miscellaneous Taxes

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>58-49</td>
<td>Capitation Tax</td>
<td>107</td>
</tr>
<tr>
<td>58-52</td>
<td>State Seal Tax</td>
<td>108</td>
</tr>
</tbody>
</table>

104
| Section 58-54 | Deeds in General | Page 109 |
| Section 58-55 | Deeds of Trust and Mortgages | Page 110 |
| Section 58-56 | Deeds of Release | Page 112 |
| Section 58-57 | Deeds of Partition | Page 112 |
| Section 58-58 | Contracts Generally | Page 113 |
| Section 58-59 | Sales of Rolling Stock or Equipment | Page 113 |
| Section 58-66 | Tax on Wills and Administration | Page 114 |
| Section 58-71 | Taxes on Suits or Writs Generally | Page 115 |
| Section 58-72 | Chancery Suits | Page 115 |
| Section 58-73 | Mandamus | Page 116 |
| Section 58-74 | Appeals, Writs of Errors, Etc. | Page 116 |

**Title 58, Chapter 4—Income Taxes**

| Section 58-101 | Residents | Page 116 |
| Section 58-101 | Non-Residents | Page 120 |
| Section 58-118 | Estates and Trusts | Page 122 |
| Section 58-128 | Corporations Generally | Page 123 |

**Title 58, Chapter 5—Inheritance Taxes**

| Section 58-152 | Inheritance Tax | Page 126 |

**Title 58, Chapter 6—Gift Taxes**

| Section 58-218 | Gift Taxes | Page 131 |

**Title 58, Chapter 7—Licenses Generally**

*Note:* Due to the large number of objects which are subject to the licensing provisions of the Virginia Code, the treatment of licenses is segregated in a separate appendix to this compilation and indexed alphabetically by subject matter. See page 167.

**Title 58, Chapter 8—Intangible Personal Property**

| Section 58-405 | Intangible Personal Property | Page 132 |
| Section 58-412 | Tangible Property of Certain Businesses | Page 133 |
| Section 58-418 | Capital | Page 134 |
Title 58, Chapter 9—Corporate Charter, Registration and Entrance Fees and Franchise Taxes

Sec. 58-442 Domestic Public Service Corporations... 138
Sec. 58-443 Domestic Corporations.................. 139
Sec. 58-444 Foreign Corporations................... 140
Sec. 58-445 Increase in Maximum Capital............ 141
Sec. 58-450 Annual Registration Fee................ 141
Sec. 58-456 Annual Franchise Tax................... 143

Title 58, Chapter 10—Banks and Trust Companies

Sec. 58-466 Stock in Banking Associations and Trust Companies.............. 144

Title 58, Chapter 11—Insurance Companies

Sec. 58-486 Insurance Companies.................... 146
Sec. 38.1-44 Assessment for Administration of Insurance Laws.................. 147
Sec. 65-120 Tax on Workmen's Compensation Insurance...................... 148

Title 58, Chapter 12—Public Service Corporations

Sec. 58-504 Franchise or License Taxes on Corporations..................... 148
Sec. 58-515 Rolling Stock of Steam Railroads............ 149
Sec. 58-516 Intangible Personal Property of Railway and Canal Corporations.............. 149
Sec. 58-517 Money of Railway and Canal Corporations.................... 150
Sec. 58-519 Franchise Tax on Railway and Canal Corporations.................. 150
Sec. 58-546 Franchise Tax on Express Companies........ 151
Sec. 58-560 Freight Car Companies.................... 152
Sec. 58-568 Sleeping and Other Car Companies........ 152
Sec. 58-575 Steamship and Water Carriers............. 153
Sec. 58-579 Telegraph Companies...................... 153
Sec. 58-580 Telephone Companies...................... 154
Sec. 58-591 Pipe Line Transmission Companies........ 155
<table>
<thead>
<tr>
<th>Sec.</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>58-597</td>
<td>Franchise Tax on Pipe Line Transmission Companies</td>
<td>155</td>
</tr>
<tr>
<td>58-603</td>
<td>Franchise Tax on Water, Heat, Light and Power Companies</td>
<td>156</td>
</tr>
<tr>
<td>58-622</td>
<td>Rolling Stock of Certificated Motor Vehicle Carriers</td>
<td>157</td>
</tr>
<tr>
<td>58-628</td>
<td>Road Tax on Motor Carriers</td>
<td>157</td>
</tr>
<tr>
<td>58-638</td>
<td>Road Tax on Motor Vehicle Carriers</td>
<td>158</td>
</tr>
<tr>
<td>58-660</td>
<td>Gross Receipts</td>
<td>159</td>
</tr>
<tr>
<td></td>
<td><strong>Title 58, Chapter 13—Motor Fuel Tax</strong></td>
<td></td>
</tr>
<tr>
<td>58-711</td>
<td>Motor Fuel Tax</td>
<td>159</td>
</tr>
<tr>
<td></td>
<td><strong>Title 58, Chapter 14—Use Fuels Tax</strong></td>
<td></td>
</tr>
<tr>
<td>58-744</td>
<td>Special Fuels Tax</td>
<td>161</td>
</tr>
<tr>
<td></td>
<td><strong>Title 58, Chapter 16.1—Forest Products</strong></td>
<td></td>
</tr>
<tr>
<td>58-838.2</td>
<td>Forest Products</td>
<td>163</td>
</tr>
<tr>
<td></td>
<td><strong>Unclassified Taxes</strong></td>
<td></td>
</tr>
<tr>
<td>1400</td>
<td>Internal Revenue Code of 1954, Unemployment Compensation Tax</td>
<td>165</td>
</tr>
<tr>
<td></td>
<td><strong>Sec. 58-49. Capitation Tax.</strong></td>
<td></td>
</tr>
</tbody>
</table>

A tax is *levied* on every *resident* of the State who is not less than twenty-one years of age and who is not pensioned by the State for military service.

*Resident*—is one who is domiciled in the State on the first day of the taxable year or who has a place of abode within the State for six months or more of the tax year and who has not made a permanent change of abode by the first day following the close of the tax year.

*Rate of Tax*—the tax is one dollar and fifty cents per annum.

*Returns*—no form is required in respect to this tax, however, a person filing a return for tangible personal property
on Form 762 will indicate whether or not he is subject to the tax and it will be assessed by the city or county commissioner with whom it is filed. A person not receiving a notice of assessment may apply to the Commissioner of Revenue for the city or county in which he resides for a certificate of assessment.

Method and Time of Payment — The tax is payable on or before December 5th to the Treasurer of the city or county where the taxpayer resides.

Sec. 58-52—Virginia State Seal Tax

A tax is levied upon the use of either the Greater or the Lesser Seal of the Commonwealth of Virginia.

Use—in general, the Greater Seal is applied on all documents to have legal effect outside the Commonwealth, while the Lesser Seal is used for internal affairs. The Seal Tax is levied at the same rate for the use of both seals, the tax on the Lesser Seal’s use attaching only when it is used on commissions and on documents certified by the Secretary of the Commonwealth, or when requested by the parties to the record being certified. The tax on the use of the Greater Seal attaches in all instances unless the Commonwealth is a party, or unless the document to which the Seal is to be attached is to obtain pensions (from the State or Federal Governments), revolutionary benefits, land bounties, Veterans Benefits, or unless the Seal is required by an Act of Congress, or under law of this or another state.

Rate of Tax—is fixed at $2.00, but the Secretary of the Commonwealth, to whom the tax is paid, is allowed to charge certain other fees for his services at the same time (See Sec. 14-114) so that the amount actually due and payable when the Seals are attached may vary from $2.00 to $7.00, usually around $3.50. The fee for a Notary Public-at-Large Commission, which is $25.00, expressly includes the Seal Tax (Sec. 47-2), but in other instances, commission fees are exclusive of the Seal Tax, and the tax must be paid before the commission will be issued by the Secretary of the Commonwealth.

Returns—no special form is required in respect to this tax.
Sec. 58-54—Deeds in General.

A tax is levied upon the recordation of every deed, except a deed exempt from taxation by law as indicated below.

The tax on the recordation of a deed is a tax on the civil privilege of being allowed to avail oneself of the benefits and advantages of the registration laws of the State.

The tax is measured by the amount of consideration given or by the actual value of the property, whichever is the greater. In those cases involving gratuitous conveyances, or cases where the stated consideration and the actual value of the property seem disproportionate, or there is no stated consideration, the clerk of the city or county court in which application for recordation is first made refers to the Land Book for the assessment value of the property, and, using that value as a guide, may assess a tax at whatever he thinks is a fair market value.

Recordation of deeds conveying property lying partly within and without Virginia is taxed only to the extent of the consideration or fair market value of the land situated in Virginia, whichever is the greater.

Exemptions—the tax levied by Sec. 58-54 does not apply to any deed conveying real estate to an incorporated college or other incorporated institution of learning not conducted for profit where such real estate is intended to be used for educational purposes and not as a source of revenue or profit; nor to any deed conveying real estate to the trustee or trustees of any church or religious body, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body; nor to any deed conveying property to the State or to any county, city, town, district or other political subdivisions of this State; nor to any deed conveying property to the Virginia Division United Daughters of the Confederacy; nor to any deed conveying property to any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit; nor to any deed of trust or mortgage given by an incorporated college or other incorporated
institution of learning, nor conducted for profit, nor to any deed of trust or mortgage given by the trustee or trustees of a church or religious body; nor to any deed of trust or mortgage given by any non-stock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit.

No additional recordation tax shall be required for recordation of any deed of confirmation or correction or deed in which a husband and wife being joint tenants by entireties are both grantors and grantees from themselves, the only change being one of tenancy, when the tax has been paid at the time the original deed was recorded. If the tax already paid is less than the proper tax an additional tax is to be paid based on the differences between the full amount of such consideration or actual value and the amount on which the tax has been paid.

Rate of Tax—is fifteen cents on every hundred dollars or fraction thereof of the consideration of the deed, or the actual value of the property, whichever is the greater.

The tax rate is fifty cents when the charter of a corporation is amended, and the only effect of such amendment is to change the corporate name of such corporation and the deed conveys to, or vests in, such corporation under its changed name, the title to any or all of the real or personal property of such corporation held in its name as it existed immediately prior to such amendment.

Returns—no tax forms are required in respect to this tax.

Method and Time of Payment—the tax is determined by and paid to the clerk of court at the time the deed is first presented at that office for recordation. It may thereafter be recorded in the office of any clerk without payment of a tax. Sec. 58-65.1 authorizes counties and cities to levy a tax equal in amount to one-third of the State tax and is in addition to the State rates cited above. The extent to which counties and cities levy a tax on deeds is not included in this compilation.

Sec. 58-55. Deeds of Trust or Mortgages.
A tax is *levied* on the *recordation* of deeds of trust and mortgages, except those *exempt* from taxation by law as indicated below.

In the case of deeds of trust or mortgages upon the works and property of a railroad or other internal improvement company, lying partly in this State and partly in another state, such tax shall be upon such proportion of the amount of bonds, or other obligations secured thereby, as the number of miles of the line of such company in this State bears to the whole number of miles of the lines of such company conveyed by such deed of trust or mortgage.

In the case of deeds of trust for mortgages conveying other property lying partly within this State and partly without this State the tax herein imposed shall be only upon such proportion of the debt secured as the value of the property located within this State, or which may be brought into this State, bears to the entire amount of property conveyed by such deeds of trust or mortgage.

*Exemptions*—the exemptions are the same as for deeds in general (see Sec. 58-54, p. 109).

*Rate of Tax*—is fifteen cents upon every hundred dollars or portion thereof of the amount of bonds or other obligations secured by such deeds of trust or mortgages.

On deeds of trust or mortgages, which provide for an initial issue of bonds, and thereafter additional bonds, unlimited in amount, if such deed of trust or mortgage shall provide that as and when such additional bonds are issued a supplemental indenture shall be recorded in the office in which the original deed of trust or mortgage is first recorded, which supplement shall contain a statement as to the amount of the additional bonds to be issued, then the tax shall be paid upon the initial amount of bonds when the original deed of trust is recorded and on each additional amount of bonds when the supplemental indenture, relating to such additional bonds, shall be recorded.

*Returns*—no tax forms are required in respect to this tax.
Method and Time of Payment—The tax is determined by and paid to the clerk of court at the time the deed is first presented in his office for recordation. Payment is pre-requisite to recordation. It may thereafter be recorded in the office of any clerk without the payment of any additional tax.

Supplemental Deeds of Trust, Contracts, etc.—no additional payment is required for admitting to record any deed of trust, mortgage, contract, agreement or other writing supplemental to any deed of trust, mortgage, contract, agreement or other writing theretofore admitted to record and upon which the tax herein imposed has been paid, when the sole purpose and effect of the supplemental deed of trust, mortgage, contract, agreement or other writing is to convey, set over or pledge property, real or personal, in addition to or in substitution, in whole or in part, of the property conveyed, set over or pledged in the original instrument or to secure or to better secure the payment of the amount contracted for in the original instrument.

Sec. 58-56. Deeds of Release.

A tax is levied on the recordation of deeds of release. The deeds referred to are those subject to the tax upon recordation (see Sec. 58-54, p. 109 and Sec. 58-55, p. 110).

Rate of Tax—is fifty cents for each recordation.

Returns—no tax forms are required in respect to this tax.

Method and Time of Payment—is the same as described under Sec. 58-54 shown on p. 109.

Sec. 58-57. Tax on Deeds of Partition.

A tax is levied on the recordation of deeds of partition.

This tax applies to all deeds of partition between joint tenants, tenants in common, and copartners.

Rate of Tax—is fifty cents per deed.

Method and Time of Payment—is the same as for Sec. 58-54 shown on page 109.
A tax is levied on the recordation of a contract relating to real or personal property.

This includes all contracts relating to real or personal property which are offered for recordation. Although Sec. 55-58 requires entry in the clerk's book of a brief analysis of conditional sales contracts, but not the contract itself, no recordation tax is assessed upon the filing and recording of this brief analysis.

If a deed of lease with an option to extend is subject to a tax on the consideration for the rent, and the instrument shows on its face that the option has been exercised for any period, then there should be added to the base of the tax the rental for the period for which the lease has been extended.

Rate of tax is fifteen cents on every hundred dollars or fraction thereof of the consideration or value contracted for, except in the case of a deed of lease for a term of years when the annual rental, multiplied by the term for which the lease runs, equals or exceeds the actual value of the property leased, the tax rate shall be based upon the actual value of the property at the date of the lease. For supplemental contracts see Sec. 58-55, p. 110.

Method and Time of Payment—The requirements are the same as for Sec. 58-55 shown on page 110.

Sec. 58-59. Sales of Rolling Stock or Equipment.

A tax is levied on every contract relating to sale of rolling stock or equipment whether the title is reserved in the vendor or not, with a railroad corporation or other corporation or with a person, firm or company admitted to record.

Rate of Tax—is fifteen cents on every hundred dollars or fraction thereof of the amount contracted for in such contract or agreement except in the case of a railroad corporation lying partly in this State and partly in another state, in which case the tax shall be upon such proportion of the
amount contracted for as the number of miles of the line of such railroad corporation in this State bears to the whole number of miles of line of such railroad corporation. For supplemental contracts see Sec. 58-55, p. 110.

Returns—No official forms are required in respect to this tax.

Method and Time of Payment—Is the same as for Sec. 58-55 shown on page 110.

Sec. 58-66. Tax on Wills and Administration.

A tax is levied on the probate of every will or grant of administration, which is not exempt by law.

The tax is determined by the size of the estate, real, personal or mixed, passing by will or intestacy of the decedent. If the total value of the estate does not exceed one hundred dollars, the tax is not imposed. For the purpose of computing the tax only that realty which is situated within the State shall be considered. The actual gross value of the real estate to the extent within the State must be included even though the personal representative is not charged with any duty with respect to the realty.

Rate of Tax—is one dollar upon the probate of an estate whose value is more than one hundred dollars but does not exceed one thousand dollars, and an additional tax of ten cents on each additional one hundred dollars or fraction thereof which exceeds one thousand dollars.

Returns—no official forms are required for this tax, but the clerk returns an official receipt as evidence of the payment of the tax. It should be noted, however, that some clerks do use unofficial forms in computing the tax payable.

Method and Time of Payment—The tax must be paid prior to the qualification of the executor or administrator and is chargeable against the estate. Should it be thereafter determined that the estate was undervalued such fact will be reported to the clerk of the court by the Commissioner of Accounts or the Department of Taxation, and no distribution
of the estate shall be made until the tax is fully paid. In all cases the tax is paid to the clerk of the court.

When an estate is committed to a sheriff or sergeant on the motion of a creditor, the creditor shall pay the tax and he shall be subsequently reimbursed from the first funds of the estate. If the estate is committed to a sheriff or sergeant without a motion, the tax shall be paid by the sheriff or sergeant out of the first funds of the estate.

Sec. 58-71. *Taxes on Suits or Writ Taxes Generally.*

A tax is *levied* on any *action at law* commenced in a court of record.

*Action at Law*—includes: any original suit commenced by writ or notice, ejectment or attachment; every case of removal or appeal from a trial justice’s court to a court of record; appeal from the decision of a county board of supervisors, or, attachment issued by a justice and returnable to a court of record.

*Rates of Tax*—are: one dollar when the amount of debt or demand for damages does not exceed $1,000; where it exceeds $1,000 but not $5,000 the tax is two dollars; if it exceeds $5,000 but not $50,000 the tax is five dollars; exceeding $50,000 but not $100,000 the tax is fifteen dollars; and where it exceeds $100,000 the amount of the tax is twenty-five dollars.

*Returns*—no forms are required in respect to this tax.

*Method and Time of Payment*—payment is made to the clerk of the court in which the suit is brought or the proceeding had. Sec. 58-76 prevents the clerk’s issuing any writ, docketing any removed or appealed warrant or notice until the tax is paid.

Sec. 58-72. *Chancery Suits.*

A tax is *levied* on every *chancery* suit originating in a circuit court or in a city court of record.
Rate of Tax—is one dollar and fifty cents upon each suit.

Returns—no forms are required in respect to this tax.

Method and Time of Payment—is the same as for Sec. 58-71, shown on page 115.

Sec. 58-73. Mandamus.

A tax is levied upon every writ of mandamus sued out of any court.

Rate of Tax—is three dollars on each writ.

Returns—no tax forms are required in respect to this tax.

Method and Time of Payment—is the same as for Sec. 58-71, shown on page 115.

Sec. 58-74. Appeals, Writs of Error, Etc.

A tax is levied on every appeal, writ of error or supersedeas in the Supreme Court of Appeals.

Rate of Tax—is six dollars.

Returns—no forms are required in respect to this tax.

Method and Time of Payment—within thirty days from the granting of such appeal, and to the clerk of the appellate court.


A tax is levied on every resident of the State having net income of more than $1,000 during the taxable year.

Resident—is one who has a place of abode in the State for six months or more during the taxable year or who was domiciled in the State for the taxable year regardless of actual residence.
A person who becomes a resident by moving into the State during the taxable year is taxable on such proportion of his entire net income for the taxable year as the number of months during which he was a resident bears to twelve months and his personal exemption is allowed in the same ratio.

A resident who moves out of the State during the taxable year with the bona fide intent of changing his place of abode is taxable as a resident for that portion of the taxable year during which he was a resident and his personal exemption is reduced to an amount which bears the same ratio to the full exemption as the number of months during which he was a resident bears to twelve months.

Net Income—is the amount determined by first subtracting from gross income the deductions allowable against gross income in determining adjusted gross income; and, second by subtracting from adjusted gross income the deductions allowable (including the deduction for exemptions) against adjusted gross income.

Gross Income—includes in general, wages, salaries, bonuses, commissions, tips, and gratuities for services rendered; dividends and other earnings from investments; industrial, civil service and other pensions, retirement compensation, endowments, and taxable annuities to the extent cost has been fully recovered; rents and royalties from property, patents, copyrights; profits from business or profession; profits from sale of real estate, securities, and autos; partnership profits; income of estates and trusts; alimony and separate maintenance payments received periodically subsequent to and under the authority of a decree of divorce or of separate maintenance; contest prizes; gambling winnings and all interest from bonds, debentures, notes, savings accounts, or loans. This includes interest on bonds of states other than Virginia, and on bonds of political subdivisions of states other than Virginia. (Specifically excluded interest items are obligations of the United States or of Virginia and interest upon securities issued under the provisions of the Federal Farm Loan Act; interest on revenue bonds issued under the Chesapeake Bay Revenue Bond Act, the Chesapeake Bay Ferry Revenue Bond Act,
the Elizabeth River Tunnel Revenue Bond Act, the State Revenue Bond Act, the Virginia Water and Sewer Authorities Act, and interest on the revenue bonds issued by the Richmond-Petersburg Turnpike Authority; and, for taxable years beginning after December 31, 1957, interest upon obligations of any political subdivision of this State.)

*Adjusted Gross Income*—is gross income less the sum of trade or business deductions, expenses of travel and lodging in connection with employment, reimbursed expenses in connection with employment, expenses incurred as an outside salesman, deductions attributable to rents and royalties, losses from sales or exchange of property, and a proportionate part of dividends attributable to stock of corporations when net income was assessable for the preceding year under the State income tax law.

