

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4245

BY Delegate D. Smith

[Originating in the Committee on Finance, February

24, 2026]

1 A BILL to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to
2 authorizing certain agencies of the Department of Revenue to promulgate legislative rules;
3 authorizing the rules as filed and as modified by the Legislative Rule-Making Review
4 Committee and as amended by the Legislature; authorizing the Alcohol Beverage Control
5 Administration to promulgate a legislative rule relating to private clubs; authorizing the
6 Division of Financial Institutions to promulgate a legislative rule relating to residential
7 mortgage lenders, brokers, and loan originators; authorizing the Division of Financial
8 Institutions to promulgate a legislative rule relating to the installation, operation, and
9 sharing of customer bank communication terminals and the utilization of nonexclusive
10 access interchange system; authorizing the Division of Financial Institutions to promulgate
11 a legislative rule relating to the notice and treatment of joint accounts; authorizing the
12 Commissioner of Financial Institutions to promulgate a legislative rule relating to the
13 Fintech Regulatory Sandbox Program; authorizing the Insurance Commissioner to
14 promulgate a legislative rule relating to fingerprinting requirements for applicants for
15 insurance producer license and insurance adjuster license; authorizing the Insurance
16 Commission to promulgate a legislative rule relating to premium financing for life insurance
17 for college students; authorizing the Insurance Commission to promulgate a legislative rule
18 relating to mass marketing of property and liability insurance; authorizing the Insurance
19 Commission to promulgate a legislative rule relating to the advertisement of accident and
20 sickness insurance; authorizing the Insurance Commissioner to promulgate a legislative
21 rule relating to insurance adjusters; authorizing the Insurance Commission to promulgate a
22 legislative rule relating to insurance holding company systems; authorizing the Insurance
23 Commissioner to promulgate a legislative rule relating to credit for reinsurance; authorizing
24 the Insurance Commissioner to promulgate a legislative rule relating to mental health
25 parity; authorizing the Lottery Commission to promulgate a legislative rule relating to
26 interactive wagering; authorizing the Racing Commission to promulgate a legislative rule

27 relating to thoroughbred racing; authorizing the Racing Commission to promulgate a
28 legislative rule relating to Advance Deposit Account Wagering; authorizing the Tax Division
29 to promulgate a legislative rule relating to the valuation of timberland and managed
30 timberland; authorizing the Tax Division to promulgate a legislative rule relating to the
31 valuation of public utility property for ad valorem property tax purposes; authorizing the Tax
32 Division to promulgate a legislative rule relating to a tax credit for providing vehicles to low-
33 income workers; authorizing the Tax Division to promulgate a legislative rule relating to
34 Downstream Natural Gas Manufacturing Investment Tax Credit; authorizing the Tax
35 Division to promulgate a legislative rule relating to High-Wage Growth Business Tax Credit;
36 authorizing the Tax Division to promulgate a legislative rule relating to commercial patent
37 incentives tax credits; authorizing the Tax Division to promulgate a legislative rule relating
38 to on-line bingo and raffles; authorizing the Tax Division to promulgate a legislative rule
39 relating to the Soft Drinks Tax; authorizing the Tax Division to promulgate a legislative rule
40 relating to income tax credits for property taxes paid; and authorizing the Tax Division to
41 promulgate a legislative rule relating to preneed cemetery companies.

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

**ARTICLE 7. AUTHORIZATION FOR AGENCIES OF THE DEPARTMENT OF
REVENUE TO PROMULGATE LEGISLATIVE RULES.**

§64-7-1. Alcohol Beverage Control Administration.

