

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 596

**FISCAL
NOTE**

By Senator Chapman

[Introduced January 23, 2026; referred

to the Committee on Finance]

1 A BILL to amend and reenact §11-22-1 of the Code of West Virginia, 1931, as amended, relating to
2 exemptions from excise taxes; adding an exemption for transfers between siblings; and
3 adding an exemption for transfers with a solely owned limited liability company.

Be it enacted by the Legislature of West Virginia:

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

§11-22-1.

Definitions.

1 As used in this chapter:

2 (1) "Association" means a partnership, limited partnership or any other form of
3 unincorporated enterprise, owned or conducted by two or more persons.

4 (2) "Corporation" means a corporation or joint-stock association, organized under the laws
5 of this state, the United States or any other state, territory or foreign country or dependency
6 including, but not limited to, banking institutions.

7 (3) "Commissioner" means the State Tax Commissioner.

8 (4) "Document" means any deed, or instrument or writing by which any real property within
9 this state or any interest in real property is granted, conveyed or otherwise transferred to the
10 grantee, purchaser or any other person; but does not include: wills, transfer of real property where
11 the value of the property transferred is \$100 or less testamentary or inter vivos trusts, deeds of
12 partition, deeds made pursuant to mergers of corporations, limited liability companies solely-
13 owned by individuals, partnerships, limited partnerships, testamentary or inter vivos trusts, deeds
14 made pursuant to conversions to limited liability companies from corporations, partnerships,
15 limited partnerships or trusts, deeds made by a subsidiary corporation to its parent corporation for
16 no consideration other than the cancellation or surrender of the subsidiary's stock, leases,
17 transfers between husband and wife, transfers between parent and child, transfers between
18 siblings, or transfers between parent and child and his or her spouse, without consideration,
19 transfers between grandparent and grandchild or transfers between grandparent and grandchild
20 and his or her spouse, without consideration, transfers without consideration between a principal

21 and straw party for any purpose, gifts to or transfers from or between voluntary charitable or
22 educational associations or trustees of voluntary charitable or educational associations and like
23 nonprofit corporations having the same or similar purposes, quitclaim or corrective deeds without
24 consideration, transfers to or from the United States, the State of West Virginia, or to or from any of
25 their instrumentalities, agencies or political subdivisions, by gift, dedication, deed or condemnation
26 proceedings, or mortgages or deeds of trust given as security for a debt.

27 (5) "Limited liability company" means a limited liability company organized under the laws
28 of this state, the United States or by any other state, territory or the District of Columbia.

29 (6) "Person" means every natural person, association, or corporation. Whenever used in
30 any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied
31 to associations, means the partners or members of the association, and, as applied to
32 corporations, the officers of the corporation.

33 (7) "Transaction" means the delivering, accepting or presenting for recording of a
34 document.

35 (8) "Value" means in the case of any document not a gift exempted in subdivision (4) of this
36 section, the amount of the full actual consideration for the document, paid or to be paid, including
37 the amount of any lien or liens assumed; and in the case of a gift, or any other document without
38 consideration, the actual monetary value of the property conveyed or transferred. In the event any
39 document includes real property or any interest in real property lying outside the State of West
40 Virginia or includes personal property, value is the proportion of the consideration paid in case of
41 the transfer for consideration, or the proportion of the true and actual value in case of a gift, which
42 the actual value of the real property located in West Virginia bears to the total actual value of all the
43 property, real or personal, transferred by the document. The value as defined in this subdivision
44 shall be stated in the declaration of consideration or value provided for in §11-22-6 of this code.

NOTE: This bill amends the exemptions from excise taxes; adding an exemption for transfers between siblings; and adding an exemption for transfers with a solely-owned limited liability company.

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