*Deductions from adjusted gross income* are as follows: Charitable contributions (not in excess of 15% of adjusted gross income); interest; taxes (except income, inheritance and special assessments); losses from fire, storm or other casualty, or theft; medical and dental expenses (in excess of 5% of adjusted gross income); and, certain miscellaneous deductions. In addition to the above, personal exemptions are included as a deduction item against adjusted gross income in arriving at net income.

*Standard Deduction*—in lieu of the itemized deductions from adjusted gross income listed above (other than personal exemptions) the taxpayer may elect the standard deduction equal to 5% of the adjusted gross income or $500, whichever is smaller. In the case of married taxpayers filing separately, the maximum limitation is $250 for each spouse.

*Personal Exemptions*—A personal exemption of $1,000 is allowed the taxpayer and an additional $1,000 for the taxpayer’s spouse. An unmarried taxpayer having a father, mother, son, daughter, brother or sister, as a dependent is entitled to an additional $1,000 exemption. Exemptions are allowed at the rate of $200 for remaining dependents and additional exemptions of $600 each are allowed a taxpayer
and spouse who are over 65 years of age and also $600 each for a taxpayer and spouse who are blind.

Rates of Tax—imposed on net income are 2% for the first $3,000, 3% on the next $2,000 and 5% on the amount of net income in excess of $5,000.

Method and Time of Reporting—Every resident individual having a gross income of $1,000 or more must file Form 760 with the Commissioner of Revenue for the city or county in which he resides, on or before May 1, of each year.

Method and Time of Payment—The tax imposed by Sec. 58-101 is payable in full to the Treasurer of the city or county where the taxpayer resides on or before May 1, of each year.

Credit for Net Income Taxes—paid in another state by a domiciliary or actual resident individual of Virginia. Whenever a domiciliary or actual resident of Virginia has become liable to income tax to another state, as a non-resident of such state, upon his net income, or any part thereof, for the taxable year, derived from sources without Virginia and subject to taxation by Virginia, the amount of income tax payable by him to Virginia shall be credited on his return with the net income tax so paid by him to such other state upon his producing to the Commissioner of the Revenue satisfactory evidence of the facts and of such payment. But this credit cannot be granted by Virginia to a taxpayer when the laws of the other state, under which the income was subject to the tax, provide for a credit for the taxes payable to his home state (Virginia) upon that same income. Whenever a domiciliary or actual resident of Virginia claims any credit on his Virginia tax for a net income tax paid another state, he should attach to his return a statement giving the facts and figures in detail and explaining his claim fully. (A person taking the standard deduction in lieu of itemized deduction cannot claim credit for any net income tax paid any other state.)*

The foregoing does not apply to any domiciliary or actual resident of Virginia who was taxed by the other state as a domiciliary or actual resident of the other state. If a person is
a domiciliary resident of Virginia and an actual resident of another state, he is liable to income taxation by Virginia on his entire net income, and the state of his actual residence may also tax him on his entire net income. If a person is an actual resident of Virginia and a domiciliary resident of another state, he is liable to income taxation by Virginia on his entire net income, and the state of his domiciliary residence may also tax him on his entire net income. Virginia provides no credit for such a person, except as to the taxes paid to the other state upon income derived from sources attributable to such other state. If he desires to avoid multiple taxation, his only recourse is to make his domiciliary residence and his actual residence one and the same by changing his domiciliary residence to conform to his actual residence or by changing his actual residence to conform to his domiciliary residence.


A tax is levied on every non-resident individual of the State who receives net income in excess of $1,000 during the taxable year.

Non-resident Individual—for income purposes is any person other than a domiciliary resident or an actual resident who receives income from labor (services) performed, business done, or property located in Virginia, including gains from sales, exchanges, or other dispositions of real estate or tangible personal property located in Virginia, or intangible personal property having a situs in Virginia.

Net Income—is the same for non-residents as for resident individuals as described on page 117.

Rates of Tax—are the same for residents as described on page 119.

Credit for Net Income Taxes—paid other states by non-resident individuals of Virginia. Whenever a non-resident individual of Virginia has become liable to income tax to the state where he resides upon his net income for the taxable year, derived from sources within Virginia and subject to
taxation by Virginia, the amount of income tax payable by him to Virginia is credited with such proportion of the net income tax so payable by him to the state where he resides as his income subject to taxation by Virginia bears to his entire income upon which the tax so payable to such other state was imposed; provided, that such credit can be allowed only if the laws of such other state (1) grant a substantially similar credit to residents of Virginia subject to income taxation under such laws, or (2) impose a tax upon the personal incomes of its residents derived from sources in Virginia and exempt from taxation the personal incomes of residents of Virginia. No credit can be allowed against the amount of the tax on income taxable under the Virginia law which is exempt from taxation under the law of such other state. "State" includes the District of Columbia and the several territories so called. "State" does not mean any foreign country. If the taxpayer does not know whether or not Virginia and the other state involved practice reciprocity fully or in part with respect to the net income taxation of non-residents, inquiry should be made of the local Commissioner of Revenue.

A non-resident individual of Virginia who had no actual place of abode in Virginia at any time throughout the taxable year is relieved of filing an income return to Virginia for that taxable year if his only income from sources within Virginia was from salaries and wages and such salaries and wages were subject to income taxation by the state of residence under a net income tax law substantially similar in principle to the Virginia net income tax law, and the laws of such state contain a provision substantially similar in effect to that contained in the Virginia law applicable to residents of Virginia.

Method and Time of Reporting—Every non-resident individual having a total gross income of $1,000 or more from State sources, or combined State and out-of-state sources, must file Form 763 with the Commissioner of Revenue for the city or county in which all or the principal part of the income from within the State is derived.

Method and Time of Payment—The tax imposed by Sec. 58-101 is payable to the Treasurer of the city or county
in which the taxpayer is required to file his return on or before May 1 of each year.

Sec. 58-118. *Income Tax of Estates and Trusts.*

A State tax is levied annually upon and with respect to the income of every estate or of any kind of property held in a trust, provided the gross income is in excess of $1,000.

*Net Income*—is the same as for residents in Sec. 58-101 described on page 117 with additional deductions allowed for administration expenses. The standard deduction allowed to the individual in lieu of certain non-business deductions is not allowed to the estate or trust. There is also no limitation on charitable deductions as is found in the computation for the net income of resident individuals.

*To Whom Taxed*—In general the tax is required to be paid by the fiduciary in the case of (1) income received by the estate of a deceased person during the period of administration or settlement of the estate; (2) income accumulated in trusts for the benefit of unborn or unascertained person or persons with contingent interests; and, (3) income held for future distributions under the terms of the will or trust.

In determining the net income of the estate of any deceased person during the period of administration or settlement there may be deducted by the fiduciary the amount of any income properly paid or credited to any legatee, heir or other beneficiary, and such income so deductible by the fiduciary is taxable to the beneficiary or beneficiaries; but this deduction by the fiduciary is not permissible if the distribution is in the discretion of the fiduciary either as to the beneficiaries to whom payable or as to the amounts any beneficiary is entitled.

In the case of all other distributions the same rule applies, namely that if the distribution of income is in the discretion of the fiduciary, either as to the beneficiaries to whom payable or as to the amounts any beneficiary is entitled, the tax is imposed upon the estate or trust, without the deduction of any amounts of income paid or credited to any such beneficiary.
But if in any such case the distribution of any income is not in the discretion of the fiduciary, such income is deductible by the fiduciary in arriving at the income taxable to the estate or trust.

Exemptions—The estate or trust is entitled to an exemption of $1,000 in determining the amount of income taxable to such estate or trust.

Rates of Tax—are the same as for resident individuals prescribed by Sec. 58-101 and shown on page 119.

Method and Time of Reporting—The fiduciary must report the income of an estate or trust for which he is acting if its gross income is $1,000 or more. The report must be made on Form 770, filed on or before May 1, if for a calendar year, or, on or before the 15th day of the fourth month following the close of a fiscal year. The return is filed with the Commissioner of Revenue of the city or county in which the fiduciary qualified or, where there has been no qualification in the State, with the Commissioner of Revenue for the city or county in which the fiduciary resides, does business, or has an office, or wherein the beneficiaries, or any one of them, may reside.

Method and Time of Payment—The tax imposed by Sec. 58-118 is payable on or before May 1, for calendar years or, on or before the 15th day of the fourth month following the close of fiscal years to the Treasurer of the city or county in which the fiduciary files his return.

Section 58-128. Corporations in General.

A tax is levied on every domestic corporation organized under the laws of the State of Virginia and every foreign corporation doing business in the State with exceptions listed below:

Public service corporations which pay a State franchise tax or a license tax upon gross receipts; insurance companies which pay a State license tax on gross premiums and reciprocal or inter-insurance exchanges which pay a premium tax to the
State as provided by law; state and national banks, banking associations and trust companies; corporations all of whose capital is taxable as moneyled capital coming into competition with the business of national banks; building and loan associations or companies which do business on a purely mutual plan and make loans only to their stockholders or members; credit unions organized and conducted as such; and religious, educational, benevolent and other corporations not organized or conducted for pecuniary profit.

The word "corporation" includes corporations, joint stock companies, associations and all enterprises operated by trustees, the interest in which is evidenced by shares of stock, whether with or without par, face or nominal value.

_Net Income_—is the sum of the gross profit from the sales of goods and services; dividends; interest; rents; royalties; gain from the sale of assets; and other related income; less the sum of officers' compensation; salaries and wages; rent; repairs; bad debts; interest; taxes; charitable contributions (subject to a limitation of five percent of the corporation's net income as computed without the benefit of this deduction); losses by casualty or theft; depreciation; depletion; amortization; advertising; amounts contributed under employee benefit plans, and other related deductions.

_Where books of the corporation show_—income derived and business done within the State. If the entire business of the corporation be transacted within the State, the tax is computed upon the entire net income of such corporation for the taxable year.

_Where books of the corporation show_—income derived from business done and property located both in and outside the State. If the business of the corporation be transacted both within and without the State, the tax is computed upon such portion of such entire net income as is derived from sales, wherever made, of goods, wares, and merchandise, manufactured, or which originated, in this State, and from other business done or property located within this State, which may be determined by an allocation and separate accounting when
the books of the corporation show income derived from business done and property located within this State.

Where books of the corporation do not show—income derived from business done and property located within this State. If the business of the corporation be transacted both within and without the State, and if the books of the corporation do not show income derived from business done and property located within the State, the statute prescribes that the tax imposed shall be on such proportion of the entire net income of such corporation as the fair market value of the real estate and other physical assets in this State on the date of the close of the taxable year and the amount of the gross receipts in this State during that year, of such corporation, bears to the total fair market value of all the real estate and other physical assets within and without this State on the date of the close of the taxable year and the amount of the total gross receipts within and without the State during that year, of such corporation. The statute further provides that the term "gross receipts within this State" shall include all receipts from persons, firms, corporations, partnerships and associations, who are or which are in this State, wherever paid, and all receipts from sales, wherever made, of goods, wares and merchandise manufactured, or which originated in this State.

Redetermination of Allocation Formula—The statute provides that if any corporation believes that the method of allocation or apportionment has operated or will so operate as to subject it to taxation on a greater portion of its net income than is reasonably attributable to business or sources within this State, it shall be entitled to file with the Department of Taxation a statement of its objections and of such alternative method of allocation or apportionment as it believes to be proper under the circumstances with such detail and proof and as within such time as the Department of Taxation may reasonably prescribe; and if the Department shall conclude that the method of allocation or apportionment theretofore employed is in fact inapplicable or is inequitable, it shall redetermine the taxable income by such other method of allocation or apportionment as seems best calculated to assign to
this State for taxation the portion of the income reasonably attributable to business and sources within this State, not exceeding, however, the amount which would be arrived at by application of the statutory rules for allocation or apportionment.

Rate of Tax—imposed upon corporations is 5% of the net income.

Method and Time of Reporting—Every corporation having net income within the meaning of section 58-128, must file Form 500 with the Department of Taxation in Richmond, Virginia, on or before April 15th of each year, except that a corporation whose accounting period is a fiscal year must file on or before the 15th day of the fourth month following the close of such fiscal year.

A corporation which is organized under the laws of Virginia but which does no business in the State is not subject to taxation on its income by the State, however, every such corporation is required to make a report to the Department of Taxation; but such report merely consists in executing the affidavit or Form 500 entitled “Affidavit to Be Executed by Corporation Organized Under the Laws of this State but Which Does no Business in this State.” Corporations entitled to make this affidavit and which may file the same will not be required to fill in any other part of the return.

Method and Time of Payment—The Department of Taxation will audit and state the account of each corporation known to be liable for income tax. It will compute the tax, prepare a bill, mail the bill to the corporation and give advice thereof to the State Comptroller. A check covering the tax may be attached to the return, otherwise the tax must be paid to the Treasurer of Virginia, State Finance Building, Richmond, Virginia, within 30 days after notice of the tax has been given, provided that no tax on a calendar year return will be deemed due before June 1. Checks must be made payable to the Treasurer of Virginia.

Sec. 58-152. Inheritance Tax.
A tax is levied on the transfer to a beneficiary of his share in the property of a decedent.

Transfer—is taxable whether made by will; or the law of descent and distribution; or a grant or gift made or intended to take effect in possession or enjoyment at or after death of the grantor or donor; or a grant or gift made in contemplation of death (it is a rebuttable presumption that a transfer within three years of death is made in contemplation of death); or by virtue of the fact that the property was held by the decedent and another jointly with the right of survivorship, except to the extent the survivor furnished full and adequate consideration in money or money's worth for the property or to the extent that the survivor was the original owner of the property, or is a transfer under which the transferor has retained possession or enjoyment of, or the income from, the property for his life; or in which the transferor has retained the power to name the ultimate beneficiaries.

Transfers to: the United States or to any state or its political subdivisions for exclusively public purposes; the special fund established by the Federal Vocational Rehabilitation Act; veterans organizations; to fraternal associations operating under the lodge system; and to non-profit organizations operated for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, or which restore and maintain historic and beautiful gardens, are exempt from tax.

Beneficiary—will be in one of three classes:

Class A includes the decedent's spouse and all lineal ancestors and lineal descendants (stepchildren and children by legal adoption are considered the same as children by blood).

Class B beneficiaries are the brothers, sisters, nephews and nieces of the decedent.

Class C is made up of all other beneficiaries.

Share—of each beneficiary is the actual value of the property passing to a beneficiary at the time of decedent's death in excess of the beneficiary's personal exemption.
**Personal Exemption**—for a Class A beneficiary is $5,000, for a Class B beneficiary is $2,000 and for a Class C beneficiary is $1,000.

In each case the *personal exemption* is to be deducted from the amount of the *beneficiary's share* which is subjected to the lowest rate of tax.

**Property**—all property which is transferred and within the jurisdiction of the State is subject to the tax except obligations of the State issued since February 14, 1882. In general this will include all real and tangible personal property located within the State whether owned by resident or non-resident decedents. None of the intangible personal property of a non-resident decedent is subject to the tax, while all of the intangible personal property of a resident is taxable wherever located.

Some of the specific types of interests, other than the ordinary items of realty and personalty, which are included in the property subject to the tax are: proceeds of life insurance payable to the decedent's estate; property which passes because of decedent's possession of a power of appointment; annuities and survivor's benefits (Railroad Retirement annuities and benefits, social security payments and amounts paid under the Virginia Supplemental Retirement Act are specifically exempt); property passing as dower or curtesy; and remainders or other future interests.

If the interest which passes to a beneficiary is a remainder or other future interest the tax may not be levied on this interest until the beneficiary is entitled to possession or enjoyment of the property. The value of the intervening temporary interest is determined by annuity tables found in sections 55-269 to 55-274 of the Code. If none of the tables are applicable to the particular interest in question, the Department of Taxation is authorized to issue regulations prescribing the method of computing the tax and where it is impossible to evaluate the interest the Department can effect a settlement which may be in full settlement of all taxes due on the property.
Deductions—may be taken for the following items in computing the value of decedent's estate: funeral expenses; all valid debts of decedent, including debts secured by deeds of trust, payment of which is not barred by the statute of limitations; executors' or administrators' commissions and costs of administration (but trustees' fees and expenses incurred in managing the property of the estate are not deductible); attorneys' fees; that proportion of the federal estate tax which the gross estate in Virginia subject to inheritance tax bears to the total gross estate subject to the federal estate tax, probate or administration taxes and all other taxes assessed or assessable and unpaid at date of decedent's death.

The above deductions are allowed to the estate of a non-resident only against transfers made by will or intestate succession and in that proportion that the actual value of the decedent's property in Virginia bears to the actual value of the entire estate.

Rates of Tax—one the share of each Class A beneficiary are as follows: 1% on the first $45,000 (after exemption); 2% on the second $50,000; 3% on the next $400,000; 4% on the next $500,000; and over $1,000,000, 5%.

Rates for a Class B beneficiary are: 2% on the first $23,000 (after exemption); 4% on the second $25,000; 6% on the next $50,000; 8% on the next $400,000; and over $500,000, 10%.

Rates for a Class C beneficiary are: 5% on the first $24,000 (after exemption); 7% on the second $25,000; 9% on the next $50,000; 12% on the next $400,000; and over $500,000, 15%.

If the tax computed by the above rates should be less than the maximum credit for State death taxes allowed by Sec. 2011 of the Internal Revenue Code of 1954, on account of inheritance taxes paid to a state, then the tax shall be equal to such maximum credit.

Method and Time of Reporting—If the value of the gross estate is in excess of $1,000, the personal representative must
file Form 44, in duplicate, with the Department of Taxation, Richmond 15, Virginia, within four months after the decedent's death. An extension of time may be granted upon request to the Department. Where there is no administration, the responsibility for filing Form 44 is on the beneficiaries to the extent of each of their shares in the estate.

If the estate is subjected to a federal estate tax, one copy of Form 44a must also be filed together with the Form 44. The determination of the tax will be made by the Department of Taxation and notice thereof sent to the person to whom taxed.

Method and Time of Payment—The tax, as determined by the Department of Taxation, is due and payable to the State Treasury, Richmond, Virginia, at the expiration of one year after the death of the decedent unless the estate is subject to the federal estate tax, in which case the time for payment of the tax may be extended to 15 months after the decedent's death.

To Whom Taxed—The personal representative is liable for the payment of the tax on all transfers except those involving real property that he is not authorized to sell or receive the rents or profits from. The tax paid by the personal representative shall be charged against the respective shares of the beneficiaries unless the decedent has provided otherwise.

Liability for the tax on the transfer of real property as to which the personal representative has no power of sale or authorization to receive rents or profits is on the beneficiary to whom such property passes.

Credits—If the property transferred to a beneficiary was subjected to a Virginia inheritance or gift tax by reason of a transfer to the decedent within the two years prior to his death, then the beneficiary is entitled to a credit in the amount of the previous inheritance or gift tax which was paid on the transfer to the decedent. This credit shall also apply to property which was acquired in exchange for previously transferred and taxed property as described above.
A credit is also allowed for Virginia gift taxes paid upon a prior transfer of property by the decedent and if, by reason of the nature of such prior transfer, the value of the gift property is to be included in the estate of the decedent subject to the inheritance tax.

Sec. 58-218. Gift Tax.

A tax is levied on the share of each beneficiary in property passing by gift, during the calendar year.

Gift—is a transfer of property without full and adequate consideration in money or money's worth. Where property is transferred for less than a full and adequate consideration in money or money's worth, and such transfer is not made pursuant to an "arms length" business transaction, the gift shall be the excess value of the property over the consideration received.

If the donor has the power, either alone or in conjunction with any person not having a substantial adverse interest in the property, to revest title in himself, the gift is not consummated for purposes of this tax until the power is relinquished or terminated. Where the income from property is subject to such a power a gift is consummated upon the actual payment of the income to the beneficiary.

Property—any property within the jurisdiction of the State may be subject of a gift except obligations of the State issued since February 14, 1882. See property as discussed under Sec. 58-152, page 128.

Beneficiary—the same classification of beneficiaries as set forth under Sec. 58-152, page 127 also applies to the gift tax, except that stepchildren are class C donees for purposes of gift taxation.

Share of each beneficiary—is the actual fair market value of the property passing to the beneficiary at the time of the gift in excess of his personal exemptions.

Personal exemptions—same as for beneficiaries under Sec. 58-152 discussed on page 128.
Rate of Tax—is the same as for Sec. 58-152 as shown on page 129.

Method and Time of Reporting—a donor who has made a taxable gift or gifts in excess of $1,000 to any one donee within any calendar year must file Form 55, in duplicate, with the Department of Taxation, Richmond, Virginia, on or before the fifteenth day of April following the close of the calendar year.

Method and Time of Payment—The tax is due and payable by the donor on or before the fifteenth day of April following the close of the taxable year. However, should the donor fail to pay the tax, the beneficiary will be personally liable for the tax due, to the extent of the value of the property he has received.

Sec. 58-405. Intangible Personal Property.