1 The legislative rule filed in the State Register on July 22, 2025, authorized under the
2 authority of §60-7-10 of this code, modified by the Alcohol Beverage Control Administration to
3 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
4 Register on September 11, 2025, relating to the Alcohol Beverage Control Administration (private
5 clubs, [175 CSR 02](#)), is authorized with the following amendment:

6 On page 40, by striking out 4.2 through 4.2.5 in their entirety and inserting in lieu thereof

7 the following:

8 "4.2. Age for purchase of alcoholic beverages. - No licensee shall sell any alcoholic
9 beverage or nonintoxicating beer to individuals below the age of 21 years. The licensee must
10 verify an individual's age by requiring ~~require~~ proof of age from at least one of three the
11 following documents certifying the age and depicting the identity of the holder of the document
12 individual, one form of proof shall be either a valid driver's license, commercial driver's
13 license, or Department of Motor Vehicles identification card, showing that the holder is at least 21
14 years of age. The following are considered to be valid proofs of age.:

15 4.2.1. A valid West Virginia driver's license showing that the holder is at least 21 years of
16 age and the photograph on the license matches the holder.

17 4.2.2. A valid West Virginia Commercial Driver's license (CDL) ~~license~~ showing that the
18 holder is at least 21 years of age and the photograph on the license matches the holder.

19 4.2.3. A valid West Virginia Department of Motor Vehicles (WV DMV) identification or a
20 valid West Virginia Mobile ID issued by the WV DMV showing that the holder is at least 21 years of
21 age and the photograph on the identification or WV Mobile ID matches the holder.

22 4.2.3.a. In order to accept a valid West Virginia Mobile ID, a licensee must download a
23 West Virginia DMV approved reader/verifier application or "APP". Approved WV
24 DMV reader/verifier APP vendors include, but are not limited to Credence mID, Idemia (Mobile ID
25 Verify), TapID, and any other WV DMV approved reader/verifier APP vendors. Note, any other
26 digital identification or any other photograph/copy of an identification is not an acceptable form of
27 identification.

28 4.2.3.b. Utilizing a WV DMV approved reader/verifier APP that has age verification,
29 the licensee must first confirm the validity of a holder's WV Mobile ID. A holder would need to
30 share data with the licensee which at minimum includes their name, photo, and birthdate to
31 complete the validation process. If a holder chooses to not share the pertinent data with the
32 licensee, then the licensee cannot complete a sale of alcohol using the WV Mobile ID.

33 4.2.3.c. Upon a holder sharing the data set forth in section 4.2.3.b., a licensee
34 using a WV DMV approved reader/verifier APP with age verification shall confirm the holder's WV
35 Mobile ID is valid. Simultaneously, the WV DMV approved reader/verifier APP with age verification
36 will verify if the holder is 21 years of age or over, or that the holder is not 21 years of age or over.
37 Additionally, the licensee must verify the photograph on the WV Mobile ID matches the holder
38 before completing the sale of any alcohol to a holder that is 21 years of age or older. If a holder's
39 purported WV Mobile ID is not confirmed as valid or the holder is not 21 years of age, then the
40 licensee cannot complete the sale of alcohol. Note, the licensee using a WV DMV
41 approved reader/verifier APP with age verification remains responsible to confirm the proper age
42 and identity of the holder, as with any other valid form of identification.

43 4.2.4. A valid driver's license from another state showing that the holder is at least 21
44 years of age and the photograph on the license matches the holder may be accepted if there is no
45 indication or evidence that the license has been altered.

46 4.2.5. Any other valid means of satisfactory proof with picture identification showing the
47 individual holder to be at least 21 years of age and the photograph on the document matches the
48 holder, such as a valid government issued passport, United States military identification, United
49 States VISA documents, or a United States issued permanent resident card.

50 The failure to produce satisfactory proof of age with a valid form of identification
51 upon demand entitles requires the licensee to refuse to sell alcoholic beverages to the individual.”

§64-7-2. Division of Financial Institutions.

52 (a) The legislative rule filed in the State Register on July 24, 2025, authorized under the
53 authority of §31-17-3 of this code, modified by the Division of Financial Institutions to meet the
54 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
55 September 10, 2025, relating to the Division of Financial Institutions (residential mortgage lenders,
56 brokers, and loan originators, [106 CSR 05](#)), is authorized with the following amendment:

57 On page 1, subsection 2.1, line 1, following the words “Pursuant to” by striking “W. Va.
58 Code §31A-8-12b(1)” and inserting in lieu thereof “W. Va. Code §31A-8-12b(a)(1)”; and

59 On page 3, section 4, line 4, following the word “to” by striking “subsections” and inserting
60 in lieu thereof “sections”.

