

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **House Bill 2864**

**FISCAL  
NOTE**

BY DELEGATES O'NEAL, HOUSEHOLDER, SYPOLT, UPSON,

HILL, KESSINGER, ATKINSON, C. MILLER, QUEEN,

HAMRICK AND FOSTER, N.

[Introduced March 8, 2017; Referred

to the Committee on Small Business,

Entrepreneurship and Economic Development then

Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §59-1-2d, relating to waiving certain business start-up and occupational  
 3 licensing fees for low-income individuals.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §59-1-2d, to read as follows:

**ARTICLE 1. FEES AND ALLOWANCES.**

**§59-1-2d. Low-income individuals; waiver of certain fees.**

1 (a) For the purposes of this section:

2 (1) "Licensing" means any required training, education, or fee to work in a specific  
 3 profession.

4 (2) "Occupational fee" means a fee or tax on professionals or businesses that is charged  
 5 for the privilege of providing goods or services within a certain jurisdiction.

6 (3) "Political subdivision" means a city, town, village, or county.

7 (4) "Licensing authority" means an agency, examining board, credentialing board, or other  
 8 office with the authority to impose occupational fees or licensing requirements on any profession.

9 (5) "Low-income individuals" mean individuals whose household adjusted gross income is  
 10 below one hundred thirty percent of the federal poverty line, or a higher threshold to be set by the  
 11 executive branch department that oversees business regulation. This term also applies to any  
 12 person enrolled in a state or federal public assistance program including, but not limited to,  
 13 Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program or  
 14 Medicaid.

15 (b) Beginning July 1, 2017, low-income individuals are exempt from paying the fees  
 16 provided in section two of this article for filing:

17 (1) Articles of incorporation of a domestic, for-profit corporation, for which he or she is an  
 18 incorporator;

19           (2) Articles of incorporation of a domestic, nonprofit corporation for which he or she is an  
20 incorporator;

21           (3) Articles of organization of a domestic limited liability company, for which he or she is a  
22 member;

23           (4) Agreement of a domestic general partnership, for which he or she is a partner; or

24           (5) Certificate of a domestic limited partnership, for which he or she is a partner.

25           (c) Beginning on July 1, 2017, low-income individuals are exempt from paying the fees  
26 included in chapter thirty of this code.

27           (d) Individuals seeking a waiver of the above fees must apply to the appropriate governing  
28 or licensing authority in a format prescribed by the governing or licensing authority. The governing  
29 or licensing authority shall process the application within thirty days of receiving it from the  
30 applicant.

31           (e) The governing or licensing authority shall adopt necessary rules for the implementation  
32 of this section.

NOTE: The purpose of this bill is to waive business start-up and occupational licensing fees for low-income individuals.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.