

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 168

**FISCAL
NOTE**

By Senator Chapman

[Introduced January 14, 2026; referred

to the Committee on Finance]

1 A BILL to amend and reenact §8-13-5a of the Code of West Virginia, 1931, as amended, relating to
2 public utilities tax; and exempting residential consumers of tangible personal property from
3 public utilities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. TAXATION AND FINANCE.

PART I. POWERS OF TAXATION

§8-13-5a. Public utilities tax.

1 (a) Every municipality has the plenary power and authority to levy and collect an excise tax
2 on the privilege of purchasing, using or consuming, within the corporate limits of the municipality,
3 public utility services and tangible personal property from public utilities subject to the jurisdiction
4 of the Public Service Commission of West Virginia. The tax is computed on the basis of an amount
5 not to exceed two percent of the gross amount of each periodic statement rendered purchasers or
6 consumers by public utilities: *Provided*, That sales of tangible personal property such as
7 appliances or the like, as distinguished from the public service supplied, are not included in the
8 gross amount subject to the measure of this tax: *Provided, however*, That this tax does not apply to
9 sales of telecommunications services to another telecommunications provider for the purposes of
10 access, interconnection or resale to consumers. Charges or fees for items on the periodic
11 statement that are not public utility services, including surcharges for telecommunications relay
12 services for the deaf or hard of hearing and fees for enhanced emergency telephone systems, are
13 not included in the gross amount subject to the measure of this tax: ~~The purchasers or consumers~~
14 shall pay to the public utilities the amount of the tax levied pursuant to this section which is added
15 to and constitutes a part of the cost of the service or property so purchased or consumed and is
16 collectible as such by the public utilities who shall account to the municipality levying same for all
17 tax paid by the purchasers or consumers pursuant to the provisions of any ordinance imposing the

18 ~~tax *Provided further*, That this tax does not apply to residential consumers of tangible personal~~
19 ~~property from public utilities as defined in §11-15a-1 of this code.~~

20 (b) Any ordinance imposing the tax shall require the collection thereof uniformly from all
21 purchasers and consumers of all the services and property within the corporate limits of the
22 municipality and contain reasonable rules governing the collection thereof by the utilities and the
23 method of its payment and accounting to the municipality: *Provided*, That the tax is not effective
24 until the municipality gives 60 days written notice by certified mail to any utility doing business
25 therein of the effective date of the ordinance. Any required separation of gross income shall occur
26 in the ordinance whenever necessary to comply with state or federal law: *Provided, however*, That
27 the tax authorized by this section may not be levied upon charges for telephone services which are
28 paid by the insertion of coins into coin-operated telephones, and specific charges for telephone
29 calls to points outside the taxing municipality: *Provided further*, That specific charges for telephone
30 calls to points outside the taxing municipality is construed to mean separately itemized or bulk-
31 billed charges for long distance telecommunications service to points outside the local exchange
32 service area. The charges subject to the tax authorized by this section include local usage charges
33 applicable to telephone calls originating within the corporate limits of the municipality which
34 imposes the tax, regardless of where the calls terminate, and also include the federal subscriber
35 line charge.

36 (c) Notwithstanding any other provisions of the law to the contrary contained in the Code of
37 West Virginia, 1931, as amended, the provisions of this section are in addition to all other taxing
38 authority heretofore granted municipalities.

NOTE: The purpose of this bill is to eliminate sales tax on utility payments for residential users.

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