All intangible personal property is segregated and made subject to state taxation only. However, only those objects which are listed herein are intangible personal property for the purpose of taxation. Five general objects are so classified: (1) Bonds, notes, etc. (except bonds of the United States, Virginia, and other political subdivisions) (Sec. 58-406); (2) bonds of counties, cities, etc. (Sec. 58-407); (3) money (Sec. 58-408); (4) shares of stock (Sec. 58-409); and (5) capital or a trade or business (Sec. 58-410). Individual taxpayers do not pay an intangible property tax because the net income tax has been deemed to be in lieu of the intangible tax, or in the case of Sec. 58-410 (capital of trades or businesses) the section is not applicable. Shares of stocks and bonds of counties, cities, etc. being expressly exempt from the definition of capital (Sec. 58-412) there remains only money and bonds, notes of indebtedness, etc. which are not taxed directly under their respective sections but are reached indirectly by way of being included within the definition of capital. It should also be noted that within the definition of capital there is included property which, though tangible in fact is defined as intangible for purposes of taxation. Therefore capital of a trade or business is the sole imposition section of this Chapter. For
the treatment of money capital coming into competition with national banks (Sec. 58-420) see Sec. 58-466 discussed at page 144.

Sec. 58-412. Tangible Property of Certain Businesses.

A tax is levied on personal property, tangible in fact, used or employed in certain trades or businesses to the extent that it is made taxable by the local counties, cities and towns.

Personal Property—tangible in fact, except for inventory of stock on hand which is held for resale, of the following trades and businesses is subject to local taxation: amusement business, including theatres of every kind and class; auctioneers; barbers, including beauty shops; bowling, billiard and poolrooms; collection agencies, commission merchants, contractors, plumbers and steamfitters, educational institutions whose property is taxable under the Constitution and laws of this State; garage businesses; hospitals; hotels; insurance agents; laundries, including cleaning, pressing and dyeing establishments; lodging and boarding-houses; motor vehicle carriers; peddlers; photographers; real estate agents and brokers; rental of business machines, equipment, and office appliances, slot machine operators; storage and impounding; shoeshining businesses; taxicab businesses, including the business of motor vehicle hiring; transfer businesses; and undertakers and funeral directors. (58-412)

Rate—The rate of tax is set by the local governing body and varies throughout the State. The rate is applied to the fair market value of the property.

Method and Time of Reporting—Any person owning property as described above shall return it on January 1, of each year to the place of its tax situs (58-835). The situs for assessment and taxation is the place of its physical location on January 1 (58-834). However, when the property is temporarily out of the county, city or town on January 1, the situs and place of filing the return is determined as the county, city or town wherein the property was most permanently located during the tax year or the place as of January 1,
where it is intended to be permanently located. If the property has acquired no situs, it is at the domicile of the owner. Every person owning property, as aforementioned, as of January 1, shall file a return with the Commissioner of Revenue of the county, city or town wherein lies the situs of the property. The return shall be filed on or before May 1, of each year (58-837). The tax shall be reported on Form 762.

Method and Time of Payment—After a return is filed, the treasurer of the local county or town sends a bill to the taxpayer for the amount of tax due (58-960). The taxpayer must pay the tax in full to the treasurer of the county, city or town on or before the December 5th following the receipt of the notice of the tax due.

Sec. 58-418. Capital.

A tax is levied on all capital of any trade or business of any person, firm, or corporation except the capital of any trade or business which is otherwise specifically taxed or specifically exempt from taxation.

Capital is defined Sec. 58-411 as follows:

(1) The inventory of stock on hand, which shall include all materials for use in the business, whether at the place of business, in storage or elsewhere in the State.

(2) The excess of bills and accounts receivable over bills and accounts payable.

(3) All money on hand and on deposit.

(4) All other taxable personal property of any kind whatever, including all choses in action, equities, demands and claims, but excluding the property specifically mentioned in Sec. 58-412.

Those trades or businesses which are either otherwise taxed or specifically exempt and therefore not subject to the tax levied by this Chapter are as follows:

(1) Banks and trust companies (Sec. 58-466)
(2) Building and loan associations (Sec. 58-373)
(3) Cotton buyers, wholesale (Sec. 58-295)
(4) Cotton factors (Sec. 58-294)
(5) Cotton and peanut dealers (Sec. 58-296)
(6) Credit unions (Sec. 6-234)
(7) Farming business and business of growing nursery products (Sec. 58-413)
(8) Industrial loan associations (Sec. 6-256)
(9) Insurance companies (not agents) (Sec. 58-500)
(10) Merchants, retail and wholesale (Sec. 58-337)
(11) Moneyed capital coming into competition with the business of national banks (Sec. 58-420)
(12) Oyster packers (Sec. 28-136)
(13) Practitioners of professions (not occupations) which the State regulates by law (Sec. 58-413)
(14) Public service corporations (other than motor vehicle carriers) (Title 58, Chapter 12)
(15) Restaurant keepers and caterers (taxable as retail merchants) (Sec. 58-320)
(16) Wholesale grain buyers (Sec. 58-295.1)
(17) Wholesale merchandise brokers who sell only at wholesale prices and whose gross profits are measured principally by commissions (Sec. 58-292)

As a general rule all personal property, whether or not it is intangible or tangible in fact, used or employed in any trade or business, which is taxable on capital, is includible in capital. There are four exceptions to the general rule, (Sec. 58-412): (1) Real estate (taxed as other real estate); (2) tools and machinery used in manufacturing or mining business (these items are listed for local taxation only); (3) shares of stock (Sec. 58-409) and bonds (Sec. 58-407) of counties, cities and towns or other political subdivisions of this State, and all bonds, certificates of indebtedness and other obligations issued after
January 11, 1937 by State educational institutions under the provisions of Chapter 3 of Title 23, Va. Code 1950 (other types of bonds, notes, etc. except those just previously mentioned are includible); and (4) personal tangible property of certain enumerated businesses (except for inventories of stock on hand held for re-sale directly or indirectly, which inventories are includible in capital):

(1) Amusement business, including theatres of every kind and class

(2) Auctioneers

(3) Barbers, including beauty shops

(4) Billiard and pool rooms

(5) Bowling alleys

(6) Collection agencies

(7) Commission merchants

(8) Contractors, electrical contractors, plumbers and steamfitters

(9) Educational institutions whose property is taxable under the Constitution and laws of this State

(10) Garage business

(11) Hospitals whose property is taxable under the Constitution and laws of this State

(12) Hotels

(13) Insurance agents

(14) Laundries, including cleaning, pressing and dyeing establishments

(15) Lodging and boarding houses

(16) Motor vehicle carriers

(17) Peddlers

(18) Photographers

(19) Real estate agents and brokers
(20) Rental of business machines, equipment, and office appliances 
(21) Slot machine operators 
(22) Storage and impounding 
(23) Shoeshining business 
(24) Taxicab business, including the business of motor vehicle hiring 
(25) Transfer business 
(26) Undertakers and funeral directors 

The trades or businesses which are listed above are not exempt entirely from the capital tax but only that personal property which is tangible in fact (except for inventories of stock on hand held for re-sale directly or indirectly) used in those trades or businesses is not returnable as a part of capital but is listed for local taxation. The intangible personal property of those enumerated businesses is not exempt and must be reported as capital.

Rate of Tax — The rate of tax is 75c per $100.00 of the actual value.

Method and Time of Reporting — Capital tax returns, Form 761, are filed with the commissioners of the revenue of the counties and cities (Sec. 58-426). They are, in every case, due by May 1, each year (Sec. 58-424). An automatic penalty accrues for late filing. A Virginia corporation files with the commissioner of the revenue of the county or city in which the principal office of the corporation is located by its charter (Sec. 58-431). A foreign corporation files with the commissioner of the revenue of the county or city in which is located the place designated as the office in Virginia at which all claims against the corporation may be paid (Sec. 58-431). A partnership files with the commissioner of the revenue of the county or city in which the business, or the major part thereof, is conducted (Sec. 58-430). A resident individual files with the commissioner of the revenue of the county or city of which the taxpayer is a resident for tax purposes (county or city of domi-
cil or actual residence) (Sec. 58-429). A non-resident individual files with the commissioner of the revenue of the county or city in which his business, or the major part thereof, is conducted (Sec. 58-429). 

Method and Time of Payment — State Capital taxes must be paid on or before December 5 of the tax year to the treasurer of the county or city in which the capital taxpayer filed his return.

Sec. 58-442. Domestic Public Service Corporations.

A State tax is levied on the granting or extensions of a charter for a domestic public service corporation.

This tax applies to all corporations authorized by their charters to exercise powers of transportation or transmission or to own, lease, construct, maintain and operate a public service line or road of any kind.

The tax is based on the maximum authorized capital stock which is determined by the amount to which the corporation is authorized by the terms of its charter to increase its capital stock. Stock without par value is to be taken to be of the par value of $100.

The Rates of the tax are as follows:

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<th>Tax</th>
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<td>$5,000 or under</td>
<td>$25</td>
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<td>$5,000 to $10,000</td>
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$1,000,000 to $10,000,000 1,000
$10,000,000 to $20,000,000 1,250
$20,000,000 to $30,000,000 1,500
$30,000,000 to $40,000,000 1,750
$40,000,000 to $50,000,000 2,000
$50,000,000 to $60,000,000 2,250
$60,000,000 to $70,000,000 2,500
$70,000,000 to $80,000,000 2,750
$80,000,000 to $90,000,000 3,000
Over $90,000,000 5,000

The reporting and payment of the tax is done at the time of incorporation or increase in capital stock.

There are no forms for the tax itself.

The payment is made to the clerk of the State Corporation Commission. The check or draft should be made payable to the Treasurer of Virginia.

Sec. 58-443. Domestic Corporations.

A tax is levied on the granting or extension of the charter of a domestic corporation.

This tax applies to any domestic corporation not covered by Sec. 58-442 except that no fee shall be imposed on a corporation organized for religious, benevolent or literary purposes or to conduct a purely charitable institution or institutions.

The rate of the tax is 20c per $1,000 of authorized capital stock (see Sec. 58-442) with a minimum tax of $10 and a maximum tax of $600.

Building fund associations, mutual insurance companies without capital stock and other mutual companies not organized for strictly benevolent or charitable purposes pay a tax of $25.
For method and time of payment and reporting the tax, see Sec. 58-442, p. 139.

Sec. 58-444. Foreign Corporations.

A tax is levied on the granting by the State Corporation Commission of a certificate of authorization to do business in Virginia to a foreign corporation.

The tax applies to any foreign corporation seeking to do business in Virginia.

The tax is based on maximum authorized capital stock. (See Sec. 58-442, p. 138).

The rates of the tax are:

<table>
<thead>
<tr>
<th>Maximum Capital Stock</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under $50,000</td>
<td>$ 30</td>
</tr>
<tr>
<td>$50,000 to $1,000,000</td>
<td>60c on each $1,000 or fraction thereof</td>
</tr>
<tr>
<td>$1,000,000 to $10,000,000</td>
<td>$1,000</td>
</tr>
<tr>
<td>$10,000,000 to $20,000,000</td>
<td>1,250</td>
</tr>
<tr>
<td>$20,000,000 to $30,000,000</td>
<td>1,500</td>
</tr>
<tr>
<td>$30,000,000 to $40,000,000</td>
<td>1,750</td>
</tr>
<tr>
<td>$40,000,000 to $50,000,000</td>
<td>2,000</td>
</tr>
<tr>
<td>$50,000,000 to $60,000,000</td>
<td>2,250</td>
</tr>
<tr>
<td>$60,000,000 to $70,000,000</td>
<td>2,500</td>
</tr>
<tr>
<td>$70,000,000 to $80,000,000</td>
<td>2,750</td>
</tr>
<tr>
<td>$80,000,000 to $90,000,000</td>
<td>3,000</td>
</tr>
<tr>
<td>Over $90,000,000</td>
<td>5,000</td>
</tr>
</tbody>
</table>

Foreign corporations without capital stock or any foreign corporation, the principal business of which is that of making loans upon mortgages, deeds of trust or other instruments conveying, or constituting a lien upon, real or personal property, or both, or any interest therein, all the stock of which is subscribed for and owned by the United States of America or by any corporation all the stock of which is owned by the United States of America shall pay $50.
There is no provision for apportionment of the capital stock according to the amount to be employed in Virginia.

The reporting and payment of the tax is done at the time of qualification to do business or at a subsequent increase in the authorized capital stock.

There are no forms for the tax itself.

The payment is made to the clerk of the State Corporation Commission. The check or draft should be made payable to the Treasurer of Virginia.

Sec. 58-445. Increase in Maximum Capital.

A tax is levied on a corporation whenever by Articles of Amendment or Articles of Merger the maximum authorized capital stock of any domestic or foreign corporation or of the surviving corporation is increased.

The tax shall be equal to the difference between the amount of tax already paid as a charter or entrance fee and the amount that would be required if the increased maximum authorized capital stock were being stated at that time in original articles of incorporation.

If no fee was paid to the State on the original charter, then the amount to be paid on the amendment or merger would be the same as it would be if paid on the original charter.

The reporting and payment of the tax is done at the time of the amendment or merger which increases the capital stock.

There are no forms for the tax itself.

The payment is made to the clerk of the State Corporation Commission. The check or draft should be made payable to the Treasurer of Virginia.

Sec. 58-450. Annual Registration Fee.

A tax is levied on the annual registration of corporations.
The tax applies to every domestic corporation except a purely charitable institution or an organized fire fighting company, when a majority of its members serve without pay or a volunteer rescue squad, provided such squad pays a franchise tax, and every foreign corporation doing or authorized to do business in Virginia.

If a corporation dissolves or withdraws from Virginia prior to February 15th of any year, no registration fee shall be due for that year.

If a corporation's existence commences after January 1 of a year, no registration fee shall be due for that year.

The tax is based on the maximum authorized capital stock. (See Sec. 58-442, p. 138).

The rates of the tax are:

<table>
<thead>
<tr>
<th>Maximum Authorized Stock</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$15,000 or under</td>
<td>5</td>
</tr>
<tr>
<td>$15,000 to $50,000</td>
<td>10</td>
</tr>
<tr>
<td>$50,000 to $100,000</td>
<td>15</td>
</tr>
<tr>
<td>$100,000 to $300,000</td>
<td>20</td>
</tr>
<tr>
<td>Over $300,000</td>
<td>25</td>
</tr>
</tbody>
</table>

For a corporation organized on a mutual basis or without capital stock the tax shall be $5.

The State Corporation Commission shall assess the tax each year. A statement of the assessment, when made, shall be forwarded by first-class mail by the clerk of the Commission, before February 15th, to the comptroller and to each corporation. Until the assessment has been made as prescribed in the statute, no tax has been imposed so as to subject the corporation to a penalty for failure to pay.

There are no special forms for this tax.
The payment of the tax should be made to the Treasurer of Virginia, State Finance Building, Richmond, Virginia by March 1.

Sec. 58-456. **Annual Franchise Tax.**

An annual *franchise* tax is levied on all *domestic corporations*.

The tax applies to every domestic corporation, joint stock company, or association organized and formed under the laws of Virginia except as noted below.

**Exempt Corporations:** Any railway, canal, light, heat and power companies, gas and water companies, insurance, banking and securities companies and telephone companies having an authorized maximum capital stock of $5,000 or less. Also all cemetery, religious and charitable associations.

For domestic corporations furnishing without profit, sewage disposal, water purification or similar service to cities or towns, this tax shall be in lieu of all other taxes on such corporations.

The tax it *not* applicable to foreign corporations or to domestic corporations dissolving prior to February 15th of any year.

If a corporation is not chartered on January 1, it is not taxed for the calendar year in which the charter is granted.

The tax is based on the maximum authorized capital stock (see Sec. 58-442, p. 138).

The *rates* of the tax are:

<table>
<thead>
<tr>
<th>Maximum Capital Stock</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under $25,000</td>
<td>$ 10</td>
</tr>
<tr>
<td>$25,000 to $50,000</td>
<td>20</td>
</tr>
<tr>
<td>$50,000 to $100,000</td>
<td>40</td>
</tr>
</tbody>
</table>
### Maximum Capital Stock

<table>
<thead>
<tr>
<th>Maximum Capital Stock</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100,000 to $300,000</td>
<td>60</td>
</tr>
<tr>
<td>$300,000 to $500,000</td>
<td>100</td>
</tr>
<tr>
<td>$500,000 to $1,000,000</td>
<td>200</td>
</tr>
<tr>
<td>$1,000,000 to $50,000,000</td>
<td>$200 plus $10 for each $100,000 or fraction thereof over $3,000,000</td>
</tr>
<tr>
<td>$50,000,000 to $100,000,000</td>
<td>$5,100 plus $75 for each million dollars or fraction thereof over $50,000,000</td>
</tr>
<tr>
<td>$100,000,000 to $150,000,000</td>
<td>$8,850 plus $50 for each million dollars or fraction thereof over $100,000,000</td>
</tr>
<tr>
<td>$150,000,000 to $300,000,000</td>
<td>$11,350 plus $25 for each million dollars or fraction thereof over $150,000,000</td>
</tr>
<tr>
<td>Over $300,000,000</td>
<td>$15,100 plus $10 for each million dollars or fraction thereof over $300,000,000</td>
</tr>
</tbody>
</table>

For method and time of reporting and payment, see Sec. 58-450, p. 142.

Sec. 58-466. **Stock in Banking Associations and Trust Companies.**

A tax is levied on shares of stock in banks, banking associations and trust companies as of January 1, and is assessed and taxed to the stockholders.

**Nature of Tax**—The total value of the shares of stock is ascertained by adding together the capital, surplus, and undivided profits and subtracting the assessed value of the real
estate otherwise taxed in Virginia. Also if title to any real estate is held in the name of a holding corporation in which the bank owns all or a majority of the common stock, there may be deducted from the value of the shares, such proportion of the assessed value of such real estate as the common stock there may be deducted from the value of the shares such proportion of the assessed value of such real estate as the common stock in the holding corporation owned by the bank bears to the whole issue of such common stock. The stockholders are not entitled to any deduction from the value of their shares because of personal indebtedness or for any other reason. This tax is only on stock of the banks and trust companies and is not a part of the tax on intangible personal property (see Sec. 58-516), tax on real estate (see Sec. 58-591) or the tax on annual registration fee (see Sec. 58-450).

The rate of the tax is $1.00 on every $100 value of the stock and is in lieu of all other taxes for state, county or local purposes upon said shares of stock. The tax is a first lien on the stock standing in the name of each stockholder and upon dividends due or to become due. The share tax is a state tax, but cities are permitted to levy local taxes at a rate not exceeding 40% of the state tax on the shares of banks and trust companies located therein, and incorporated towns are permitted to levy local taxes at a rate not exceeding 80% of the state tax on the shares of banks and trust companies located therein. The local taxes paid to cities and towns may be credited against the state tax.

Method and Time of Reporting—Report is made by the bank on or before February 1, of each year to the Commissioner of Revenue of the county or city in which the bank is located. Banks may omit filing a list of taxable stockholders with the report by filing a prescribed form, giving the total number of shares issued by it, the names and residences of owners of all tax-exempt shares with number of such shares owned by each stockholder; and in such case it will be deemed that an assessment was made by the bank against each taxable stockholder on the taxable value of his shares. The report will be made on Form 64.
Method and Time of Payment—Payment of the tax must be made by the bank in behalf of its stockholders to the State Treasury and the Treasury of the cities and towns imposing a tax on or before June 1, of each year. Credit for payment of any city or town tax is allowed against the State tax upon presentation of the duly authenticated receipt of the Treasurer or other collecting officer of said city or town.

Sec. 58-486. Insurance Companies.

A license tax is levied on insurance companies for the privilege of doing business in Virginia.

The tax applies to all insurance companies transacting business in Virginia except that fraternal beneficial associations and local mutual fire insurance companies engaged in a limited territory and not for profit are exempt.

The tax is based on the gross amount of premiums received from contracts of insurance covering risks within Virginia during each year ending December 31 prior to the year for which such license tax is to be paid, less reinsurance premiums, premiums returned to the insured upon cancelled policies, and premiums returned by reason of a reduction in the rates or a reduction in the amount insured. Dividends paid are not deductible.

The license is granted for the period of one year, and the license year expires on April 30.

This license tax is in lieu of all other taxes and license fees except taxes upon real and tangible personal property which is located in Virginia.

Rates of Tax—for the first year, when no previous year's premiums are available for computation, the rate of the tax is $200 per year. If the license is for a period of less than one year, the tax is such proportion of $200 as the space of time between the issuance of the license and the 30th day of the following April bears to the whole year.
After the first year, the rates are as follows:

All insurance companies other than life insurance—2\(\frac{3}{4}\)% of the gross premiums. Life insurance companies—2\(\frac{1}{4}\)% of the gross premiums except that with respect to premiums paid for additional benefits in event of accidental death, or to provide special surrender value, or special benefit or an annuity in the event of total or permanent disability, the rate of the tax is 2\(\frac{3}{4}\)%.