61 (b) The legislative rule filed in the State Register on July 23, 2025, authorized under the
62 authority of §31A-8-12b of this code, relating to the Division of Financial Institutions (the
63 installation, operation, and sharing of customer bank communication terminals and the utilization
64 of nonexclusive access interchange system, [106 CSR 07](#)), is authorized with the following
65 amendment:

66 On page 8, subsection 9.1, line 4, following the word “subsections” by striking “3.1.~~wu~~ or
67 6.1.~~eo~~” and inserting in lieu thereof “3.1.21 or 6.1.15”;

68 On page 8, subsection 11.2, line 4, following the word “subsections” by striking “3.1.~~ffd~~. or
69 6.1.~~zx~~.” and inserting in lieu thereof “3.1.30 or 6.1.24”; and

70 On page 9, subsection 14.1, line 3, following the words “W. Va. Code” by striking “§31-17A-
71 5(c)” and inserting in lieu thereof “§31-17A-5”.

72 (c) The legislative rule filed in the State Register on July 23, 2025, authorized under the
73 authority of §31A-4-33 of this code, relating to the Division of Financial Institutions (the notice and
74 treatment of joint accounts, [106 CSR 17](#)), is authorized.

75 (d) The legislative rule filed in the State Register on February 3, 2025, authorized under the
76 authority of §31A-8G-3 of this code, relating to the Commissioner of Financial Institutions (Fintech
77 Regulatory Sandbox Program, [106 CSR 21](#)), is authorized.

§64-7-3. Insurance Commissioner.

78 (a) The legislative rule filed in the State Register on April 16, 2025, authorized under the
79 authority of §33-12-37 of this code, relating to the Insurance Commissioner (fingerprinting
80 requirements for applicants for insurance producer license and insurance adjuster license, [114
81 CSR 02A](#)), is authorized.

82 (b) The legislative rule filed in the State Register on July 22, 2025, authorized under the
83 authority of §33-2-10 of this code, relating to the Insurance Commission (premium financing for life
84 insurance for college students, [114 CSR 07](#)), is authorized.

85 (c) The legislative rule filed in the State Register on July 25, 2025, authorized under the
86 authority of §33-2-10 of this code, relating to the Insurance Commission (mass marketing of
87 property and liability insurance, [114 CSR 09](#)), is authorized.

88 (d) The legislative rule filed in the State Register on July 22, 2025, authorized under the
89 authority of §33-2-10 of this code, relating to the Insurance Commission (advertisement of
90 accident and sickness insurance, [114 CSR 10](#)), is authorized;

91 (e) The legislative rule filed in the State Register on April 16, 2025, authorized under the
92 authority of §33-12B-12 of this code, relating to the Insurance Commissioner (insurance adjusters,
93 [114 CSR 25](#)), is authorized.

94 (f) The legislative rule filed in the State Register on July 22, 2025, authorized under the
95 authority of §33-27-14 of this code, modified by the Insurance Commission to meet the objections
96 of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21,
97 2025, relating to the Insurance Commission (insurance holding company systems, [114 CSR 35](#)),
98 is authorized.

99 (g) The legislative rule filed in the State Register on April 16, 2025, authorized under the
100 authority of §33-2-10 of this code, modified by the Insurance Commissioner to meet the objections
101 of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21,
102 2025, relating to the Insurance Commissioner (credit for reinsurance, [114 CSR 40](#)), is authorized.

103 The legislative rule filed in the State Register on April 16, 2025, authorized under the
104 authority of §33-15-4u of this code, relating to the Insurance Commissioner (mental health parity,
105 [114 CSR 64](#)), is authorized.

§64-7-4. Lottery Commission.

106 The legislative rule filed in the State Register on June 25, 2025, authorized under the

107 authority of §29-22E-4 of this code, relating to the Lottery Commission (interactive wagering, [179](#)
108 [CSR 10](#)), is authorized.

§64-7-5. Racing Commission.

