

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4418

**FISCAL
NOTE**

By Delegates McCormick, Riley, Maynor, Kyle,
Browning, Criss, Fehrenbacher, and Funkhouser

[Introduced January 16, 2026; referred to the
Committee on Finance]

A BILL to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to creating the "The Tax Efficiency Act of 2026" allowing municipal business and occupation or privilege tax to be paid and managed via the statewide electronic data processing system network.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. TAXATION AND FINANCE.

§8-13-5. Business and occupation or privilege tax; limitation on rates; effective date of tax; exemptions; activity in two or more municipalities; administrative provisions.

(a) Authorization to impose tax. — (1) Whenever any business activity or occupation, for which the state imposed its annual business and occupation or privilege tax under §11-13-1 *et seq.* of this code, prior to July 1, 1987, is engaged in or carried on within the corporate limits of any municipality, the governing body thereof shall have plenary power and authority, unless prohibited by general law, to impose a similar business and occupation tax thereon for the use of the municipality.

(2) Municipalities may impose a business and occupation or privilege tax upon every person engaging or continuing within the municipality in the business of aircraft repair, remodeling, maintenance, modification, and refurbishing services to any aircraft, or to an engine or other component part of any aircraft as a separate business activity.

(b) Maximum tax rates. — In no case shall the rate of the municipal business and occupation or privilege tax on a particular activity exceed the maximum rate imposed by the state, exclusive of surtaxes, upon any business activities or privileges taxed under §11-13-2a, §11-13-2b, §11-13-2c, §11-13-2d, §11-13-2e, §11-13-2g, §11-13-2h, §11-13-2i, and §11-13-2j of this code, as those rates were in effect under §11-13-1 *et seq.* of this code, on January 1, 1959, or in excess of one percent of gross income under §11-13-2k of this code, or in excess of three-tenths of one percent of gross value or gross proceeds of sale under §11-13-2m of this code. The rate of municipal business and occupation or privilege tax on the activity described in subdivision (2),

subsection (a) of this section shall be ten one-hundredths of one percent. The rate of municipal business and occupation or privilege tax on the activity of a health maintenance organization holding a certificate of authority under the provisions of §33-25A-1 *et seq.* of this code, shall not exceed one-half of one percent to be applied solely to that portion of gross income received from the Medicaid program pursuant to Title XIX of the Social Security Act, the state employee programs administered by the Public Employees Insurance Agency pursuant to §5-16-1 *et seq.* of this code, and other federal programs, for health care items or services provided directly or indirectly by the health maintenance organization, that is expended for administrative expenses; and shall not exceed one half of one percent to be applied to the gross income received from enrollees, or from employers on behalf of enrollees, from sources other than Medicaid, state employee programs administered by the Public Employees Insurance Agency, and other federal programs for health care items or services provided directly or indirectly by the health maintenance organization: *Provided*, That this tax rate limitation shall not extend to that part of the gross income of health maintenance organizations which is received from the use of real property other than property in which any company maintains its office or offices in this state, whether the income is in the form of rentals or royalties. This provision concerning the maximum municipal business and occupation tax rate on the activities of health maintenance organizations is effective beginning after December 31, 1996. Any payments of business and occupation tax made by a health maintenance organization to a municipality for calendar year 1997 is not subject to recovery by the health maintenance organization. Administrative expenses shall include all expenditures made by a health maintenance organization other than expenses paid for claims incurred or payments made to providers for the benefits received by enrollees.

(c) Effective date of local tax. — Any taxes levied pursuant to the authority of this section may be made operative as of the first day of the then current fiscal year or any date thereafter: *Provided*, That any new imposition of tax or any increase in the rate of tax upon any business, occupation or privilege taxed under §11-13-2e of this code, applies only to gross income derived

45 from contracts entered into after the effective date of the imposition of tax or rate increase, and
46 which effective date shall not be retroactive in any respect: *Provided, however,* That no tax
47 imposed or revised under this section upon public utility services may be effective unless and until
48 the municipality provides written notice of the same by certified mail to said public utility at least 60
49 days prior to the effective date of said tax or revision thereof.

50 (d) Exemptions. —

51 (1) A municipality shall not impose its business and occupation or privilege tax on any
52 activity that was exempt from the state's business and occupation tax under the provisions of §11-
53 13-3 of this code, prior to July 1, 1987, and determined without regard to any annual or monthly
54 monetary exemption also specified therein: *Provided,* That on and after July 1, 2007, a
55 municipality may impose its business and occupation or privilege tax on any activity of a
56 corporation, association, or society organized and operated exclusively for religious or charitable
57 purposes that was exempt from the state's business and occupation tax under the provisions of
58 §11-13-3 of this code, prior to July 1, 1987, but only to the extent that the income generated by the
59 activity is subject to taxation under the provisions of §511 of the Internal Revenue Code of 1986, as
60 amended.