Limited domestic mutual companies — 1% of the gross premiums. (This is a company which is purely mutual, has no capital stock and is not designed to accumulate profits for the benefit to or pay dividends to its members or any domestic insurance company doing business solely in this State, with capital stock not exceeding $25,000.00 and which pays losses from assessments.)

Industrial sick benefit companies — 1% of the gross premiums. (Every such company which issues policies of industrial sick benefit insurance as defined in Virginia Code, § 38.1-483).

Method and time of reporting—The insurance company is required to file an annual report with the State Corporation Commission on or before March 1.

The forms for these reports are: Miscellaneous Insurance Companies, BI-T-1; Life Insurance Companies, BI-T-2; Fire Insurance Companies, BI-T-3.

Method and time of payment—This license tax is paid on or before April 1. The check should be made payable to the Treasurer of Virginia and delivered or mailed to the Treasurer of Virginia, State Finance Building, Richmond, Virginia.

Sec. 38.1-44 Expense of Administration of Insurance Laws. — An assessment for administration expense is made on all insurance companies covered in Sec. 58-486, p. 146.
This assessment covers all insurance companies covered by the license tax of Sec. 58-486, p. 146, and is based on the gross amount of premiums.

The *rate* of the tax is one tenth of one percent.

The assessment will be made by the State Corporation Commission on or before May 1.

Payment of the assessment is to be made 30 days after notice of the assessment has been given to the insurance company.

Sec. 65-120. *Tax on Workmen's Compensation Insurance.*

A *tax is levied* upon the premiums received by a company insuring employers in this State against liability for personal injuries to their employees or death caused thereby under the provisions of the Workmen's Compensation Act. The tax is to create and maintain an administrative fund for the paying of salaries and necessary expenses of the Industrial Commission. Employers who carry their own workmen's compensation risk are also required to report and pay the tax. The tax is in lieu of all other taxes on such premiums.

*Rate of the Tax*—is 2½% of the gross premiums (see Sec. 58-486, p. 146).

*Method and Time of Reporting and Payment*—A return should be filed with the Industrial Commission not later than January 30 of each year. This report is filed separately from the annual report for other types of insurance.

*Form 26A* should be used for reporting the workmen's compensation premiums and the tax is paid at the time the report is filed with the Industrial Commission. The check should be made payable to the Treasurer of Virginia.

Sec. 58-504. *Franchise or License Taxes on Corporations.*

A *franchise or license tax* is levied on every public service corporation.
The tax is levied on both continuing businesses and those beginning business.

Measure of Tax — on an estimated gross receipts for the year or for that part of the year in which it begins business.

Method and Time of Reporting — made to the Commission within thirty days after the business begins.

Method and Time of Payment — paid into the State Treasury within thirty days after assessment has been made or by June first if such assessment has been made thirty days prior to June first.

Sec. 58-515. Rolling Stock of Steam Railroads.

A tax is levied on rolling stock of corporations operating railroads by steam.

Such rolling stock includes all locomotives, autocars, cars of every kind, canal boats, and other equipment reasonably proper to class as rolling stock. A change in the motive power has no effect; moreover, a change in the motive power from steam to some other source of power does not remove the corporation from taxation under this section.

Rate of Tax — is two dollars and fifty cents on each one hundred dollars of the assessed value based upon the fair cash value of such stock the preceding January first. There are no local levies on rolling stock.

Method and Time of Reporting — made to the State Corporation Commission by April fifteenth.

Method and Time of Payment — made to the State Treasurer on June first, on form 757.

Sec. 58-516. Intangible Personal Property of Railway and Canal Companies.

A tax is levied on intangible personal property of every railway and canal corporation.
Such property includes stocks, bonds, and other evidences of debt, but does not include stock issued by a foreign corporation if such stock would not be taxable if held by a natural person resident in Virginia. Also excluded are bonds issued by a county, city, or town, or other political subdivision of this State.

Rate of Tax—is fifty cents on every hundred dollars of assessed value thereof.

Method and Time of Reporting—see Sec. 58-515, p. 149.

Method and Time of Payment—see Sec. 58-515, p. 149.

Sec. 58-517. Money of Railway and Canal Corporations.

A tax is levied on the money of every railway and canal corporation.

Such money is derived from the actual transportation operations, which is on deposit with any bank or other corporation or firm or person, or in the possession or under the control of the corporation. It may be within or without the State. If such railway or canal is only in part within this Commonwealth, the money shall be apportioned as the gross earnings in Virginia bear to the gross earnings of the system.

Rate of Tax—is twenty cents on every hundred dollars assessed value thereof.

Method and Time of Reporting—see Sec. 58-515, p. 149.

Method and Time of Payment—see Sec. 58-515, p. 149.

Sec. 58-519. Franchise Tax on Railway and Canal Corporations.

A franchise tax is levied annually for every railway or canal corporation.

Such tax is based upon a percentage of the gross receipts and is in lieu of all taxes or license charges whatsoever
upon the franchises of such corporations and the shares of stock issued by them and upon all of their property provided;

(1) that such corporations are not exempt from the annual fee required by section one hundred fifty-seven of the constitution, or from assessment for street or local improvements authorized by law or from the county, city, town, district or road levies.

(2) that nothing shall interfere with or prevent any contract or agreement by ordinance between street railway corporations and municipalities as to compensation for the use of the streets.

(3) that those corporations operating solely within this State whose operating expenses exceed its gross transportation receipts, the annual franchise tax is equal to one and three-sixteenths per centum of the gross transportation receipts, and

(4) that any steam railway company in which nine-tenths of the stock is owned by a city or county which operates at a loss pay an annual franchise tax of five dollars.

Rate of Tax — is two and one-tenth per centum of the gross receipts in the case of electric railways; in all other cases it is two per centum of the gross receipts.

Method and Time of Reporting—see Sec. 58-515, p. 149.

Method and Time of Payment—see Sec. 58-515, p. 149.

Sec. 58-546. Franchise Tax on Express Companies.

A franchise tax is levied on every express company doing business in this State.

Such tax is based on a per centum of the gross receipts derived from operations within this State. If operations are not wholly within this State the gross receipts derived from operations within this State are deemed to be all receipts on business beginning and ending within this State and all receipts derived from the transportation within this State of express transported through, into or out of this State. Such tax is in lieu of property taxes upon all its other intangible property and in lieu of property taxes on its rolling stock, and in lieu of all licenses, State, county and municipal. However,
such companies are not exempt from motor vehicle license or any motor vehicle fuel tax or the annual registration fee.

*Rate of Tax*—is two and three-twentieths percent of the gross receipts derived from operations within this State.

*Method and Time of Reporting*—see Sec. 58-515, p. 149.

*Method and Time of Payment*—see Sec. 58-515, p. 149.

Sec. 58-560. **Freight Car Companies.**

A tax is levied on *freight car* companies or individuals not domiciled within this State.

Such *cars* include stock, furniture, fruit, refrigerator, meat, oil, tank, and other similar cars other than a railroad operating a line of railroad. The president or other chief officer of every car company, car trust, mercantile company or corporation or individual not domiciled within this State must make an annual report, showing the aggregate number of miles made by their several cars over the several lines of railroad in this State, and a further statement showing the average number of miles traveled per day by the cars of the particular class or classes covered by the statement, in the ordinary course of business during the year.

*Rate of Tax*—is two dollars and fifty cents on each one hundred dollars of assessed-value.

*Method and Time of Reporting*—see Sec. 58-515, p. 149.

*Method and Time of Payment*—see Sec. 58-515, p. 149.

Sec. 58-568. **Sleeping and Other Car Companies.**

A tax is levied on every *sleeping car, parlor car* and *dining car company* doing business between points in this State.

The *basis* of the tax is upon the number of miles of track over which it operates its cars in this State on the first day of
January preceding; and the gross receipts from operations entirely within this State and if operations are partly within and partly without this State the entire gross receipts from the operations for the year ending December thirty-first preceding. Such taxes are in lieu of all other taxes, State, county, and municipal, except for the annual registration fee. The tax is assessed annually.

*Method and Time of Reporting*—see Sec. 58-515, p. 149.

*Method and Time of Payment*—see Sec. 58-515, p. 149.

Sec. 58-575.  **Steamship and Water Carriers.**

A license tax is levied on every *steamship and water carrier* corporation, in addition to annual registration and property tax, annually.

Such *corporations* include every corporation, except a railroad, that transports passengers or freight, as a common carrier, in any steamship, steamboat, or other floating property.

Tax on intangible personal property—see Sec. 58-516, p. 149.

Tax on money—see Sec. 58-517, p. 150.

*Rate of Tax*—is equal to one and one-half per centum of the gross receipts derived from transporting passengers or freight between points in this State up to and not in excess of five hundred thousand dollars and one and three-fourths per centum of such receipts in excess of that amount.

*Method and Time of Reporting*—see Sec. 58-515, p. 149.

*Method and Time of Payment*—see Sec. 58-515, p. 149.

Sec. 58-579.  **Telegraph Companies.**

A *license tax* is levied on each telegraph company and firm or person operating the apparatus necessary to communicate by telegraph.
Rate of Tax—is two dollars and fifty cents per mile for pole line or conduits, including number of miles of other property used in lieu of pole line or conduits, such as buried cable, submarine cable, or buried wire, owned, operated, or used by any company, firm or person in this State, and an additional charge of three and five-eights per centum of the gross receipts of the company, firm, or person received (or due, though not received), from business done within this State during the year ending the thirty-first day of December.

Method and Time of Reporting—see Sec. 58-515, p. 149.

Method and Time of Payment—see Sec. 58-515, p. 149.

Sec. 58-580. Telephone Companies.

A license tax is levied on every corporation, person or association, operating the apparatus necessary to communicate by telephone. Such tax is a privilege tax.

Rate of Tax—is determined by the gross receipts, but is broken down into three categories: (1) when such receipts do not exceed sixty-five thousand dollars and when the number of miles of pole line do not exceed seven hundred miles and a majority of stock or other property of such company is not owned or controlled by any other telephone or telegraph company whose receipts exceed sixty-five thousand dollars, a sum equal to one-sixteenth per centum of the gross receipts of such corporation, person or association from business done within this State during the year ending the thirty-first day of December preceding; (2) when such receipts from business done within this State during any such year are in excess of sixty-five thousand dollars or the number of miles of pole line exceed seven hundred or a majority of stock or other property of such company is owned or controlled by any other telephone or telegraph company whose receipts exceed sixty-five thousand dollars and an additional sum equal to three per centum of such receipts exceeding sixty-five thousand dollars, and, in addition, a sum equal to two dollars and twenty-five cents per mile of pole line or conduit, or property used in lieu of pole lines or conduits (See Sec. 58-579), provided when such receipts do
not exceed an average of two hundred thousand dollars per mile of pole line or conduits, or property used in lieu of pole line or conduits, the tax is as herein provided and an additional sum equal to one dollar per mile, instead of two dollars and twenty-five cents, and (3) when the number of miles of pole line exceeds seven hundred and no license tax is paid upon gross receipts, a sum of ten dollars per mile is due.

Method and Time of Reporting—see Sec. 58-515, p. 149.

Method and Time of Payment—see Sec. 58-515, p. 149.

Sec. 58-591. Pipe Line Transmission Companies.

A tax is levied on pipe line transmission companies.

Such companies include every one that has the power of eminent domain in this State and authorized by its certificate of incorporation to transmit natural gas in the public service by means of a pipe line or pipe lines in this State, which pays no State franchise tax on its gross receipts.

Tax on intangible personal property—see Sec. 58-516, p. 149.

Tax on money—see Sec. 58-517, p. 150.

Rate of tax—is the same as the rate or rates as are assessed upon other real estate and tangible personal property located in such localities.

Method and Time of Reporting—see Sec. 58-515, p. 149.

Method and Time of Payment—see Sec. 58-515, p. 149.

Sec. 58-597. Franchise Tax on Pipe Line Transmission Companies.

A franchise tax is levied on every pipe line transmission company except those in Sec. 58-591.
Such tax is a privilege tax, and is in lieu of all State taxes or license charges, except there is no exemption from the annual fee required by section one hundred fifty-seven of the Constitution or from the county, city, town, district or road levies; also there is no exemption from liability for a State franchise tax on gross receipts derived from the business of distributing and selling natural gas in this State. There is no State or local levy on the net income, nor State or local levy on the gross receipts of any such corporation derived solely from the transmission of natural gas. Any corporation falling within this section is not included in Sec. 58-546.

Rate of Tax—is two hundred and fifty dollars for each county in or through which pipe line or pipe lines for transmission of natural gas are located.

Method and Time of Reporting—see Sec. 58-515, p. 149.

Method and Time of Payment—see Sec. 58-515, p. 149.


A franchise tax is levied on every corporation coming within this section.

Such tax is in lieu of the annual State merchants license tax and all State taxes or license charges except such corporations are not exempt from motor vehicle license taxes or motor vehicle fuel taxes or the annual fee required by one hundred fifty-seven of the Constitution or from local levies.

Tax on intangible personal property—see Sec. 58-516, p. 149.

Tax on real estate and tangible personal property—see Sec. 58-591, p. 155.

Tax on money—see Sec. 58-517, p. 150.

Rate of Tax—is one and one-eighth per centum of its gross receipts from all sources up to one hundred thousand dollars.
of such gross receipts and three and one-half per centum of all such gross receipts from all sources in excess of one hundred thousand dollars. Any city or town may impose a license tax not to exceed one-half of one per centum of the gross receipts from business in such city or town; however, the corporation may deduct the sum paid as a merchant’s license tax and license taxes, except the motor vehicle license taxes. The tax is not to interfere with contract or agreement by ordinance in regard to compensation for the use of streets or alleys.

Method and Time of Reporting—see Sec. 58-515, p. 149.

Method and Time of Payment—see Sec. 58-515, p. 149.


A tax is levied on rolling stock of certificated motor vehicle carriers.

Such stock includes all buses, trucks, tractor trucks, trailers, and semi-trailers and all other equipment which it is reasonable proper to class as rolling stock.

Rate of Tax—is two dollars and fifty cents on each one hundred dollars of the assessed value, the assessment being based upon the number of vehicle miles traveled within this State as of the thirty-first of December preceding.

Method and Time of Reporting—see Sec. 58-515, p. 149.

Method and Time of Payment—see Sec. 58-515, p. 149.

Sec. 58-628. Road Tax on Motor Carriers.

A road tax is levied on motor carriers which is in addition to any other tax imposed by law.

A motor carrier is every person, firm or corporation which operates or causes to be operated on any highway in this State; but does not include any motor vehicle, trailer or semi-trailer
engaged exclusively in transporting persons or property solely within the limits of any city or town in this State or any carrier operating taxicabs or property carrying vehicles offered for hire whose business originates wholly within the corporate limits of any city or town in this State and which are occasionally operated beyond such limits.

Rate of Tax—is six cents per gallon of motor fuel on every motor carrier of passengers and eight cents per gallon of motor fuel on every motor carrier of property, which is levied only upon the amount used within this State.

Method and Time of Reporting—see Sec. 58-515, p. 149.

Method and Time of Payment—see Sec. 58-515, p. 149.

Sec. 58-638. Road Tax on Motor Vehicle Carriers.

A tax is levied on every person who operates or causes to be operated, on any highway within this State any motor vehicle, trailer or semi-trailer as a common carrier of passengers; and such tax is in addition to any other tax levied, except that those carriers whose gross yearly earnings do not exceed five thousand dollars are not subject to the tax imposed by this section; however, such carrier is subject to a tax by the city of one-half of one per centum on the gross receipts derived from the transportation of property between points within the city or within that part of a five-mile zone that does not lie within or beyond any other city. Also urban and suburban (lines whose passengers travel a distance not exceeding forty miles one way) carriers do not come within this section.

Such tax is a gross receipts tax, and payment to city for the use of streets, roads or routes, including bridges, other than toll bridges, maintained by such cities or towns, which cannot exceed one-fifth cent per mile for operation within city or town by any vehicle weighing five thousand pounds or less, two-fifths by any vehicle more than five thousand pounds and less than fifteen thousand, three-fifths by any vehicle fifteen thousand or more, are not deductible; however, amounts expended for
toll bridges or ferries, tunnels, and toll roads is deductible from such gross receipts.

*Rate of Tax*—is two per centum of the gross receipts derived from intrastate operation; and two per centum of such proportion of gross receipts derived from all interstate operations as the total number of miles traveled in this State bears to the total number of miles traveled in interstate operations, including streets in cities and towns that are embraced within the highway system of this State, but exclusive of such streets in cities and towns maintained exclusively by any city or town.

*Method and Time of Reporting*—see Sec. 58-515, p. 149.

*Method and Time of Payment*—see Sec. 58-515, p. 149.

Sec. 58-660. *Gross Receipts.*

An additional annual tax is levied on common carriers of property and passengers by motor vehicle; water, electric and gas companies; telegraph companies; telephone companies; electric railways; and Virginia Pilot's Association.

The *basis of such tax* is on the gross receipts from business done within this State, except that urban and suburban bus lines (see Sec. 58-638) and each telephone company whose annual gross receipts from business within this State exceeds fifty thousand dollars or the number of miles of whose poles exceed four hundred or a majority of the stock or other property is owned or controlled by another telephone company whose annual receipts exceed fifty thousand dollars are excluded from this tax.

*Rate of Tax*—is one-tenth of one percent of such gross receipts.

*Method and Time of Reporting*—see Sec. 58-515, p. 149.

*Method and Time of Payment*—see Sec. 58-515, p. 149.

A tax is **levied** on all *motor fuel* which is sold and delivered or used in Virginia, including all motor fuels sold by or through post exchanges, ships stores, ship service stores, commissaries, filling stations, licensed traders and other similar agencies located on United States military or other reservations within the boundaries of the State.

*Motor Fuel* means all products commonly or commercially known or sold as gasoline, including casing head and absorption or natural gasoline, regardless of their classification or uses.

*Exemptions*—include motor fuel sold for the exclusive use of the United States and that under the protection of the interstate commerce clause of the Constitution.

*Rates* — The tax is levied at the rate of 6c per gallon.

*License Requirements* — Every dealer, limited dealer, jobber, or limited jobber is required to have an uncancelled license to receive, or distribute any motor fuel. The license fee is $5 with no additional cost for renewal. In addition a bond shall be filed with the application for the license in an amount approximating three times the average monthly motor fuel tax due by the dealer during the next succeeding three months. In the case of a jobber who incurs no tax liability the amount of the bond shall be $1,000.

In the case of "peddlers", that is, any person who neither owns nor operates stationary storage facilities, and who transports motor fuel from place to place in any vehicle having a tank or container of more than 100 gallons, the license will run from July 1 to June 30 and expire at the end of each fiscal year.

*Method of Reporting* — Each dealer or limited dealer in motor fuel is required to render to the Commissioner of Motor Vehicles a statement on or before the last day of each calendar month showing (1) the quantity of motor fuel on hand on the first and last days of the preceding calendar month; (2) the quantity of motor fuel received, produced, manufactured, refined or compounded during the preceding calendar month;
(3) the quantities of motor fuel sold and delivered or used within the State during the preceding calendar month; and, (4) the quantities of motor fuel sold or delivered to a limited dealer.

Reports from persons who are not dealers are required on or before the 20th day of each calendar month, which includes every person purchasing or otherwise acquiring motor fuel or kerosene in tank car or cargo lots and selling, using, or otherwise disposing of the same for delivery in the State who is not required to be licensed as a dealer in motor fuel.

**Payment of the Tax** — The tax is due and payable upon the filing of the monthly returns.

**Refunds** — The tax is refundable when bought for use otherwise than in motor vehicles; on motor fuel exported; on motor fuel used by vehicles for agricultural or horticultural purposes; on motor fuel transferred in the State of Virginia as between dealers; and, to the extent of 2c a gallon in the case of motor fuel purchased within the State and consumed in airplanes or aircraft in flights over and within the boundaries of the State and a refund of the full tax is made on all motor fuel purchased in the State and consumed in airplanes or aircraft in flights outside the boundaries of the State.

Applications for refund on account of "exports" should be made on Form V.G.T. No. 29; for refunds on gasoline used in aircraft the form is V.G.T. No. 30; applications for refund made by the United States government for motor fuel used by it should be made on Form V.G.T. No. 31; all other refund applications should be made on Form V.G.T. No. 26.

Sec. 58-744. **Special Fuels Tax.**

A tax is levied upon all fuels sold or delivered by any supplier to any licensed user-seller, or used by any such supplier in any motor vehicle owned, leased or operated by him, or delivered by such supplier directly into the fuel supply tank of the motor vehicle, or imported by a user-seller into, or acquired tax-free by a user-seller or user in Virginia for resale or use for the propulsion of a motor vehicle.
Fuels — shall include all combustible gases and liquids used or intended for use in an internal combustion engine for the generation of power to propel motor vehicles on the public highways except such fuels as are subject to the motor fuels tax under Sec. 58-711, see page 159.

Exemptions — The tax does not apply to fuel sold to the United States or any of its governmental agencies nor to the State of Virginia or any of its political subdivisions.

Rates — The tax is levied at the rate of 6c per gallon.