109 (a) The legislative rule filed in the State Register on July 24, 2025, authorized under the
110 authority of §19-23-6 of this code, modified by the Racing Commission to meet the objections of
111 the Legislative Rule-Making Review Committee and refiled in the State Register on November 5,
112 2025, relating to the Racing Commission (thoroughbred racing, [178 CSR 01](#)), is authorized.

113 (b) The legislative rule filed in the State Register on July 22, 2025, authorized under the
114 authority of §19-23-12e of this code, relating to the Racing Commission (Advance Deposit
115 Account Wagering, [178 CSR 10](#)), is authorized.

§64-7-6. Tax Division.

116 (a) The legislative rule filed in the State Register on July 25, 2025, authorized under the
117 authority of §11-1C-11b of this code, relating to the Tax Division (valuation of timberland and
118 managed timberland, [110 CSR 01H](#)), is authorized.

119 (b) The legislative rule filed in the State Register on July 25, 2025, authorized under the
120 authority of §11-1C-5 of this code, modified by the Tax Division to meet the objections of the
121 Legislative Rule-Making Review Committee and refiled in the State Register on September 24,
122 2025, relating to the Tax Division (valuation of public utility property for ad valorem property tax
123 purposes, [110 CSR 01M](#)), is authorized.

124 (c) The legislative rule filed in the State Register on March 31, 2025, authorized under the
125 authority of §11-13FF-5 of this code, modified by the Tax Division to meet the objections of the
126 Legislative Rule-Making Review Committee and refiled in the State Register on August 26, 2025,
127 relating to the Tax Division (tax credit for providing vehicles to low-income workers, [110 CSR](#)
128 [13FF](#)), is authorized.

129 (d) The legislative rule filed in the State Register on March 31, 2025, authorized under the
130 authority of §11-13GG-16 of this code, relating to the Tax Division (Downstream Natural Gas

131 Manufacturing Investment Tax Credit, [110 CSR 13GG](#)), is authorized.

132 (e) The legislative rule filed in the State Register on March 31, 2025, authorized under the
133 authority of §11-13II-5 of this code, relating to the Tax Division (High-Wage Growth Business Tax
134 Credit, [110 CSR 13II](#)), is authorized.

135 (f) The legislative rule filed in the State Register on July 25, 2025, authorized under the
136 authority of §11-13AA-10 of this code, relating to the Tax Division (commercial patent incentives
137 tax credits, [110 CSR 13Q](#)), is authorized.

138 (g) The legislative rule filed in the State Register on July 25, 2025, authorized under the
139 authority of §47-21A-23 of this code, modified by the Tax Division to meet the objections of the
140 Legislative Rule-Making Review Committee and refiled in the State Register on September 24,
141 2025, relating to the Tax Division (on-line bingo and raffles, [110 CSR 16A](#)), is authorized.

142 (h) The legislative rule filed in the State Register on July 25, 2025, authorized under the
143 authority of §11-10-5 of this code, relating to the Tax Division (Soft Drinks Tax, [110 CSR 19](#)), is
144 authorized.

145 (i) The legislative rule filed in the State Register on July 25, 2025, authorized under the
146 authority of §11-13MM-6 of this code, modified by the Tax Division to meet the objections of the
147 Legislative Rule-Making Review Committee and refiled in the State Register on September 24,
148 2025, relating to the Tax Division (income tax credits for property taxes paid, [110 CSR 21H](#)), is
149 authorized with the following amendment:

150 On page 5, subsection 4.4, line 2, following the word “spouse” by striking “that” and
151 inserting in lieu thereof “who”;

152 On page 5, subsection 4.5, line 2, following the word “veteran’s” by striking “homestead or
153 an eligible widowed spouse” and inserting in lieu thereof “or an eligible widowed spouse’s
154 homestead”; and

155 On page 5, subsection 4.5, line 3, following the words “veteran’s” by inserting “or eligible
156 widowed spouse’s”.

157 (j) The legislative rule filed in the State Register on July 25, 2025, authorized under the
158 authority of §5F-2-2 of this code, relating to the Tax Division (preneed cemetery companies, [110](#)
159 [CSR 36](#)), is authorized.