

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Senate Bill 433

BY SENATOR TRUMP

[Passed April 7, 2017; in effect 90 days from passage]

1 AN ACT to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating
2 to permitting counties to increase the excise tax on the privilege of transferring real
3 property.

Be it enacted by the Legislature of West Virginia:

1 That §11-22-2 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 22. EXCISE TAX ON PRIVILEGE OF TRANSFERRING REAL PROPERTY.

§11-22-2. Rate of tax; when and by whom payable; additional county tax.

1 (a) Every person who delivers, accepts or presents for recording any document, or in
2 whose behalf any document is delivered, accepted or presented for recording, is subject to pay
3 for, and in respect to the transaction or any part thereof, a state excise tax upon the privilege of
4 transferring title to real estate at the rate of \$1.10 for each \$500 value or fraction thereof as
5 represented by the document as defined in section one of this article. The state tax is payable at
6 the time of delivery, acceptance or presenting for recording of the document. In addition to the
7 state excise tax described in this subsection, there is assessed a fee of \$20 upon the privilege of
8 transferring real estate for consideration. The clerk of the county commission shall collect the
9 additional \$20 fee before recording a transfer of title to real estate and shall deposit the moneys
10 from the additional fees into the West Virginia Affordable Housing Trust Fund as provided in article
11 eighteen-d, chapter thirty-one of this code. The moneys collected from this additional fee shall
12 be segregated from other funds in the West Virginia Affordable Housing Trust Fund and shall be
13 accounted for separately. Not more than ten percent of these additional moneys may be
14 expended by the West Virginia Affordable Housing Trust Fund to defray administrative and
15 operating costs and expenses actually incurred by the West Virginia Affordable Housing Trust
16 Fund. The Housing Development Fund, as fiscal agent of the West Virginia Affordable Housing
17 Trust Fund, shall publish monthly on the Internet site an accounting of all revenue deposited into
18 the fund during the month and a full disclosure of all expenditures from the fund including the

19 group receiving funds, their location and any contractor awarded the construction contract.
20 Additionally, the West Virginia Affordable Housing Trust Fund is to provide an annual report to
21 the Joint Committee on Government and Finance before December 1, 2007, and each year
22 thereafter.

23 (b) Effective January 1, 1968, and thereafter, there is imposed an additional county excise
24 tax for the privilege of transferring title to real estate at the rate of 55 cents for each \$500 value
25 or fraction thereof as represented by such document as defined in section one of this article, which
26 county tax shall be payable at the time of delivery, acceptance or presenting for recording of such
27 document: *Provided*, That after July 1, 1989, the county may increase said excise tax to an
28 amount equal to the state excise tax. The additional tax hereby imposed is declared to be a
29 county tax and to be used for county purposes: *Provided, however*, That after July 1, 2017, the
30 county may increase the excise tax to an amount not to exceed \$1.65 for each \$500 value, or
31 fraction thereof, as represented by a document as defined in section one of this article: *Provided*
32 *further*, That only one such state tax and one such county tax shall be paid on any one document
33 and shall be collected in the county where the document is first admitted to record and the tax
34 shall be paid by the grantor therein unless the grantee accepts the document without such tax
35 having been paid, in which event such tax shall be paid by the grantee: *And provided further*,
36 That on any transfer of real property from a trustee or a county clerk transferring real estate sold
37 for taxes, such tax shall be paid by the grantee. The county excise tax imposed under this section
38 may not be increased in any county unless the increase is approved by a majority vote of the
39 members of the county commission of such county. Any county commission intending to increase
40 the excise tax imposed in its county shall publish a notice of its intention to increase such tax not
41 less than thirty days nor more than sixty days prior to the meeting at which such increase will be
42 considered, such notice to be published as a Class I legal advertisement in compliance with the
43 provisions of article three, chapter fifty-nine of this code and the publication area shall be the
44 county in which such county commission is located.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2017.

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Governor