License Requirements — Licenses are required by all persons who sell or deliver fuel within the State to a user-seller; by all persons who maintain storage facilities for fuel and dispense fuel therefrom into any fuel tank attached to a motor vehicle; and, all peddlers who offer for sale any fuel.

Method of Reporting — Reports by suppliers should be made on Form V.G.T. 203 and are due on the last day of the month. User-sellers' report should be made on Form V. G. T. 208 and is required to be filed on or before the last day of each month. The users' report must be on Form V.G.T. 215 and must be filed quarterly not later than the 15th of the month following the quarter covered. All of these reports must be filed with the Division of Motor Vehicles, Richmond, Virginia.

Time and Method of Payment — The tax must be paid on or before the last day of each month when the return is filed.

Refunds — Any person who purchases fuel and pays the tax and uses the fuel for purposes other than to propel vehicles operated or intended to be operated on the highways shall be reimbursed the amount of such tax paid upon making appropriate application therefor. The application should be filed with the Commissioner within three months from the date of sale.

Any person, firm or corporation who purchases special fuel upon which the special fuels tax has been paid and who subsequently transports the same to another state, district or
country for sale or use without the State of Virginia and delivers the same outside the State is entitled to a refund of the tax paid upon presentation to the Division of Motor Vehicles of an application for a refund setting forth the fact that such special fuels were transferred out of the State for sale or use.

In the event it appears to the satisfaction of the Commissioner that any taxes or penalties imposed in connection with this tax have been erroneously or illegally collected from any licensee, the Commissioner shall certify the amount thereof to the Comptroller for refund. Such refund shall be paid by the State Treasurer.

All applications for refunds made in connection with special fuels tax should be made on Form V.G.T. No. 205.

Sec. 58-838.2. Forest Products.

A tax is levied upon every person engaging in this State in the business of severing timber or other forest products from the soil, for sale, profit or commercial use, whether as owner, lessee, concessionaire or contractor, either as producer or manufacturer. (But this tax does not apply to individual owners of timber who occasionally sever or cut the same from their own premises to be utilized by them in the construction or repair of their own structures, buildings or improvements, or for their home consumption, or used by them in the processing of their farm products.)

Forest Product — includes logs, timber, pulpwood, excelsior wood, chemical wood, except dead chestnut wood, bolts, billets, cross ties, switch ties; mine ties, mine props and all other types of forest products used in mines, poles, piles, fuelwood, posts, all cooperage products, tan bark and any and all other types of forest products.

Producer — means any person engaging in this State in the business of severing timber, or any other forest products from the soil, for sale or shipment outside the State in an unmanufactured condition.
**Manufacturer** — means the person who: (1) operates a sawmill for the sawing of logs into rough lumber in its various sizes and forms, or who operates a cooperage mill, veneer mill, excelsior mill, paper mill, chemical plant, or other means for the processing of forest products into products other than lumber; or (2) purchases from the person who severs, cross ties, switch ties, mine ties, mine props, and other forest products used in connection with mining; and piles and poles (except fish net poles); or (3) severs posts, fuelwood, fish net poles and similar products.

**Rate of Tax** — The tax is measured at the following rates:

1. **On pine and cedar lumber** in its various sizes and forms including railroad ties, bridge timber and dimension stock, fifteen cents per thousand feet board measure. (2) **On hardwood, cypress and all other species**, seven and one-half cents per thousand feet board measure. (3) **On timber sold as logs** and not converted into lumber or other products in this State, the rate shall be fifteen cents per thousand feet log scale, Doyle Rule, on pine and cedar; and seven and one-half cents per thousand feet log scale, Doyle Rule, on other species; except that logs under eight inches in diameter inside bark at the small end shall be scaled as containing one foot log scale for each foot length or fraction thereof. (4) **On veneer logs** the rate is fifteen cents per thousand board feet log scale, Doyle Rule, for pine and cedar; and seven and one-half cents for other species. (5) **On pulpwood, excelsior wood, chemical wood, bolts or billets, fuelwood, tan bark** and other products customarily sold by the cord, seven and one-half cents per standard cord of one hundred and twenty-eight cubic feet of pine or cedar, and three and three-quarters cents per cord for all other species. (6) **On railroad cross-ties**, one-half cent per piece of pine or cedar and one-third cent on all other species. (7) **On posts, mine ties, mine props, round mine collars** and other timber used in mining and customarily sold by the piece, the per hundred piece rate is: where each piece is four feet or less in length, six cents for pine and cedar and three cents for other species; and where each piece is more than four but not more than eight feet in length, nine and three-quarters cents for pine and cedar and four and three-fourths cents for other species; and over eight feet, twelve cents for pine and cedar and six
cents for other species; or if the taxpayer elects, at the rate of sixteen and one-half cents per one thousand lineal feet for pine and cedar and eight and one-fourth cents for other species. (8) On piling and poles of all types, two-sevenths of one percent invoice price F.O.B. loading out point. (9) On keg staves, one-half cent per standard four-hundred-inch bundle and one and one-half cents per hundred keg heads, and on tight cooperage, one and one-half cents per hundred staves and three cents per one hundred heads. (10) On any other type of forest product not listed, the Commissioner shall determine a fair unit tax rate. (11) Election by certain manufacturers—A rough lumber manufacturer producing between five hundred thousand board feet and three hundred thousand board feet may elect to pay a flat tax of sixty dollars, or if no more than three hundred thousand feet, a flat tax of thirty dollars. A person who severs for sale one hundred or less cords of fuelwood, or five hundred or less posts for fish net poles may also elect under this filing time requirement, but pays regular rates.

Method and Time of Reporting — Every producer who ships, or sells for shipment outside this State, products in an unmanufactured condition, and every manufacturer, shall file a return with the Department of Taxation within thirty days after the end of each calendar quarter.

Small manufacturers and certain small severers may elect to file within thirty days after the last day of December.

Form 1034 is the forest products tax return form. Those using the elective method for small manufacturers and certain small severers use Form 1035.

Method and Time of Payment — In all cases the tax is to be paid to the State Tax Commissioner when the return is filed.


A State tax is levied on employers of four or more persons for one day or a portion thereof in each of twenty different weeks within any calendar year, whether or not such weeks were consecutive and whether or not all four persons were employed simultaneously, on the wages earned.
Nature of Tax — Included as wages is all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash.

The rate of the State unemployment compensation tax since January 1, 1938, has been 2.7 percent of wages earned and payable. The basic rate continues, but beginning with the calendar year 1941, the tax liability of an individual employer may be reduced below the 2.7 percent rate, depending upon (1) the State's unemployment compensation experience, including its reflection in the status of the Unemployment Trust Fund, and (2) the record of the employer with respect to unemployment compensation.

Method and Time of Reporting — Reports on wages earned must be made quarterly to the Unemployment Compensation Commission on or before the last day of January, April, July and October. The report is for the preceding calendar quarter.

Method and Time of Payment — Payments on wages earned must be made quarterly to the Unemployment Compensation Commission on or before the last day of January, April, July and October. The payment is for the preceding calendar quarter.
# APPENDIX

**LICENSES GENERALLY**

<table>
<thead>
<tr>
<th>Subject (Code Section)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agents, Collection (58-374)</td>
<td>204</td>
</tr>
<tr>
<td>Agents, Labor and Emigrant (58-384)</td>
<td>209</td>
</tr>
<tr>
<td>Amusement Parks (58-268)</td>
<td>169</td>
</tr>
<tr>
<td>Architects (58-370)</td>
<td>201</td>
</tr>
<tr>
<td>Associations, Police and Firemen (58-395)</td>
<td>215</td>
</tr>
<tr>
<td>Attorneys at Law (58-371)</td>
<td>202</td>
</tr>
<tr>
<td>Auction Sales of Jewelry and Certain Other Articles (58-371.1)</td>
<td>202</td>
</tr>
<tr>
<td>Auctioneers for Livestock Markets (58-288.1)</td>
<td>179</td>
</tr>
<tr>
<td>Auctioneers, General (58-286)</td>
<td>177</td>
</tr>
<tr>
<td>Auctioneers, Itinerant (58-381)</td>
<td>207</td>
</tr>
<tr>
<td>Auctioneers, Livestock (58-287)</td>
<td>178</td>
</tr>
<tr>
<td>Auctioneers, Tobacco</td>
<td>179</td>
</tr>
<tr>
<td>Barterers (58-341)</td>
<td>194</td>
</tr>
<tr>
<td>Bondsmen (58-371.2)</td>
<td>203</td>
</tr>
<tr>
<td>Bowling Alleys (58-372)</td>
<td>203</td>
</tr>
<tr>
<td>Brokers, Certain Wholesale Merchandise (58-292)</td>
<td>181</td>
</tr>
<tr>
<td>Brokers, Real Estate (58-398)</td>
<td>217</td>
</tr>
<tr>
<td>Building and Loan Associations (58-373)</td>
<td>203</td>
</tr>
<tr>
<td>Canvassers (58-382)</td>
<td>208</td>
</tr>
<tr>
<td>Carnivals (58-278)</td>
<td>174</td>
</tr>
<tr>
<td>Carnivals, Held During Agricultural Fairs (58-284)</td>
<td>177</td>
</tr>
<tr>
<td>Circuses, Held During Agricultural Fairs (58-284)</td>
<td>177</td>
</tr>
<tr>
<td>Coal Dealers Who May Peddle (58-335)</td>
<td>194</td>
</tr>
<tr>
<td>Coin-operated Machines (58-355)</td>
<td>197</td>
</tr>
<tr>
<td>Coin-operated Machines, Retail Merchants (58-362)</td>
<td>200</td>
</tr>
<tr>
<td>Common Criers (58-289)</td>
<td>179</td>
</tr>
<tr>
<td>Contractors, Electrical (58-298)</td>
<td>186</td>
</tr>
<tr>
<td>Cotton Buyers, Wholesale (58-295)</td>
<td>183</td>
</tr>
<tr>
<td>Cotton, Futures</td>
<td>183</td>
</tr>
<tr>
<td>Clairvoyants (58-377)</td>
<td>206</td>
</tr>
<tr>
<td>Credit Unions (6-234)</td>
<td>not included here</td>
</tr>
<tr>
<td>Dealers, Cotton and Peanut (58-296)</td>
<td>185</td>
</tr>
<tr>
<td>Dealers, Grain (58-295.1)</td>
<td>184</td>
</tr>
<tr>
<td>Dealers in Second-hand Paper (58-383)</td>
<td>208</td>
</tr>
<tr>
<td>Dealers, Pistols (58-394)</td>
<td>215</td>
</tr>
<tr>
<td>Dealers, Tobacco (58-402)</td>
<td>219</td>
</tr>
<tr>
<td>Dealers, Livestock (58-401.01)</td>
<td>221</td>
</tr>
<tr>
<td>Dentists (58-375)</td>
<td>205</td>
</tr>
<tr>
<td>Doctors, Medical (58-387.1)</td>
<td>211</td>
</tr>
<tr>
<td>Engineers (58-376)</td>
<td>205</td>
</tr>
<tr>
<td>Fortunetellers (58-377)</td>
<td>206</td>
</tr>
<tr>
<td>Garages (58-378)</td>
<td>206</td>
</tr>
<tr>
<td>Hobby-horse Machines, etc. (58-269)</td>
<td>171</td>
</tr>
<tr>
<td>Horses, Trained (58-273)</td>
<td>174</td>
</tr>
<tr>
<td>Houses, Distributing (58-319)</td>
<td>190</td>
</tr>
<tr>
<td>Subject (Code Section)</td>
<td>Page</td>
</tr>
<tr>
<td>------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Houses, Lodging (58-387)</td>
<td>210</td>
</tr>
<tr>
<td>Hotels (58-380)</td>
<td>207</td>
</tr>
<tr>
<td>Ice Dealers who may Peddle (58-335)</td>
<td>194</td>
</tr>
<tr>
<td>Industrial Loan Associations (6-256)</td>
<td>not included here</td>
</tr>
<tr>
<td>Junk Dealers (58-382)</td>
<td>208</td>
</tr>
<tr>
<td>Launderies (58-385)</td>
<td>209</td>
</tr>
<tr>
<td>Manufacturer Requiring Wholesale License (58-316)</td>
<td>190</td>
</tr>
<tr>
<td>Mercantile Agencies (58-388)</td>
<td>211</td>
</tr>
<tr>
<td>Merchants and Brokers, Commission, (58-293)</td>
<td>181</td>
</tr>
<tr>
<td>Merchant, Retail (58-321)</td>
<td>190</td>
</tr>
<tr>
<td>Merchant, Retail When Required of Manufacturer (58-333)</td>
<td>193</td>
</tr>
<tr>
<td>Merchants, Wholesale (58-305)</td>
<td>187</td>
</tr>
<tr>
<td>Merry-go-rounds, etc. (58-269)</td>
<td>171</td>
</tr>
<tr>
<td>Moving Picture Shows (58-270)</td>
<td>171</td>
</tr>
<tr>
<td>Operators, Coin-operated Machines (58-359)</td>
<td>199</td>
</tr>
<tr>
<td>Options on Futures, Dealing in (58-291)</td>
<td>180</td>
</tr>
<tr>
<td>Optometrists (58-390)</td>
<td>212</td>
</tr>
<tr>
<td>Palmistry (58-377)</td>
<td>206</td>
</tr>
<tr>
<td>Pawnbrokers (58-392)</td>
<td>213</td>
</tr>
<tr>
<td>Peddlers (58-341)</td>
<td>194</td>
</tr>
<tr>
<td>Peddlers to Dealers or Retailers (58-346)</td>
<td>195</td>
</tr>
<tr>
<td>Performances, Public (58-271)</td>
<td>173</td>
</tr>
<tr>
<td>Performances, Theatrical (58-271)</td>
<td>173</td>
</tr>
<tr>
<td>Photographers (58-393)</td>
<td>214</td>
</tr>
<tr>
<td>Photographers with no Regularly Established Place of Business (58-393.1)</td>
<td>215</td>
</tr>
<tr>
<td>Phrenology (58-377)</td>
<td>206</td>
</tr>
<tr>
<td>Pool and Billiard Rooms (58-396)</td>
<td>216</td>
</tr>
<tr>
<td>Premium Stamps, Supplier</td>
<td>196</td>
</tr>
<tr>
<td>Pulpwood, etc., Suppliers (58-396.1)</td>
<td>216</td>
</tr>
<tr>
<td>Radio, Coin-operated (58-397)</td>
<td>217</td>
</tr>
<tr>
<td>Sales, Horse and Mule by Non-residents (58-379)</td>
<td>206</td>
</tr>
<tr>
<td>Salesmen, Patent Medicine (58-391)</td>
<td>213</td>
</tr>
<tr>
<td>Soft Drinks Manufacture (58-362)</td>
<td>200</td>
</tr>
<tr>
<td>Soft Drinks, Manufacturers (58-400)</td>
<td>218</td>
</tr>
<tr>
<td>Stables, Livery (58-386)</td>
<td>210</td>
</tr>
<tr>
<td>Steam Fitters (58-298)</td>
<td>186</td>
</tr>
<tr>
<td>Stock Brokers (58-290)</td>
<td>180</td>
</tr>
<tr>
<td>Storage and Impounding (58-401)</td>
<td>219</td>
</tr>
<tr>
<td>Telephone and Telegraph (58-585)</td>
<td>not included here</td>
</tr>
<tr>
<td>Televisions, Coin-operated (58-397)</td>
<td>217</td>
</tr>
<tr>
<td>Trains, Merchants on (58-389)</td>
<td>212</td>
</tr>
<tr>
<td>Tunnels, Natural (58-275)</td>
<td>174</td>
</tr>
<tr>
<td>Undertakers (58-403)</td>
<td>220</td>
</tr>
<tr>
<td>Venders, Itinerant (58-381)</td>
<td>207</td>
</tr>
<tr>
<td>Veterinary Surgeons (58-404)</td>
<td>221</td>
</tr>
</tbody>
</table>
Sec. 58-268. Amusement Parks.

A license tax is levied upon the operation of a permanent park.

Permanent park — is one open to the public for at least four months a year, which shall be operated continuously, each day, Sundays and holidays excepted. Such a park may include a bowling alley, trained animal show, hobby horse or merry-go-round, ferris wheel, penny or nickel machine for exhibiting pictures, moving pictures show, theatrical performances, old mill or similar entertainment, bath houses, boat houses, parking station (not included in Section 58-378), and refreshment and confectionary stands (which do not sell tobacco or beverages of any alcoholic content), provided they are located and conducted within the area of such amusement park and are under the supervision and control of the owner or operator of the park. The tax on amusement parks which includes the above items is in lieu of the license tax separately imposed in respect to each such item if operated independently of the park. Carnivals, circuses, or shows of any kind which move from place to place are not included under this section (see Sec. 58-276).

Rates — are as follows: four hundred dollars for four months; six hundred dollars for eight months; and eight hundred dollars for twelve months.

Method and Time of Reporting — any person, firm or corporation desiring to obtain a license to operate an amusement park must make an application in writing supported by an affidavit to the Commissioner of the Revenue of the county or city wherein such business is proposed to be conducted. The application must provide information as to: the county or city in which the application is made; the definite place where the business is to be conducted; the name of the applicant; the residence of the applicant; whether the applicant is an individual, a firm or a corporation; the name and residence address of each member of the firm, if a firm be the applicant, and, if a corporation be the applicant, whether domestic or foreign and, if foreign, the date of its authority to do business
in Virginia issued by the State Corporation Commission; the nature of the business for which the application for a license is made; the number of years the applicant has conducted such business in this State; and such other information as may be required by law and the Department of Taxation (see Sec. 58-241).

Upon receipt of every application for a license, the commissioner of the revenue, if satisfied of its correctness, shall compute the tax prescribed by law (see Sec. 58-243). Unless otherwise expressly provided all licenses expire on the 31st day of December of each year (see Sec. 58-247).

Returns — The Department of Taxation has prescribed Form 700 for use in applying for a State license.

Method and Time of Payment — A license is issued by the commissioner of the revenue to an applicant when the application is received and the tax computed, except in the instances where the license is to conduct a business for which a license can be granted only on the certificate of a court, in which case the applicant upon obtaining such certificate shall be entitled to a license. However, no license issued by a commissioner of the revenue shall be valid or have any legal effect until the tax prescribed by law be paid to the Treasurer of the city or county in which the Commissioner of the Revenue issued the license, and the fact of such payment shall appear on the face of the license. Thus, the time of payment is on or before the date the license is issued (see Sec. 58-243).

Except when otherwise expressly provided, any license may be granted for less than one year and the tax thereon prorated according to the time remaining from the date of granting the license and the thirty-first day of December of that year. However, if such proration is specifically prohibited, the annual tax shall always be charged regardless of the date of the issuance of such license (see Sec. 58-248). Where the yearly license tax would be one hundred dollars or more, (and the license is not one for which a court certificate is required
or one for which proration is expressly prohibited) a quarterly license may be issued (see Sec. 58-249).

Counties and cities are authorized to require a license in addition to that required by the State as described above. The extent to which counties and cities have availed themselves of this authority is not a part of this compilation (see Secs. 58-266.1; 58-266.2; 58-266.3).

Sec. 58-269. **Hobby-Horse Machines, Merry-Go-Rounds and Other Like Machines.**

A license tax is levied upon the operation of a hobby-horse machine, merry-go-round, ocean wave, ferris wheel or other like machine on which persons are charged for riding. This tax does not apply to hobby-horse machines or other like machines if included as a part of the tax in the operation of an amusement park (see Sec. 58-268, p. 169).

**Rates** — The rate is ten dollars for each county or city in which such machine is operated.

**Method and Time of Reporting and Payment** — The requirements are the same as described under section 58-268 shown on page 169.

Sec. 58-270. **Moving Picture Shows.**

A license tax is levied upon the exhibition of any moving picture show except for benevolent, charitable, or educational purposes. However, when such a charitable, benevolent, or educational exhibition is given for a period of more than one day in any one year and the exhibitor receives a part of the receipts from such an exhibition as his compensation, then such exhibition after the first day shall not be exempt from the license tax imposed by this section. This tax does not apply to moving picture shows where said shows operate under the provisions dealing with amusement parks (see Sec. 58-268, p. 169).
Rates — The rates are as follows:

In a city of 20,000 (or over) inhabitants—

For seating capacity of 350, or less per week, or less............$ 25.00
and $2.50 for every 10 seats or fraction thereof in excess of 350 seats up to 2,000 seats; and for seating capacity in excess of 2,000 seats, an additional tax of $5.00 for every 200 seats or fraction thereof in excess of 2,000 seats.

In a city or town of 10,000 (or over) and less than 20,000 inhabitants—

For seating capacity of 350, or less per week, or less............$ 15.00
and $1.25 for every 10 seats or fraction thereof in excess of 350 seats.

In a city or town of 4,000 (or over) and less than 10,000 inhabitants—

For seating capacity of 350, or less per week, or less............$ 10.00
and $1.00 for every 10 seats or fraction thereof in excess of 350 seats.

