

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**ENGROSSED**

## **House Bill 4768**

By Delegates Statler, Toney, and Ellington

[By Request of the State Treasurer's Office]

[Introduced January 23, 2026; referred to the  
Committee on Finance]



1 A BILL to amend and reenact §18-30-3 of the Code of West Virginia, 1931, as amended, relating to  
2 updating definitions to incorporate federal law changes to qualified higher education  
3 expenses for purposes of 529 accounts.

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

**ARTICLE 30. WEST VIRGINIA COLLEGE PREPAID TUITION AND SAVINGS**

**PROGRAM**

**ACT.**

**§18-30-3.**

**Definitions.**

1 For the purposes of this article, the following terms have the meanings ascribed to them,  
2 unless the context clearly indicates otherwise or as otherwise provided in 26 U.S.C. § 529:

3 "Account" means a savings plan account established in accordance with this article.

4 "Account owner" means the individual, corporation, association, partnership, trust, or other  
5 legal entity who enters into a savings plan contract and invests money in a savings plan account.

6 "Beneficiary" means the individual designated as a beneficiary at the time an account is  
7 established, the individual designated as the beneficiary when beneficiaries are changed, the  
8 individual entitled to receive distributions from an account, and any individual designated by the  
9 account owner, his or her agent, or his or her estate in the event the beneficiary is unable or  
10 unwilling to receive distributions under the terms of the contract.

11 "Board" means the Board of Trustees of the West Virginia College and Jumpstart Savings  
12 Programs as provided in §18-30-4 of this code.

13 "Distribution" means any disbursement from an account in accordance with 26 U.S.C. §  
14 529.

15 "Eligible educational institution" means an institution of higher education, ~~or a~~ public,  
16 private or religious primary, middle, or secondary school that qualifies under 26 U.S.C. § 529 as an  
17 eligible educational institution.

18 "Outstanding obligations of the Prepaid Tuition Plan" means the outstanding contract  
19 obligations of the board to persons owning Prepaid Tuition Plan accounts. The term also includes  
20 any fees, charges, expenses, penalties, or any other obligation or liability of the Prepaid Tuition  
21 Trust Fund or plan.

22 "Prepaid Tuition Program" means the Prepaid Higher Education Program and Plan, which  
23 was previously established and authorized by this article as reflected in chapter 80, Acts of the  
24 Legislature, Regular Session, 1997, and which was closed in 2021.

25 "Program" means the West Virginia College Savings Program established pursuant to this  
26 article and as defined in §18-30-4(a) of this code.

27 "Qualified education expenses" means expenses treated as "qualified higher education  
28 expenses" under 26 U.S.C. § 529.

29 "Savings plan" means the plan that allows account distributions for qualified higher  
30 educational expenses and tuition at ~~private or religious primary, middle, and secondary schools~~  
31 eligible education institutions.

32 "Savings plan account" means an account established by an account owner pursuant to  
33 this article, in order for the beneficiary to apply distributions toward qualified higher education  
34 expenses and tuition expenses at eligible educational institutions.

35 "Savings plan contract" means a contract entered into by the board or its agent, if any, and  
36 an account owner establishing a savings plan account.

37 "Treasurer" means the West Virginia State Treasurer.

38 "Tuition" means the quarter, semester, or term charges imposed by an eligible educational  
39 institution and all mandatory fees required as a condition of enrollment by all students for full-time  
40 attendance.