61 (2) Effective July 1, 2023, the municipal business and occupation or privilege tax on the
62 sale of new automobiles that have never been registered in the name of an individual shall be
63 reduced by 50 percent of the total amount of the tax: *Provided,* That, effective July 1, 2024, the
64 remaining municipal business and occupation or privilege tax on the sale of new automobiles that
65 have never been registered in the name of an individual shall be reduced by an additional 50
66 percent of the total amount of the tax: *Provided, however,* That July 1, 2025, the municipal
67 business and occupation or privilege tax on the sale of new automobiles that have never been
68 registered in the name of an individual shall be completely eliminated. For the purposes of this
69 section, an automobile is a self-propelled vehicle used on the roads and highways by the use of
70 motor vehicle fuel or propelled by one or more electric motors using energy stored in batteries or a

71 combination thereof. An automobile shall include a light-duty truck with an enclosed cabin and an
72 open loading area at the rear and a sport utility vehicle. An automobile does not include a
73 motorcycle.

74 (e) Activity in two or more municipalities. — Whenever the business activity or occupation
75 of the taxpayer is engaged in or carried on in two or more municipalities of this state, the amount of
76 gross income, or gross proceeds of sales, taxable by each municipality shall be determined in
77 accordance with legislative rules as prescribed by the Tax Commissioner. It is the intent of the
78 Legislature that multiple taxation of the same gross income, or gross proceeds of sale, under the
79 same classification by two or more municipalities shall not be allowed, and that gross income, or
80 gross proceeds of sales, derived from activity engaged in or carried on within this state, that is
81 presently subject to state tax under §11-13-2c or §11-13-2h of this code, which is not taxed or
82 taxable by any other municipality of this state, may be included in the measure of tax for any
83 municipality in this state, from which the activity was directed, or in the absence thereof, the
84 municipality in this state in which the principal office of the taxpayer is located. Nothing in this
85 subsection shall be construed as permitting any municipality to tax gross income or gross
86 proceeds of sales in violation of the Constitution and laws of this state or the United States, or as
87 permitting a municipality to tax any activity that has a definite situs outside its taxing jurisdiction.

88 (f) Where the governing body of a municipality imposes a tax authorized by this section, the
89 governing body may offer tax credits from the tax as incentives for new and expanding businesses
90 located within the corporate limits of the municipality.

91 (g) Administrative provisions. — The ordinance of a municipality imposing a business and
92 occupation or privilege tax shall provide procedures for the assessment and collection of the tax,
93 which shall be similar to those procedures in §11-13-1 *et seq.* of this code, as in existence on June
94 30, 1978, or to those procedures in §11-10-1 *et seq.* of this code, and shall conform with such
95 provisions as they relate to waiver of penalties and additions to tax.

96 (i) After July 1, 2026, for collection or payment of any municipal business and occupation or

97 privilege tax:

98 (A) A taxpayer may remit payment utilizing the statewide electronic data processing
99 system network set forth in §11-1A-21 of this code. The Tax Commissioner shall devise a process
100 by which the statewide electronic data processing system network may be utilized to facilitate
101 administration of any municipal business and occupation or privilege tax, and with cost sharing by
102 participating municipalities in a like manner as set forth in §11-1A-21(h) of this code, through the
103 timely sharing of such tax information among municipalities and the Tax Commissioner; and

104 (B) The commissioner may offer to municipalities, as an optional service, a uniform
105 computerized county and/or local business and occupation tax billing and accounting system
106 using the values and taxpayer information generated through the statewide system. Each
107 municipality using such optional services shall be charged the proportionate cost for use of the
108 host computer and related services and materials, which charge shall be paid by the municipality;
109 and

110 (C) The commissioner is hereby specifically authorized and empowered to enter into such
111 contracts as may be necessary and for which funds may be available to modify the electronic data
112 processing system as provided for in this subsection.

113 (ii) Payments received for the cost of services or acts performed by the commissioner
114 under this system shall be deposited in a revolving fund which shall be known as the "municipal
115 business and occupation or privilege tax fund," hereby created in the state Treasurer's office.

116 (iii) As used in this subsection, the following terms mean:

117 (A) "System" means the statewide electronic data processing system network for
118 administration of the ad valorem property tax on real and personal property provided for in §11-1A-
119 21 of this code and for municipal business and occupation or privilege tax as provided for in this
120 section.

121 (B) "Electronic data processing" means the use of the computer for operations which
122 include the storing, retrieving, sorting, merging, calculating and reporting data for use in preparing

123 assessment rolls, tax list, tax bills and other reports for use in municipal business and occupation
124 or privilege tax administration.

125 (h) Timely payment. — Payments for taxes due under this section that are postmarked or
126 remitted via the system after the due date by which they are owed shall be considered late and
127 may be subject to late fees or penalties: *Provided*, That payments that are received by the
128 municipality after the due date, but that were postmarked or remitted via the system on or before
129 the due date shall be considered to be on time and shall not be assessed any late fees or
130 penalties.

131 (i) Any third-party vendors who contract with a city or municipality to collect business and
132 occupation taxes authorized by this section on behalf of a municipality may not charge for their
133 services more than 20% of the amount of taxes collected.

134 (j) The amendments to this section enacted during the 2026 regular legislative session,
135 shall be known as the "Tax Efficiency Act of 2026".

NOTE: The purpose of this bill is to enact the Tax Efficiency Act of 2026, allowing municipal business and occupation or privilege taxes to be paid utilizing the statewide electronic data processing system network.

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