WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 179

FISCAL
NOTE

BY SENATORS PLYMALE AND JEFFRIES

[Introduced February 8, 2017; referred

to the Committee on Banking and Insurance; and then

to the Committee on Finance]

1   A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

2   designated §32A-2-5a, relating to fees for certain currency transmission services;

3   requiring such a fee be charged and collected; setting forth details related to the remission

4   of said fees; authorizing the creation of forms; requiring submission of forms and

5   remittances on a schedule; authorizing sharing of forms between the Division of Financial

6   Institutions and the state Tax Department; creating penalties for failure to timely submit

7   forms and remittances, up to and including suspension of the license; detailing the transfer

8   of fees collected; mandating a posting at all licensees relating to a tax credit that may be

9   claimed by tax filers equivalent to the fees charged; and authorizing rule-making authority.

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 §32A-2-5a, to read as follows:

ARTICLE 2. CHECKS AND MONEY ORDER SALES, MONEY TRANSMISSION SERVICES, TRANSPORTATION AND CURRENCY EXCHANGE.

§32A-2-5a. Fees for service.

1   (a) A licensee for currency transmission shall charge and collect a fee for service in an

2   amount equal to one percent of the amount of each wire or electronic transfer originating in West

3   Virginia.

4   (b) The fee prescribed by subsection (a) of this section shall be remitted quarterly to the

5   West Virginia Division of Financial Institutions on such forms as the division, with the assistance

6   of the state Tax Department, may prescribe. All required forms and remittances shall be filed with

7   the commissioner not later than the fifteenth day of the month following the close of each calendar

8   quarter. All forms submitted to the commissioner shall be shared by the commissioner with the

9   state Tax Department.

10   (c) The commissioner shall charge a penalty of $100 per day for each day late on each

11   licensee for failure to timely submit the forms and remittances required by this section, unless an

12   extension of time has been granted or the fee waived by the commissioner. Failure to submit the

13   forms and payment required by this section within thirty days of the deadline is grounds for

14   suspension of the licensee's license by the commissioner until all required reports have been filed

15   and fees have been remitted. Upon request of the state Tax Department, the commissioner may

16   make a claim against the surety bond of the licensee on behalf of the state.

17   (d) Fees and moneys received and collected under this article shall be transferred by the

18   commissioner to the State Treasurer not later than the thirtieth day of the month following the

19   close of each calendar quarter and deposited into general revenue.

20   (e) Every licensee shall post a notice on a form prescribed by the division, in consultation

21   with the state Tax Department, that notifies customers that upon filing an individual income tax

22   return with either a valid social security number or a valid taxpayer identification number, the

23   customer shall be entitled to an income tax credit equal to the amount of the fee paid by the

24   customer for the transaction.

25   (f) The commissioner and the state Tax Department, may propose joint rules for legislative

26   approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, in

27   order to effectuate this section.

        NOTE: The purpose of this bill is to assess a fee on wire transfers with an equivalent tax
        credit in order to capture transfers more likely to contain the proceeds of drug trafficking
        sent from nonresidents.

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