

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 4266

BY DELEGATES REED, B. WARD, FORSHT, BARRETT,

MANDT, HANNA, MALLOW, HARDY, WORRELL, BOOTH AND

CLARK

[Originating in the Committee on Government Organization; January 24, 2022]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §31B-1-115, relating to requiring persons, companies, or other entities, that
3 charge fees for services to limited liability companies to file an annual report on behalf of
4 a limited liability company, include a notice that contains certain requirements; and
5 creating criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 31B. GENERAL PROVISIONS.

§31B-1-115. Fees for annual report filings may be paid online; notice required.

1 (a) Any person, company, or other legal entity must provide the notice described in
2 subsection (b) of this section if the person, company, or other legal entity:

3 (1) Claims to be authorized to file the annual report on behalf of a limited liability company
4 pursuant §31B-1-108 and §59-1-2a of this code; and,

5 (2) Charges a fee for the service of filing the annual report.

6 (b) Any person, company, or other legal entity must notify a limited liability company prior
7 to accepting any form of payment. Notice shall be made by providing a limited liability company a
8 disclaimer in 36-point Times New Roman font on bright pink 8"x11" paper or in similar fashion
9 when delivered electronically. The notice must contain:

10 (1) The website address of the West Virginia Secretary of State's office;

11 (2) The following sentence: "The legal filing fee may be paid online and the fee to file the
12 annual report is \$25 pursuant to §59-1-2a of West Virginia Code"; and,

13 (3) A veteran owned business or an active duty member owned business in §59-1-2a of
14 this code is exempt from paying the annual report fee for the first four years after its initial
15 registration.

16 (c) Any person, company, or other legal entity that fails to provide the notice required in
17 subsection (b) of this section may be guilty of a misdemeanor and fined up to \$1,000.