In a city or town of 1,000 (or over) and less than 4,000 inhabitants—

For seating capacity of 350, or less per week, or less............$ 3.00
and 50 cents for each 10 seats or fraction thereof in excess of 350 seats.

In the country, or in a town of less than 1,000 inhabitants—
(Regardless of seating capacity) $ 1.00

per day .................. $ 1.00
for a full continuous week... 2.50
per year .................. 10.00

The license for one year must be paid annually.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-271. License Required of Theatrical and Public Performances, etc.

A license tax is levied upon the exhibition for compensation of any theatrical performance or any performance similar thereto or any panorama, or public performance or exhibition of any kind, or the giving of a lecture, literary reading, or other performance except for benevolent, charitable or educational purposes. The actors acting under the license shall be exempt from a license tax, but should the performance not have a license, then such persons engaged therein shall be liable to the penalty for violation of the section. Every license shall be for each performance, but a license for a theatrical performance or panorama may, if desired by the applicant, be for the term of one week.

This tax does not apply to theatrical performances or panorama if they are included under the provisions dealing with amusement parks (see Sec. 58-268, p. 169). Nor does the tax apply if an annual license for the exhibition or giving of any moving picture show has been obtained if the theatrical performance is given in conjunction with a motion picture show and does not occupy more than fifty percent of the time of any one program (see Sec. 58-274).

Rates — The rates are as follows: For towns or cities of 15,000 inhabitants and over, five dollars for each performance, or fifteen dollars for each week of continuous performance, or an annual tax of five hundred dollars; for towns or cities of less than 15,000 inhabitants, two dollars for each performance,
or six dollars for each week of continuous performance, or an annual tax of two hundred dollars (see Sec. 58-272).

Method and Time of Reporting and Payment—The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-273. Trained Horses.

A license tax is levied upon the exhibition of trained horses except for benevolent, charitable, or educational purposes. This tax does not apply if the horses are exhibited in connection with a circus, theatrical performance, or any similar performance for which a license tax has been paid as provided for in Sec. 58-271 (see p. 173). Nor does the tax apply if an annual license for the exhibition or giving of any moving picture show has been obtained and the horse exhibition is given in conjunction with such motion picture show and does not occupy more than fifty percent of the time of any one person (see Sec. 58-274). This tax also does not apply if the horse exhibition is subject to the provisions prescribed for the operation of amusement parks (see Sec. 58-268, p. 169).

Rates — The rates are as follows: three dollars for each week of continuous performance, or an annual tax of twenty-five dollars.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-275. Natural Tunnels.

A license tax is levied upon the exhibition of a natural tunnel.

Rate — is fifty dollars annually.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-278. License Tax on Carnivals, etc.
A license tax is levied upon each day's performance or exhibition of a circus, or circus and menagerie, or wild west (or like) show, or trained animal (or like) show or dog or pony (or either or like) show, or carnival. For the purposes of this section, a carnival means an aggregation of shows, amusements, concessions, eating places and riding devices or any of them, operated together on one lot or street or on contiguous lots or streets, moving from place to place, whether the same are owned and actually operated by separate persons, firms, or corporations or not (see Sec. 58-277).

A license tax is also levied on each side show, curiosity show or similar show exhibiting on the same or contiguous lots with a circus and owned by a person, firm or corporation other than the owner or owners of the circus.

No additional license shall be required for the privilege of selling soft drinks, confections, food, souvenirs, and novelties on the grounds on which side shows are exhibited.

This section does not prohibit a resident mechanic or artist from exhibiting any production of his own art or invention without compensation. Nor is any registration, bond or license required of any industrial arts exhibit nor of any agricultural fair or the shows exhibited within the grounds of such fair or fairs during the period of such fair, whether an admission be charged, or not, nor of resident persons performing in a show or exhibition for charity or other benevolent purposes, nor of exhibitions of volunteer fire companies, whether an admission be charged or not. Those engaged and operating in the aforementioned or engaged and operating in such where a license is required are exempt from a license tax for their performance. (See Sec. 58-279). However, every person, company, association or corporation which makes its business that of giving exhibitions for compensation, whether a part of the proceeds are for charitable or benevolent purposes or not, shall pay the license tax prescribed by law. Neither shall the provisions of this section be construed to allow, without the payment of the State and local taxes imposed by law, exhibition or performances by a company, association, persons, or a corporation (other than a bona fide local association or corporation organized for the principal purpose of holding and which holds legitimate
agricultural exhibitions or industrial arts exhibits), who make it their business to give such exhibitions or performances, when they rent or lease fair or exhibition grounds or buildings for the purpose of giving such exhibitions or performances and exhibit therein agricultural or industrial arts products as a part of the exhibition offered (see Sec. 58-280).

For special provisions relating to the holding of circuses, carnivals, etc., during agricultural fairs, see Sec. 58-284, p. 177.

*Rates* are as follows:

On such shows traveling on railroads requiring transportation of—

- One and two cars, per day....................... $ 25.00
- Three to five cars, inclusive, per day........ 40.00
- Six to ten cars, inclusive, per day............ 75.00
- Eleven to twenty cars, inclusive, per day..... 100.00
- Twenty-one to thirty cars, inclusive, per day... 150.00
- Thirty-one to fifty cars, inclusive, per day.... 200.00
- Over fifty cars, per day.......................... 250.00

On such shows traveling overland by automobile or other conveyance, the tax for each day's performance or exhibition is based upon the automobile or conveyance capacity as follows:

On such shows requiring:

- One and two loads, per day....................... $ 5.00
- Three to five loads, inclusive, per day........ 8.00
- Six to ten loads, inclusive, per day............ 15.00
- Eleven to twenty loads, inclusive, per day..... 20.00
- Twenty-one to thirty loads, inclusive, per day... 30.00
- Thirty-one to fifty loads, inclusive, per day.... 40.00
- Over fifty loads, per day.......................... 50.00
On each side show, curiosity show or similar show, exhibiting on the same or contiguous lots with a circus and owned by a person, firm or corporation other than the owner or owners of the circus, the tax shall be per day..........................$15.00

Special attention is drawn to the requirement annually of a registration bond before beginning operations in Virginia in the amount of five hundred dollars for each person, firm, company, or corporation which exhibits performances in a side show, carnival, circus or menagerie and circus (see Sec. 58-276).

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-284. Circuses, Carnivals, etc., Held During Agricultural Fairs.

A license tax is levied upon the giving or showing of a performance by a traveling circus, carnival, or show in the open air or in a tent or tents, in any city or county or in any town or city within such county within fifteen days previous to, or during the week of, or within one week after the time of holding, any agricultural fair in any such city or town in Virginia. This tax is in addition to any other taxes imposed by any of the previous sections concerning a circus, carnival or like show. The provisions of this section do not apply to circuses, carnivals or shows inside the grounds of any agricultural fair held in any county or city.

Rates — The rates are one thousand dollars for each performance.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-286. Auctioneers Generally.

A license tax is levied upon selling by auction any property not prohibited by law. The powers and duties of such a general
Auctioneer are separate and distinct (see Sec. 58-285) from those of a livestock auctioneer (see Sec. 58-287, p. 178) or a tobacco auctioneer (see Sec. 58-288, p. 179) or a common crier (see Sec. 58-289, p. 179) or one auctioning jewelry, watches, art goods and certain other articles (see Sec. 58-371.1, p. 202).

**Rates** — are as follows: fifty dollars where the place of business is in a town or city of five thousand persons or less, plus two dollars for every thousand over that number up to a maximum of one hundred dollars. In addition, one-fourth of one per centum on the amount of sales for the preceding year is added to complete the total tax. This percentage tax is not applicable to sales made under order of court or for persons acting in a fiduciary capacity.

**Method and Time of Reporting and Payment** — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-287. **Livestock.**

A license tax is levied upon selling by auction horses, mules and other livestock by any person, firm or corporation. This license entitles the livestock auctioneer to auction privately, for his own account or for the account of others in the county or city wherein licensed. However, any livestock auctioneer who buys and sells on his own account shall for the conduct of that business be deemed to be a merchant and shall take out a merchant's license (see Sec. 58-305, p. 187 and Sec. 58-321, p. 190) See Sec. 58-288.1, p. 179, for provisions concerning a livestock auctioneer selling in a market of which he owns at least one-half interest.

**Rates** — The rates are as follows: fifty dollars plus an additional sum of one dollar on each one hundred dollars or fraction thereof, of commissions and profits from sales in excess of one thousand dollars.

**Method and Time of Reporting and Payment** — The requirements are the same as described under Sec. 58-268 shown on page 169.
Sec. 58-288. Tobacco.

A license tax is levied upon the selling by auction of tobacco.

Rates — The rates are as follows: fifty dollars in cities; twenty-five dollars elsewhere, except in incorporated towns the tax shall be fifty dollars for any auctioneer for any warehouse or warehouses in which were sold during the previous year five million pounds or more of tobacco; but in any case in which such sales amount to less than one million pounds, the tax shall be only ten dollars.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.


A license tax is levied upon any individual acting as an auctioneer for a livestock market, notwithstanding any other provisions of law. Such persons thus licensed may act as auctioneers for livestock markets throughout the State, and may auction for any livestock market anything that such livestock market is authorized to sell at auction. However, if an auctioneer at a particular livestock market is the owner of at least one-half interest in that market he shall not be required to obtain a license to sell at that particular market.

Rates — The rate is fifty dollars per year which cannot be pro-rated or issued quarterly.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.


A license tax is levied upon any person working as a common crier. A common crier may cry for sale, at any place in the county or city (except in cities of over fifteen thousand inhabitants) wherein his license was issued, any property, real or personal, for an auctioneer, fiduciary or the owner of the
property, when such owner is authorized to sell the same by auction.

*Rates* — The rates are five dollars for each county (including towns in the county) or city, which cannot be prorated.

*Method and Time of Reporting and Payment* — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-290. *Stock Brokers.*

A license tax is *levied* upon any person, firm or corporation *acting as a stock broker*.

Stock broker is any person, firm or corporation, other than a national bank or bank or trust company organized under the laws of this State, or a duly licensed and practicing attorney at law, that engages in the business of buying or selling for others on commission or for other compensation, shares in any corporation, bonds, notes or other evidences of debt.

*Rates* — The *rates* are one hundred dollars in a county (including towns of five thousand or less) or city of five thousand inhabitants or less; in a town or city of over five thousand and not over ten thousand inhabitants the tax is one hundred-fifty dollars; in a city of over ten thousand inhabitants the tax is two hundred-fifty dollars for each office or place of business.

*Method and Time of Reporting and Payment* — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-291. *Dealing in Options or Futures.*

A license tax is *levied* upon any person, firm or corporation *serving as a broker dealing in options and futures*.

Any person, firm or corporation engaged in buying or selling, or who receives orders to buy or sell, cotton, grain, provisions or other commodities shall be deemed to be a broker *dealing in options and futures.*
Rates — The rates are two hundred dollars for each county (including towns in county) or city.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-292. Certain Wholesale Merchandise Brokers.

A license tax is levied upon wholesale merchandise brokers.

Wholesale merchandise broker is one who deals in food products and other commodities, who sells only to wholesalers, manufacturers, governmental units, industrial users and others only at wholesale prices, and whose gross profits are measured principally by commissions. The license tax imposed by this section shall be in lieu of a tax on the capital actually used or employed by every such wholesale merchandise broker in his business (see Sec. 58-418, p. 134).

Rates — The rates are fifty dollars plus thirty-five cents per hundred dollars on gross commissions and profits in excess of three thousand dollars for the preceding year.

The rate of tax on a wholesale merchandise broker beginning business shall be the initial tax of fifty dollars above prescribed plus a tax in accordance with the foregoing scale measured by the gross commissions and gross profits which it is estimated he will receive from the time he commences business to the following December 31.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-293. Commission Merchants and Brokers.

A license tax is levied upon every person, firm or corporation doing business in this State as a commission merchant or broker.

Broker is any person, firm or corporation who receives or distributes provisions and merchandise, including flour, hay
or grain, shipped to such person, firm or corporation for dis-
tribution on account of the shipper or who participates in the
profits ensuing from or accruing out of the sales of such pro-
visions or merchandise, including flour, hay or grain, or who
invoices such sales or collects the money therefor.

Commission merchant is any person, firm or corporation
buying or selling for another any kind of merchandise on com-
misson, except non-profit agricultural organizations organized
and maintained by farmers for mutual help in the marketing
of their produce.

This section does not apply to any person who buys milk or
cream for others and whose compensation is based on the but-
ter fat content of such milk or cream and not on the market
price, nor does it apply to any person who on commission sells
merchandise by sample, circular, or catalog, who has no office,
display room, store or other definite place of business in the
State, who has no stock or merchandise in his custody or pos-
session or under his control at any time during the year, and
who employs no person. Special attention is drawn to the fact
that any person, firm or corporation desiring to sell gold or
silver coin, certificates of public or private debts or other se-
curities belonging to others, must take out the license prescribed
for stock brokers (see Sec. 58-290, p. 180).

A person, firm or corporation licensed as a cotton or peanut
dealer is exempted from the license tax imposed by this section
(see Sec. 58-296).

Rates — The rates are twenty-five dollars plus fifty cents
per hundred dollars on commissions for the preceding year in
excess of two thousand dollars and up to ten thousand dollars,
and one dollar per hundred dollars on all commissions in excess
of ten thousand dollars.

The license tax for one beginning business is the initial
tax above prescribed, plus a tax in accordance with the fore-
going scale measured by the commission which it is estimated
he will receive from the time he commences business to the
following December 31.
Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-294. Cotton Futures.

A license tax is levied upon every person, firm, or corporation doing business as a cotton factor. The license tax prescribed by this section for a cotton factor is in lieu of the tax on the capital employed by the factor in his business (see Sec. 58-418, p. 134).

Rates — The rates are one hundred dollars plus two dollars for each one hundred dollars or fraction thereof, of commissions for the preceding year in excess of one thousand dollars.

The license tax on a cotton factor beginning business is the flat tax above prescribed plus a tax in accordance with the foregoing scale measured by the commissions which it is estimated he will receive from the time he commences business to the following December 31.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.


A license tax is levied upon any person, firm or corporation doing business as a wholesale cotton buyer.

Wholesale cotton buyer — is one buying and selling gin cotton at wholesale in or for his own name.

Note that this section does not apply to one who buys cotton before it has been ginned nor shall this section apply to one who gins cotton and then buys such ginned cotton from the then owner thereof, nor shall this section apply to one who receives from the producers thereof as payment or part payment of an account owing by such producer to such person for
goods, wares and merchandise purchased from him by such producer.

The license tax prescribed by this section is in lieu of the tax upon the capital of such wholesale cotton buyer actually employed by him in his business (see Sec. 58-418, p. 134) and such tax shall also be in lieu of the tax imposed on merchants measured by purchases in dollars (see Sec. 58-305, p. 187). One licensed as a cotton or peanut dealer is exempt from taxation under this section (see Sec. 58-296, p. 185).

Rates — The rates are one hundred dollars plus an additional tax of two cents per bale for each bale in excess of one thousand bales purchased during the preceding year.

For one beginning business the tax is the flat tax above prescribed, plus a tax in accordance with the foregoing rate measured by the number of bales which it is estimated he will purchase from the time he commences business to the following December 31.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-295.1. Grain Dealers.

A license tax is levied upon any person, firm, or corporation doing business as wholesale grain buyer.

Wholesale grain buyer is one buying and selling commercial grain, except seed grains, at wholesale in or for his own name.

The tax prescribed by this section is in lieu of the tax upon the capital of such wholesale grain buyer actually employed by him in his business (see Sec. 58-418, p. 134) and such tax is also in lieu of the State tax imposed on merchants measured by purchases in dollars (see Sec. 58-305, p. 187).

Rates — The rates are one hundred dollars plus an additional tax of two cents for each one hundred bushels purchased
during the preceding year in excess of one hundred thousand bushels.

For one beginning business the tax is the flat rate above prescribed, plus a tax in accordance with the foregoing rate measured by the number of bushels which it is estimated will be purchased from the time business commences to the following December 31.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-296. Cotton and Peanut Dealers.

A license tax is levied upon any person, firm or corporation doing business as a dealer in cotton or peanuts.

Cotton or peanut dealer is one engaged in the business of buying from the producers thereof, whether for his own account or for another, cotton or peanuts for resale.

The license tax prescribed by this section is in lieu of the license taxes imposed on commissioned merchants and brokers (see Sec. 58-293, p. 181), wholesale cotton buyers (see Sec. 58-295, p. 183), and wholesale merchants (see Sec. 58-305, p. 187). The taxes imposed by this section are also in lieu of the tax upon the capital of such dealer in cotton or peanuts actually employed in his business (see Sec. 58-418, p. 134), but it does in no way affect any taxes which may be imposed on the capital of any person, firm or corporation engaged in the business of cleaning peanuts or ginning cotton.

Rates — The rates are ten dollars plus an additional five dollars for each one hundred dollars of commissions and profits earned for the preceding year over two hundred dollars and not exceeding one thousand dollars, plus an additional one dollar for each hundred dollars of such commissions and profits as exceed one thousand dollars.

The tax for one beginning business is the flat tax above prescribed, plus a tax in accordance with the foregoing scale
measured by the gross commissions and gross profits which it is estimated will be received from the time business commences to the following December 31.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-298. License Required of Contractors, Electrical Contractors, and Plumbers and Steam Fitters.

A license tax is levied upon any person, firm or corporation doing business as a contractor, electrical contractor or plumber and steam fitter. (For detailed provisions as to who are contractors, plumbers, and steam fitters, and for provisions indicating that any person, firm or corporation engaging in the business of selling and erecting, or erecting, tombstones shall not be deemed to be a contractor, see Sec. 58-297).

This section does not apply to contractors, plumbers and steam fitters, the gross amount of whose orders accepted and executed does not amount to one thousand dollars per annum (see Sec. 58-303).

Rates — The rates are as follows for gross orders or contracts, during the preceding year, aggregating:

<table>
<thead>
<tr>
<th>Gross Amount</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000 to $5,000</td>
<td>$5.00</td>
</tr>
<tr>
<td>5,000 to 10,000</td>
<td>10.00</td>
</tr>
<tr>
<td>10,000 to 20,000</td>
<td>15.00</td>
</tr>
<tr>
<td>20,000 to 50,000</td>
<td>20.00</td>
</tr>
<tr>
<td>50,000 to 100,000</td>
<td>50.00</td>
</tr>
<tr>
<td>100,000 to 150,000</td>
<td>100.00</td>
</tr>
<tr>
<td>150,000 to 300,000</td>
<td>150.00</td>
</tr>
<tr>
<td>Over $300,000</td>
<td>250.00</td>
</tr>
</tbody>
</table>

The tax for a beginning business is the tax as measured in accordance with the foregoing scale for the gross amount of...
orders and contracts accepted before applying for the license plus the gross amount of all orders or contracts which it is estimated will be accepted between the date of the issuance of the license and the following December 31.

Method and Time of Reporting and Payment—The method is the same as that described in Sec. 58-268 as shown on page 169. The license is obtained from the commissioner of revenue for the city or county in which the contractor has his office or if he has no office in this State then he should procure the license from the commissioner of the revenue for the city or county where he conducts his business.

Special attention is drawn to the fact that when one has paid the tax as provided for in this section and any local license tax required by the city, town or county in which one’s principal office and any branch office or offices are located, no further license should be required by the State or other city, town or county for conducting any such business within the confines of this State, except where the amount of business done by such person in any other city, town or county exceeds the sum of twenty-five thousand dollars in any year, then such other city, town or county may require of such contractor a local license, and the amount of business done in such other city, town or county in which such license tax is paid may be deducted by the contractor from the gross revenue reported to the city, town or county in which the principal office or any branch office of the contractor is located.

Sec. 58-305. Wholesale Merchants.

A license tax is levied upon any person, firm or corporation engaged in the business of a wholesale merchant.

Wholesale merchant is any merchant who sells to other persons for resale only or who sells to institutional, commercial or industrial users. For provisions requiring a manufacturer to obtain a merchant’s license, see Sec. 58-316, discussed on page 190.

The tax as prescribed in this section does not apply to wholesale cotton buyers (see Sec. 58-295, page 183), or
wholesale grain dealers (see Sec. 58-295.1, p. 184) and cotton and peanut dealers (Sec. 58-296, p. 185).

Special attention is drawn to the fact that a license tax is levied upon wholesale merchants going out of business (see Sec. 58-311, p. 189).

Where a wholesale merchant is also a retail merchant, as defined in Sec. 58-321, shown on page 190, he is required to obtain a retail merchant’s license in addition to his wholesale merchant’s license, subject to the provisions of Sec. 58-336 which allow a retail merchant to conduct a wholesale business under his retail license by including such wholesale business in retail sales, provided that the greater part of his business for the preceding year was retail.

Special attention is drawn to the fact that where goods, wares, and merchandise not belonging to a merchant are offered for sale by the merchant or by another person at the merchant’s duly licensed place of business, such merchant is required to take out the license required of a commission merchant as shown under Sec. 58-293 on page 181.

The tax imposed by this section is in lieu of all taxes on the capital actually employed by any licensed wholesale merchant in his mercantile business (see Sec. 58-418, p. 134), except the registration fee and franchise tax, and except that such merchant shall not be exempt from the payment of county, district and road or other levies on the amount of capital on hand on the first day of January of each year and may be required to pay the usual city, county, district and road or other levies thereon (see Sec. 58-337).

A separate license tax is required for the operation of a distributing house, other than the house or place of manufacture, by one engaged in the business of a merchant in this State (see Sec. 58-319).

Rates are fifty dollars for the first ten thousand dollars or less of purchases made during the preceding year plus thirteen cents on each one hundred dollars in excess of ten thousand dollars.
For merchant beginning business or one who has not previously been in business a full year, estimates of purchases to be made between the date of the license and the following December 31, plus an estimate of the amount of goods on hand to be offered for sale shall be made and the tax paid thereon according to the above rates (see Sec. 58-308 and 58-309).

A wholesale merchant's license, the tax on which would be two hundred dollars or more when issued for the period of one year, may be issued quarterly (see Sec. 58-312). No question of proration can arise, because every merchant's license tax is measured by purchases or sales.

Method and Time of Reporting and Payment — The general requirements are the same as described under Sec. 58-268 shown on page 169. In addition, each wholesale merchant is required on the first day of January of each year or within ten days thereafter, to make a report in writing, under oath, to the commissioner of the revenue for the county or city in which is located his place of business, showing purchases during the next preceding calendar year.

Wholesale merchants are required to keep and preserve their invoices and a record of all purchases and from whom made at each of his definite places of business in this State.

Sec. 58-311. Wholesale Merchant Going Out of Business.

A license tax is levied upon a wholesale merchant going out of business. This tax is required when after the close of the year for which a license was issued the wholesale merchant does not desire to renew it, but has goods, wares and merchandise left on hand which he desires to sell.

Rates — The rates are the same as those described under Sec. 58-305 shown on page 187. For the purpose of computing the license tax under this section the goods, wares and merchandise left on hand are to be regarded as purchases.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-305 shown on page 187.
Sec. 58-316. Merchant's License Required of Manufacturer When Peddling Among Dealers or Retailers.

A license tax is levied upon a manufacturer engaged in business in this State selling at a definite place or store, other than the place of manufacture, to other persons for resale, or to institutional, commercial, or industrial users, the goods, wares and merchandise manufactured by him.

Where a manufacturer operates a distributing house other than at the place of manufacturer, a separate license is required (see Sec. 58-319, p. 190).

Rates — The rates are the same as those levied upon wholesale merchants as described in Sec. 58-305 shown on page 187. This license tax is measured not only by the amount of purchases made by such manufacturer from others, but also by the goods, manufactured by him and sent from the place of manufacture to his store (see Sec. 58-317).

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-305 shown on page 187.

Sec. 58-319. Distributing Houses.

A license tax is levied upon any person, firm or corporation engaged in the business of a merchant in this State who operates a distributing house in this State for the purpose of distributing goods, wares and merchandise among his or its retail stores.

Rates — The rates are the same as those required of wholesale merchants as shown under Sec. 58-305 on page 187. In order to measure the license tax, all the goods, wares and merchandise distributed through such distributing house or place shall be regarded as purchases.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-305 shown on page 187.

Sec. 58-321. Retail Merchant.
A license tax is levied upon any person, firm or corporation engaged in the business of a retail merchant.

Retail merchant includes every merchant who sells at retail only and not for resale. Any person who cooks or otherwise furnishes for compensation, diet or refreshments of any kind, for casual visitors at his home, and who does not furnish lodging, and who is not the keeper of a hotel or lodging house; or any person who sells soft drinks from a soda fountain, and a caterer is classified as a retail merchant.

For provisions dealing with the treatment for tax purposes of the capital and tangible personal property not constituting a part of merchant's capital, see Sec. 58-320.

For provisions dealing with when a retail merchant may or may not conduct a wholesale merchant business without being required to take out a wholesale merchant's license, see Sec. 58-336.

The taxes imposed under this section are in lieu of all taxes on the capital actually employed by any licensed retail merchant in his mercantile business (see Sec. 58-418, p. 134), except the registration fee and franchise tax.

Special attention is drawn to the fact that where goods, wares, and merchandise not belonging to a merchant are offered for sale by a retail merchant or by another person at the merchant's duly licensed place of business such merchant is required to take out the license required of a commission merchant as shown under Sec. 58-293 on page 181 (see Sec. 58-338).

A separate tax is imposed on a retail merchant going out of business (see Sec. 58-328, p. 193).

A manufacturer engaged in business in this State is allowed to sell at the place of manufacture the goods, wares and merchandise manufactured by him without being required to take out a retail merchant's license, but this does not cover his selling at a definite place or store other than the place of manufacture, at retail only and not for resale, the goods, wares and merchandise manufactured by him (see Sec. 58-333, p. 193).
A license tax is not imposed on any charitable or non-profit hospital or any auxiliary association thereof engaging in the business of operating a drink and sandwich shop on the premises of any such hospital (see Sec. 58-321.1).

Dealers in coal, wood or ice paying a retail merchant's license tax as required under this section may peddle from vehicles without paying an additional tax when such activity is conducted in cities of less than forty thousand inhabitants (see Sec. 58-335, p. 194).

Rates — are ten dollars for the first one thousand dollars or less of sales during the preceding calendar year plus ten dollars for sales over one thousand dollars and not exceeding two thousand dollars and twenty cents on each one hundred dollars in excess of two thousand dollars.

For a merchant beginning business or one who has not previously been in business a full year, estimates of sales which he will make for the period of the license shall be made and the tax paid thereon according to the above rates (see Sec. 58-324 and 58-325).

If the freight paid by a retail merchant on any article sold by him shall exceed twenty-five per centum of the price paid by him for the article itself, such excess shall be eliminated from consideration in ascertaining the amount of sale of such merchant and the tax to be paid thereon (see Sec. 58-327).

A retail merchant's license may be issued quarterly when the tax would be fifty dollars or more were it issued for a period of one year (see Sec. 58-329). Inasmuch as every retail merchant's license tax is measured by sales, no question of proration can arise.

Method and Time of Reporting and Payment — The general requirements are the same as described under Sec. 58-268 shown on page 169. In addition, each retail merchant is required on the first day of January of each year or within ten days thereafter, to make a report in writing, under oath to the commissioner of the revenue for the county or city in which
is located his place of business, showing sales during the pre-
ceding calendar year. (See Sec. 58-323.)

Retail merchants are also required to keep and preserve their
invoices and a record of all purchases and from whom made
at each of his definite places of business in the State.

Sec. 58-328. Retail Merchant Going Out Of Business.

A license tax is levied upon a retail merchant going out of
business. This tax is required when after the close of the year
for which a license was issued, the retail merchant does not
desire to renew it, but has goods, wares and merchandise left
on hand which he desires to sell.

Rates — The rates are the same as those described under
Sec. 58-321 shown on page 190. For the purpose of comput-
ing the license tax under this section, the commissioner of the
revenue issuing the license, subject to review and revision by
the Department of Taxation, shall estimate the retail sales value
of such goods, wares and merchandise, and such estimate shall
be the basis for computing the tax.

Method and Time of Reporting and Payment — The re-
quirements are the same as described under Sec. 58-321 shown
on page 190.

Sec. 58-333. Merchant's License Required of Manufacturer.

A license tax is levied upon a manufacturer engaged in
business in this State selling at a definite place or store, other
than the places of manufacture, at retail only and not for resale,
the goods, wares and merchandise manufactured by him. This
tax is imposed even though the definite place or store is located
in the same county, city or town in which his place of manu-
facture is established.

Rates — The rates are the same as those levied upon retail
merchants as described in Sec. 58-321 shown on page 192.
It should be noted that the tax is measured not only by the
amount of sales made by the manufacturer of goods, wares and
merchandise purchased from others, but also by the goods, wares and merchandise manufactured by him and sent from the place of manufacture to his store for sale and sold (see Sec. 58-334).

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-321 shown on page 192.

Sec. 58-335. Coal, Wood and Ice Dealers May Peddle; Exception.

A license tax is levied upon coal and wood dealers in cities of forty thousand inhabitants or more peddling the same from vehicles. This section specifically authorizes dealers in coal, wood and ice who are paying a retail merchant's license tax to peddle from vehicles without any additional tax except the tax imposed on the coal and wood dealers by this section. However, such dealers in coal, wood or ice who peddle from vehicles which do not bear Virginia motor vehicle license plates shall be subject to the same license tax as provided in Sec. 58-341 shown below on this page.

Rates — The rates are fifty dollars per vehicle.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 on page 169.

Sec. 58-341. Peddlers Generally.

A license tax is levied upon any person peddling any goods, wares or merchandise.

In general any person who carries wares or merchandise from place to place and offers to sell or barter these articles or does in fact sell or barter them, is a peddler (see Sec. 58-340). One who produces or grows his own farm or dairy products and sells or offers them for sale and one who sells only to licensed dealers or retailers (see Sec. 58-346) are not subject to the licensing provisions of this section.
Rates — The rates are as follows: for peddlers of goods, wares or merchandise (on foot) in each county (including towns in the county) or city the tax is two hundred fifty dollars; for peddlers of goods, wares or merchandise by vehicle, in each county (including towns in the county) or city the tax is five hundred dollars; for peddlers of meat, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits, or other family supplies of a perishable nature not grown or produced by them, the tax is fifty dollars for each vehicle used in such peddling in each city and county; for peddlers of family supplies of a perishable nature not grown or produced by them and groceries generally, including such articles as are customarily sold at grocery stores other than alcoholic beverages, the tax is one hundred fifty dollars for each vehicle used in such peddling in each county (including towns in the county) or city; for peddlers of ice, wood, or coal, for each vehicle used in such peddling in each county (including towns in the county) or city the tax is twenty-five dollars; for peddlers of seafood who buy the seafood they peddle from persons who catch or take the same in each county, including incorporated towns therein of less than fifteen hundred inhabitants, the tax is five dollars; for peddlers of seafood who buy seafood they peddle from persons who catch or take the same, in each city and in each incorporated town of more than fifteen hundred inhabitants, the tax is ten dollars; for peddlers of lightning rods, in each county (including towns in the county) or city the tax is two hundred dollars; for peddlers of ice, wood and coal not produced by them, but purchased for resale, the tax is twenty-five dollars for each vehicle in each county, or city.

The license taxes imposed under this section cannot be prorated or issued quarterly.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-346. Peddlers to Dealers or Retailers.

A license tax is levied upon any person, firm or corporation peddling goods, wares, or merchandise by selling and delivering
such articles at the same time to licensed dealers or retailers at other than a definite place of business operated by the peddler. This section does not apply to a distributor of manufactured goods paying a State license tax on his purchases, or a wholesale dealer regularly licensed by the State, or a distributor and/or vendor of motor vehicle fuels and petroleum products, or seafood, or a farmer or a farmer's cooperative association, or a producer of agricultural products, or a manufacturer taxable on capital by this State who peddles the goods, wares or merchandise manufactured by him at a plant the capital of which is taxable by the State and who peddles no other goods, wares or merchandise (see also, Secs. 58-349 and 58-352).

For the purpose of this section any delivery made on the day of sale shall be construed as equivalent to delivery at the time of sale.

Special attention is called to the fact that any person, firm or corporation peddling tobacco among retailers or dealers must take out the regular peddlers' license provided for in this section, and this license must not be confused with the specific license described in Sec. 58-402 shown on page 219.

Rates — are one hundred dollars for each vehicle used in such business. The license cannot be issued quarterly nor can it be prorated or transferred.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.


A license tax is levied upon any person engaged in the business of furnishing or supplying premium stamps to others to use in, with or for the sale of goods, merchandise or commodities.

Premium Stamps — are any stamps, coupons, tickets or similar devices which entitle the person receiving them with a purchase to procure any goods, merchandise or commodities
free of charge, or for less than the market price thereof, or to receive cash.

This section is not applicable to any coupon, or other similar device issued by manufacturers or packers and attached by him to his goods which he manufactures or packs and which is redeemable in merchandise by manufacturer or packer, or their independent redemption agent (see Sec. 58-354.7).

Rates — are fifty dollars for the first ten thousand dollars or less of the value of the premium stamps sold in the preceding year plus twenty-five cents per one hundred dollars on the value in excess of ten thousand dollars.

Value — means the average value, if sold at retail, of the goods, merchandise or commodities for which the premium stamps may be redeemed.

One beginning business is required to estimate the value of the stamps which he will furnish or supply between the date of the issuance of his license and the thirty-first of December following, and the license tax of every such person who was licensed for only a part of the next preceding license year shall be computed for the then current license year on the basis of an estimate of the value of the stamps which he will furnish or supply throughout the then current license year (see Sec. 58-354.5).

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

In addition, persons subject to this tax are required to make a report in writing under oath to the commissioner of the revenue for the county or city in which is located his place of business, showing the value of premium stamps furnished or supplied during the next preceding calendar year on the first day of January of each year, or within ten days thereafter.

Sec. 58-355. Coin-Operated Machines Generally.
A license tax is levied upon any person, firm or corporation having a lawful coin-operated machine of any description anywhere in the State.

Coin-Operated Machine — is one into which are inserted nickels or coins of larger denomination to dispose of articles or merchandise, or for the purpose of operating devices that operate on the coin-in-the-slot principle and are used for gain.

This section does not apply to pay telephones or to coin-operated machines that are used solely for the purpose of selling individual sanitary drinking cups or sanitary drinking cups and natural water or to machines vending sanitary napkins or to washing machines or for the delivery of newspapers.

In addition to the license imposed by this section, a license is required for a slot machine operator (see Sec. 58-359, p. 199).

For provisions concerning coin-operated radios and television sets see Sec. 58-397 shown on page 217.

Rates — are as follows:

On each machine into which are inserted nickels or coins of larger denominations to dispose of articles of merchandise, or for the purpose of operating devices that operate on the coin-in-the-slot principle, used for gain the tax is twenty-five dollars;

On each coin operated musical machine or musical device that operates on the coin-in-the-slot principle the tax is five dollars;

On each coin operated vending machine used solely for the sale of candy and operated on the premises of moving picture or other theatres the tax is five dollars;

On each coin operated vending machine used solely for the sale of candy operated on the premises of any person conducting any lawful business other than a theatre the tax is ten dollars;

On each amusement machine operated by the insertion of one cent the tax is two dollars;
On each machine used solely for the purpose of selling shoestrings, chewing gum, peanuts or peanut candy, or postage stamps, and on each weighing machine the tax is one dollar;

On each machine for the sale of agricultural products, soft drinks or cigars the tax is three dollars;

On each vending machine operated on premises for which a tobacco retailers' license has been obtained and used solely for the sale of cigarettes the tax is three dollars;

On each miniature pool table, in the operation of which nickels or coins of larger denominations are used the tax is ten dollars;

On each vending machine operated by the insertion of one cent for each machine the tax is one dollar;

On each vending machine used solely for sale of peanuts, peanut candy and peanut butter sandwiches and creme sandwiches, and operated by the insertion of a coin or coins of any denomination the tax is three dollars; and for automatic baggage or parcels checking machines, for each receptacle the tax is fifteen cents.

A coin machine license is neither transferable nor subject to proration.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-359. Operators of Coin Machines.

A license tax is levied upon any person, firm or corporation engaged as a coin machine operator.

Coin Machine Operator — Is any one selling, leasing, renting or otherwise furnishing a coin-operated machine or coin-operated machines to others or placing a coin-operated machine or coin-operated machines with others. Note that the tax im-
posed under this section is not in lieu of, but is in addition to the tax imposed on coin-operated machines under Sec. 58-355, shown on page 197.

This section is not applicable to operators of weighing machines, automatic baggage or parcel checking machines or receptacles, nor to vending machines which are so constructed as to do nothing but vend merchandise or postage stamps or provide service only, nor to operators of coin operated musical machines or musical devices that operate on the coin-in-the-slot principle, nor to operators of viewing machines or photomat machines, nor operators of devices or machines affording rides to children, nor operators of radio and television sets which are coin-operated (see Sec. 58-397, p. 217).

Rates — are one thousand dollars per year except that operators of cigarette vending machines shall be taxed at a rate of twenty cents on every one hundred dollars of gross sales.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268, shown on page 169. In addition, every operator who is required to take out his license under this section must, every three months, furnish a complete list of all machines and the name and address of each location to the commissioner of the revenue of the county or city in which the machines are located, and he must deposit with the State Tax Commissioner a bond to insure the keeping of records and the making of reports of the payment of the taxes imposed by this section. No license can be issued to a coin machine operator unless and until he has deposited such bond.

Sec. 58-362. Retail Merchant’s Licenses for Operators of Coin Machines.

A license tax is levied upon that part of the business of any person, firm or corporation engaged in the business of selling goods, wares and merchandise through the use of coin-operated vending machines.

Vending Machines — are only those machines that vend goods, wares and merchandise and give to the customer on
every purchase his money's worth in goods, wares and merchandise. Included under this section is the use of such machines by a soft drink manufacturer or bottler and manufacturer or packager of nuts, candy, or sandwiches, who leases, rents or otherwise furnishes vending machines to his customers for their use in selling soft drinks at retail as well as a soft drink manufacturer or bottler who himself sells soft drinks at retail through the use of such machines.

The use of cigarette vending machines on premises which are not already covered by a tobacco retailer's license requires the owner of such cigarette vending machine to take out a tobacco retailer's license for that location as provided in Sec. 58-402 shown on p. 219.

The taxes imposed by this section are in lieu of any license tax on an individual vending machine when located on the premises of operator's place of business (see Sec. 58-366), but the section does not apply to any vending machine upon which the license tax is paid under the provisions of Sec. 58-355 shown on page 197.

*Rates* — are twenty dollars annually plus twenty cents on every one hundred dollars of gross sales in excess of two thousand dollars for the preceding calendar year. If any person, firm or corporation has more than one definite place in this State at which goods, wares or merchandise are stored, kept or assembled for supplying such vending machines, the annual State license tax is twenty dollars additional for each definite place in excess of one.

The tax under this section cannot be prorated.

*Method and Time of Reporting and Payment* — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-370. *Architects.*

A license tax is *levied* upon every architect practicing in this State.
Architect — is any person who is certified to practice as an architect by the State Board for the Examination and Certification of Architects, Professional Engineers and Land Surveyors.

Rates — are ten dollars per year when the income for the preceding year was less than five hundred dollars and twenty-five dollars when the income for the preceding year was five hundred dollars or more.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-371. Attorneys At Law.

A license is levied upon every practicing attorney at law in this State.

Attorney at Law — is one who has been licensed, sworn and admitted to prosecute or defend actions or other proceedings in the courts of this State. The payment of this tax is made a prerequisite to the practice of law in this State. A revenue license to practice law in any county or city shall authorize such attorney to practice in all the courts of this State without an additional license.

Rates — are fifteen dollars per annum for attorneys who have been licensed for less than five years or those whose receipts for the preceding year were less than five hundred dollars; for all other attorneys the rates are twenty-five dollars per annum.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-371.1. Auction Sales of Jewelry and Certain Other Articles.

A license tax is levied upon any dealer conducting an auction sale of jewelry and certain other articles.
Jewelry and Certain Other Articles — includes diamonds, or any other precious or semi-precious stones or imitation thereof, watches, clocks, jewelry, gold, silver or plated ware, china, glassware, art goods, rugs, tapestries or leathergoods as described and regulated in Secs. 54-795 to 54-808.

Rates — are as follows: one hundred dollars per sale and this cannot be prorated or transferred.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-371.2. Bondsmen.

No State license tax is levied upon bondsmen, but provisions are made for the governing body of any county or city to require a license for anyone acting as a bondsman and any applicant for a license must first obtain a certificate from the judge of the circuit court of the county, or the judge of the corporation, circuit or hustings court of the city in which he desires to carry on such business.


A license tax is levied upon any person who keeps a bowling place.

Bowling Place — is any place maintained for the reception of persons to engage in bowling.

Rates — are twenty-five dollars for the first alley plus ten dollars for each additional alley. Special rates for bowling alleys operated for four months or less at watering places are twelve dollars fifty cents for the first alley plus five dollars for each additional alley.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-373. Building and Loan Associations.
A license tax is *levied* upon any business operating as a *building and loan association*.

The shares of stock issued by any building and loan association or company which has paid the tax imposed by this section shall not be taxable in the hands of the holder, nor shall any additional State tax be imposed on the paid-in capital of such association or company.

*Rates* — are fifty dollars per year for a purely mutual company, lending only to its stockholders, and confining its business solely to the city or county in which organized and the immediately contiguous counties and cities; for all other building and loan associations the *rates* are seventy-five dollars per year upon the paid up stock, or partially paid up stock up to the value of twenty-five thousand dollars plus three dollars upon each additional one thousand dollars or fraction thereof.

*Method and Time of Reporting and Payment* — The requirements are the same as described under section 58-268 shown on page 169. In addition, a report in writing of the capital paid in, if the association or company be incorporated under the laws of this State, or of its capital invested in this State, if it be a non-resident association or company, is required to be sworn to and sent to the commissioner of the revenue of the county or city in which the principal office or agency in this State is situated on the first day of January of each year, or within ten days thereafter.

Sec. 58-374. *Collection Agents*.

A license tax is *levied* upon any person acting as a *collection agent*.

*Collection Agent* — is any person, firm or corporation whose business it is to collect and account for claims, including notes, drafts and other negotiable instruments, on behalf of others. This section does not apply to a regularly licensed attorney at law.

*Rates* — are twenty-five dollars per year.
Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-375. Dentists.

A license tax is levied upon any person practicing as a dentist for compensation.

Dentist — is one who has been certified by the Board of Dental Examiners. A license to practice dentistry in any county or city shall authorize the holder to practice throughout the State.

Rates — are ten dollars per year for a dentist licensed less than five years and fifteen dollars per year for a dentist who has been licensed for five years or more except that in cities or towns of five thousand or more inhabitants the rates shall be twenty-five dollars per year for all dentists, provided that the rates shall in every case be ten dollars a year for a dentist whose receipts for the preceding year were less than five hundred dollars.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-376. Professional Engineers.

A license tax is levied upon any person serving as professional engineer.

Professional Engineer — is one who is certified to practice as an engineer by the State Board for the Examination and Certification of Architects, Professional Engineers and Land Surveyors. This license is not required of a professional engineer who is a mere employee and who is not engaged in business of his own.

Rates — are five dollars per year for an engineer who has practiced for not more than five years or whose income for the
preceding year was less than five hundred dollars and fifteen dollars for all other engineers.

**Method and Time of Reporting and Payment** — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-377. **Fortunetellers, Etc.**

A license tax is *levied* upon any person pretending to tell fortunes or assuming to act as clairvoyant or to practice palmistry or phrenology for compensation.

**Rates** — are five hundred dollars per year for each county or city in which such activity is conducted. This license cannot be prorated or issued quarterly.

**Method and Time of Reporting and Payment** — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-378. **Garages.**

A license tax is *levied* upon any person keeping a garage.

**Garage** — is every place where five or more motor vehicles are stored or housed at any one time for compensation.

**Rates** — are fifteen dollars per year in towns and counties of less than two thousand inhabitants, twenty-five dollars per year in towns of two thousand inhabitants or over, and thirty-five dollars per year in cities of less than ten thousand inhabitants. In addition, fifty cents per vehicle storage space in excess of five is added to the above rates. In cities of ten thousand inhabitants or over the rates are fifty dollars per year plus one dollar for each vehicle storage space in excess of five.

The tax on a garage kept for six months or less at a public watering place or summer resort shall be one half of the above rates.

Sec. 58-379. **Horse and Mule Sales by Non-Residents.**

206
A license tax is levied on the sale of horses and mules by non-residents in carload lots. This tax applies only to persons, firms or corporations which have no regularly established place of business in this State.

Rates — are two hundred and fifty dollars for each carload of horses or mules or its equivalent brought into the State for sale.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-380. Hotels.

A license tax is levied upon any person conducting the business of keeping a hotel in this State.

Hotel — is a public inn, or lodging house of more than ten bedrooms where transient guests are fed or lodged for pay.

Rates — are one dollar per year for each bedroom, except that a summer or health resort, keeping open not more than four months in a year, shall be taxed at one half the above rates.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-381. Itinerant Venders or Auctioneers.

A license tax is levied upon any person serving as an itinerant vendor or an itinerant auctioneer.

Itinerant Vendor or Auctioneer — is any person, firm or corporation who engages in or transacts any temporary or transient business in the State in the sale of goods, wares and merchandise who hires, leases or occupies any place or location, public or private, for any period less than one year for the purpose of carrying on such business (see Sec. 54-809).

Rates — are as follows: two hundred dollars per month, or fraction thereof. The license as prescribed by this section
cannot be granted for less than a month and no abatement is allowed for the use of the license for a lesser period.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.


A license tax is levied upon every junk dealer transacting business in this State.

One licensed under this section shall be exempt from the tax imposed on dealers in second-hand paper (see Sec. 58-383).

This license must be granted by the corporation or hustings court of a city, or by a circuit court of a county.

Rates — are fifty dollars per year, plus twenty-five dollars for each additional premises at which the dealer conducts his business, plus thirty dollars for each canvasser who acts on behalf of the dealer in buying or selling junk. Each such canvasser is required by law to be furnished with tin signs which are one dollar per set and is an additional cost for this license. This tax may not be prorated.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.


A license tax is levied upon any person dealing in second-hand paper. Duly licensed junk dealers (see Sec. 58-382) are exempted from the requirements of this section. This license must be granted by the corporation or hustings court of a city, or by a circuit court of a county.

Rates — are the same as those levied on junk dealers by Sec. 58-382, discussed on page 208.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.
Sec. 58-384. Labor and Emigrant Agents.

A license tax is levied upon any person acting as a labor or emigrant agent.

Labor Agent — is any person who solicits, hires or contracts with laborers, male or female, to be employed by persons other than himself, and every agent of such person.

Emigrant Agent — is any person engaged in hiring laborers or soliciting emigrants in this State to be employed beyond the limits of this State.

This section does not apply to Virginia contractors temporarily engaged on contract in other states when themselves employing labor for their own use. Nor does it apply to representative of labor organizations within the State when, because of need of employment, they may direct their members to employment in other states. Before this license may be issued, a certificate of the labor or emigrant agent's good character and honest demeanor is required from the corporation or hustings court of the city or the circuit court of the county in which the agent proposes to have his office.

Rates — are five hundred dollars for a labor agent and five thousand dollars for an emigrant agent in each county or city, which may not be prorated.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-385. Laundries.

A license tax is levied upon any person operating a laundry. This section does not apply to persons who wash bed clothing, wearing apparel, etc., without laundry machinery who do not keep shops or other regular places of business for laundry purposes.

Rates — for hand laundries: two dollars and fifty cents per year in counties or towns of two thousand inhabitants or
less; five dollars per year in cities or towns of over two thousand and up to five thousand inhabitants; and in a city or town of over five thousand inhabitants the rate is ten dollars per year; for a laundry other than a hand laundry: five dollars per year in a county or in a town of two thousand inhabitants or less, ten dollars per year in a city or town of two thousand inhabitants and not over five thousand inhabitants, and in a city or town of over five thousand inhabitants the rate is twenty-five dollars per year. Where the tax is five dollars or less it cannot be prorated.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-386.  Livery Stables.

A license tax is levied upon any person keeping a livery stable.

Livery Stable is any stable or stables in which horses are kept at livery or fed or at which horses and vehicles are hired for compensation by the proprietor.

Rates — are seven dollars and fifty cents per year in counties or towns of less than two thousand inhabitants, plus an additional twenty-five cents for each stall in excess of twenty-five, and in a town of two thousand inhabitants and over, the rate is twelve dollars fifty cents per year and twenty-five cents additional for each stall therein. At watering places and summer resorts operating for six months or less the tax is one-half of the above rates.

A tax of five dollars or less cannot be prorated.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-387.  Lodging Houses.
A license tax is levied upon any person keeping a lodging house. For the purpose of this section any person who shall furnish, for compensation, lodging or diet to travelers or sojourners in any house of ten bedrooms or less shall be deemed to keep a lodging house.

Rates — are five dollars annually and cannot be prorated.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-387.1. Medical Doctors.

A license tax is levied upon any person practicing as a medical doctor. This tax does not apply to a medical doctor who has practiced medicine regularly prior to January first, nineteen hundred and nine, nor to any medical doctor who is an intern in a licensed hospital during the twelve months next following his graduation therefrom, providing such intern engages in no medical practice other than that incident to his internship. A revenue license granted to practice medicine in any county or city shall authorize such medical doctor to practice throughout the State.

Rates — are fifteen dollars per year for a doctor who has practiced for less than five years or whose receipts for the preceding year were less than five hundred dollars; all other doctors shall be taxed at the rate of fifteen dollars per year.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-388. Mercantile Agencies.

A license tax is levied upon any person, firm or corporation operating as a mercantile agency.

Mercantile Agency — is one engaged in reporting the financial standing of merchants and others as a regular business
for compensation. This section does not apply to employees of mercantile agencies who only report to such agencies, nor to regularly licensed attorneys at law.

*Rates* — are two hundred and fifty dollars annually.

*Method and Time of Reporting and Payment* — The general requirements are the same as described under Sec. 58-268 shown on page 169, except that this tax is paid annually into the State Treasury and the license is issued by the Department of Taxation.

Sec. 58-389. *Merchants on Trains.*

A license tax is *levied* upon any person, firm or corporation engaged as a merchant on trains.

*Merchants on Trains* — is the business of selling newspapers, periodicals, magazines, candies, fruits, etc., on railroad trains in this State. The license issued under this section is good on railroad trains throughout the State.

*Rates* — are twenty cents for each and every mile of track upon which the person, firm, company or corporation operates in this State.

*Method and Time of Reporting and Payment* — The general requirements are the same as described under Sec. 58-268 shown on page 169. When taking out such a license one is required to make a sworn statement of the trackage over which it is proposed to operate in this State and file the same with the commissioner of the revenue to whom he applies for the license.

Sec. 58-390. *Optometrists.*

A license tax is *levied* upon any person practicing as an optometrist.

*Optometrist* — is one who has met the regulatory laws of this State relating to the profession of optometry.
A license issued under this section entitle one to practice optometry throughout the State.

An additional tax is levied in cases where the optometrist fills his own prescriptions and the prescriptions of other optometrists and of oculists or either.

*Rates* — are ten dollars per year for an optometrist who has practiced for less than five years and twenty dollars per year if in practice for five years or more. In addition twenty cents per hundred dollars of gross receipts from the filling of prescriptions from other optometrists or oculists in excess of one thousand dollars, is also imposed by this section.

*Method and Time of Reporting and Payment* — The requirements are the same as described under Sec. 58-268 shown on page 169.


A license tax is *levied* upon any person selling *patent medicines*.

_Patent Medicines_ — are any patent, proprietary or domestic medicines, salve, liniment or compounds of a like kind or any spices or extracts, toilet articles or other articles of like kind. This section is not applicable to a merchant license under Sec. 58-321, discussed on page 190.

*Rates* — are forty dollars per year for each vehicle used in the sale of patent medicines or forty dollars for each person who sells by traveling on foot.

*Method and Time of Reporting and Payment* — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-392. *Pawnbrokers.*

A license tax is *levied* upon any person transacting business as a *pawnbroker.*
Pawnbroker — is any person who shall in any manner lend or advance money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Before this license may be issued by the commissioner of the revenue, authority must be granted by the corporation or hustings court of the city, or by the circuit court of a county. The person licensed must give a bond for twenty-five hundred dollars.

Rates — are two hundred fifty dollars for each county (including towns in the county) or city. The license issued under this section cannot be prorated.

Method and Time of Reporting and Payment — The requirements are the same as described in Sec. 58-268 discussed on page 169.

Sec. 58-393. Photographers.

A license tax is levied upon every photographer and every canvasser for any photographer or agent of the photographer who transmits pictures to other points for the purpose of having them copied, enlarged or colored. Nothing in this section shall apply to amateur photographers who expose, develop and finish their own work and who do not sell such work for compensation, or receive any compensation for performing any of the processes of photography.

Rates — The rates are as follows: in a county or in a town of two thousand inhabitants or less the rate is ten dollars; in a city or town of more than two thousand inhabitants and less than ten thousand inhabitants the rate is thirty dollars; in a city of more than ten thousand inhabitants and less than twenty thousand inhabitants the rate is forty dollars. In a city of more than twenty thousand inhabitants the rate is fifty dollars. An additional sum of five dollars is required for each county or city
in which he operates other than that in which he has his regular place of business. If the person, firm or corporation has no regularly established place of business in this State, the tax is one hundred dollars annually (Sec. 58-393.1).

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 discussed on page 169.

Sec. 58-394. Pistol Dealers.

A license tax is levied upon any person, firm or corporation engaged in the business of selling pistols at retail.

Rates—are five dollars annually.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 as shown on page 169.

Sec. 58-395. Police and Firemen's Associations.

A license tax is levied upon every police pension fund association, police benevolent association and firemen's mutual aid association in which membership is restricted to the personnel of the police and fire departments of the political sub-divisions of this State. The license tax imposed by this section is in lieu of all State taxes which, but for this tax, would be imposed upon the intangible personal property of such associations.

Rates — are five dollars annually if the intangible personal property and cash holdings amount to five thousand dollars or less; if the intangible personal property and cash holdings exceed five thousand dollars, but do not exceed ten thousand dollars the rate is ten dollars per year; if the intangible personal property and cash holdings exceed fifteen thousand dollars the rate is twenty dollars per year.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 as shown on page 169.
Sec. 58-396. Pool and Billiard Rooms.

A license tax is levied upon any person operating a billiard room.

Billiard Room — is any place wherein there is a table at which billiards or pool are played.

Rates — are twenty-five dollars per year for the first table and twelve dollars and fifty cents for each additional table in counties or cities of less than one thousand inhabitants, if in a town or city of one thousand inhabitants or over, the rate for the first table is fifty dollars and the rate for each additional table is twenty-five dollars.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 as discussed on page 169.


A license tax is levied upon every person, firm or corporation who supplies pulpwood, veneer logs, mine props and railroad cross ties to those suppliers taxed under the provisions of Sec. 58-417. Suppliers taxed under Sec. 58-417 are those suppliers who procure the above forest products for manufacturers, mine operators and railway companies on a commission basis and who are taxable on capital and not as merchants, commission merchants or brokers.

This section does not apply to one who owns the land from which these forest products are cut or to any person who cuts or converts trees into such products.

Rates — are fifteen dollars on the first ten thousand dollars or less of sales for the preceding year plus ten cents on each one hundred dollars of sales in excess of ten thousand dollars.

Estimates of sales that will be made to the end of the calendar year will be made for those beginning business and the tax computed according to the above rates.
**Method and Time of Reporting** — The requirements are the same as described under Section 58-268 as shown on page 169.

Sec. 58-397. **Coin-Operated Radio and Television Sets in Public Places.**

A license tax is levied upon any person, firm or corporation installing **coin-operated radios and television sets** in hotel and lodging house rooms and hospital rooms, or in booths or on tables or counters in restaurants and other eating places. The operation of coin-operated radios and television sets shall not require the taking out of an operator's license in addition to the license for each individual radio or television set.

**Rates** — are one dollar per annum per radio or per television set. The license taxes imposed by this section shall not be subject to proration.

**Method and Time of Reporting and Payment** — The general requirements are the same as described under Section 58-268 shown on page 169. Note that a separate application is required for each such location, but provisions are set forth enabling one to take out a license on all the radios or television sets located in any one particular location.

Sec. 58-398. **Real Estate Brokers.**

A license tax is levied upon any person, firm or corporation operating as a real estate broker.

**Real Estate Broker** — is any person, firm or corporation who for compensation or valuable consideration sells or offers for sale, buys or offers to buy or negotiate the purchase or sale or exchange of real estate, or who leases or offers to lease or rents or offers to rent any real estate or the improvements thereon for others.

When one is licensed as a real estate broker he may sell in the county or city wherein licensed, at auction or privately, without taking out an auctioneer's license, any real estate in this State intrusted to him for sale.
In order to be licensed under this section an applicant must show that he has been duly licensed to act as a real estate broker by the Virginia Real Estate Commission; provided, however, that a revenue license may be issued to a firm, if one of its members, or to a corporation, if one of its officers, exhibits a current license or other evidence showing that he has been duly licensed to act as a real estate broker by the Virginia Real Estate Commission.

This section does not apply to any member or employee of a firm or to any officer or employee of a corporation in his capacity as such member, officer or employee if such firm or corporation has taken out a revenue license as a real estate broker.

This section does not apply to commissioners and receivers appointed by the courts, nor to administrators, executors, guardians, trustees and other fiduciaries while acting in a fiduciary capacity.

*Rates* — are twenty-five dollars annually in a county or in an incorporated city or town of not more than fifteen thousand inhabitants, in a city or incorporated town of more than fifteen thousand inhabitants the *rate* is fifty dollars annually.

*Method and Time of Reporting and Payment* — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-400. *Manufacturers of Bottled Carbonated Beverages.*

A license tax is levied upon any one manufacturer *manufacturing bottled carbonated beverages*. Such persons, firms and corporations engaged in the business of mixing, compounding or manufacturing carbonated beverages in bottles and selling the same are deemed manufacturers and not merchants.

*Rates* — are twenty-five dollars annually.

*Method and Time of Reporting and Payment* — The requirements are the same as described under Sec. 58-268 shown on page 169.
Sec. 58-401. Storage and Impounding.

A license tax is levied upon any person keeping for compensation any house, yard or lot for storage or impounding any produce, wares or merchandise including wood, coal, lumber, guano, moll or other commodities or any livestock, or who receives in any manner compensation for storage or impounding.

Rates — are twenty-five dollars per year on every house, except in any city or town whose population exceeds thirty thousand the amount to be paid shall be fifty dollars; and on every yard, wagon yard or lot, ten dollars; provided, that when the compensation to the owner is less than fifty dollars per annum the tax is not imposed.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-402. Tobacco Dealers.

A license tax is levied upon any person, not a producer, selling by retail or selling by wholesale, tobacco, snuff, and cigars. The tax on selling at retail is in addition to and not in lieu of the retail merchant's tax measured by sales (see Sec. 58-321, p. 190) and the tax on selling wholesale is in addition to and not in lieu of the merchant's license on purchases (see Sec. 58-305, p. 187).

A licensed keeper of a hotel or lodging house, who sells tobacco, snuff, cigarettes or cigars, must take out the retail tobacco license, but he is not required to take out a merchant's license if his sales of tobacco, snuff, cigarettes and cigars are less than five hundred dollars a year, provided he does not conduct a mercantile business in connection with his hotel or lodging house.

This section also applies to peddlers.

Rates — are five dollars annually for tobacco retailers; for tobacco wholesalers the rate is fifty dollars per year for each
definite place of business; the tax on a wholesale tobacco peddler is fifty dollars per year regardless of the number of vehicles used in such peddling.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

Sec. 58-403. Undertakers.

A license tax is levied upon any person, firm or corporation serving as an undertaker.

Undertaker — is any person, firm or corporation engaged in the business of burying the dead.

An undertaker may, under his license as an undertaker bury the dead and may sell the coffin, casket, shroud and other funeral supplies required to bury the dead which he buries; but an undertaker may not under his undertaker's license, sell coffins, caskets, shrouds and other funeral supplies to be used in burying the dead which he does not bury. For this business he must, in addition to his undertaker's license, take out a merchant's license (see Sec. 58-305, p. 187, and Sec. 58-321, p. 190), based on purchases or sales.

Note that before one can be licensed under this section he is required to exhibit a certificate of the State Board of Embalmers and Funeral Directors.

Rates — are five dollars annually in counties or towns of one thousand inhabitants or less; in a town or city of over one thousand and not over three thousand inhabitants, the rate is ten dollars; in a town or city of over three thousand and not over five thousand inhabitants, the rate is fifteen dollars; in a town or city of over five thousand and not over ten thousand inhabitants, the rate is twenty-five dollars; in a city of over ten thousand and not over thirty thousand inhabitants, the rate is thirty-five dollars; in a city of over thirty thousand inhabitants, the rate is fifty dollars. A tax of five dollars cannot be prorated.
Sec. 58-404. *Veterinary Surgeons.*

A license tax is *levied* upon any person practicing as a *veterinary surgeon*. This section does not apply to persons who confine their practices to castration, spraying or dehorning livestock.

*Rates* — are ten dollars per year.

Sec. 58-401.01. *Livestock Dealers.*

A license tax is *levied* upon any person, firm or corporation doing business as a *livestock dealer*.

*Livestock Dealer* — is one who buys livestock for resale and sells such livestock on his own account, whether at wholesale or at retail. Any livestock dealer holding a license under this section may peddle such livestock under such license in the county or city in which it is issued without taking out a peddler's license.

*Rates* — are twenty dollars per year for dealers whose sales during the preceding year were ten thousand dollars or less plus three cents for each one hundred dollars of sales in excess of ten thousand dollars.

For one beginning business, the sales which he will make between the date of the issuance of the license and the thirty-first of December following are estimated and the tax computed according to the above rates.

Sec. 58-401.01. *Livestock Dealers.*

A license tax is *levied* upon any person, firm or corporation doing business as a *livestock dealer*.

*Livestock Dealer* — is one who buys livestock for resale and sells such livestock on his own account, whether at wholesale or at retail. Any livestock dealer holding a license under this section may peddle such livestock under such license in the county or city in which it is issued without taking out a peddler's license.

*Rates* — are twenty dollars per year for dealers whose sales during the preceding year were ten thousand dollars or less plus three cents for each one hundred dollars of sales in excess of ten thousand dollars.

For one beginning business, the sales which he will make between the date of the issuance of the license and the thirty-first of December following are estimated and the tax computed according to the above rates.

Method and Time of Reporting and Payment — The requirements are the same as described under Sec. 58-268 shown on page 169.

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