

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4625

**FISCAL
NOTE**

By Delegates Hillenbrand, Hanshaw (Mr. Speaker),
Phillips, Funkhouser, Heckert, Fehrenbacher, Crouse,
Sheedy, Roop, B. Smith, D. Cannon

[Introduced January 21, 2026; referred to the
Committee on the Judiciary]

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; amending definitions; removing the exemption from excise
3 taxes for certain transfers; and adding an exemption for certain transfers.

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~~ "Document" as defined herein does not include:

11 (1) Wills;

12 (2) Transfer of real property where the value of the property transferred is ~~\$100~~ \$1000 or
13 less and the "value" is based upon the Assessor's assessed value divided by 60 percent;

14 (3) Testamentary or inter vivos trusts;

15 (4) Deeds of partition;

16 (5) Deeds made pursuant to mergers of corporations, limited liability companies,
17 partnerships, limited partnerships, testamentary or inter vivos trusts;

18 (6) Deeds made pursuant to conversions to limited liability companies from corporations,
19 partnerships, limited partnerships or trusts;

20 (7) Deeds without consideration between a natural person or persons and a limited liability

21 company that is wholly owned by the natural person or persons;

22 (8) Deeds made by a subsidiary corporation to its parent corporation for no consideration
23 other than the cancellation or surrender of the subsidiary's stock;

24 (9) Leases;

25 (10) Transfers between husband and wife, transfers between parent and child or transfers
26 between parent and child and his or her spouse, without consideration, transfers between
27 grandparent and grandchild, ~~or~~ transfers between grandparent and grandchild and his or her
28 spouse, without consideration, or transfers between siblings, without consideration;

29 (11) Transfers without consideration between a principal and straw party for any purpose;
30 ~~gifts to or~~

31 (12) Transfers from or between voluntary charitable or educational associations or trustees
32 of voluntary charitable or educational associations and like nonprofit corporations having the same
33 or similar purposes; ~~quitclaim or~~

34 (13) Deeds for oil, gas, or other minerals, without consideration;

35 (14) Corrective deeds without consideration;

36 (15) Transfers to or from the United States, the State of West Virginia, or to or from any of
37 their instrumentalities, agencies or political subdivisions, by gift, dedication, deed or condemnation
38 proceedings; or

39 (16) Mortgages or deeds of trust given as security for a debt.

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

42 ~~(6)~~ "Person" means every natural person, association or corporation. Whenever used in
43 any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied
44 to associations, means the partners or members of the association, and, as applied to
45 corporations, the officers of the corporation, and as applied to limited liability companies, its
46 member-managed staff.

47 ~~(7)~~ "Transaction" means the delivering, accepting or presenting for recording of a
48 document.

49 ~~(8)~~ "Value" means in the case of any document, ~~not a gift~~, the amount of the full actual
50 consideration for the document, paid or to be paid, including the amount of any lien or liens
51 assumed; and in the case of ~~a gift, or any other~~ document without consideration, the actual
52 monetary value of the property conveyed or transferred. In the event any document includes real
53 property or any interest in real property lying outside the State of West Virginia or includes
54 personal property, value is the proportion of the consideration paid in case of the transfer for
55 consideration, or the proportion of the true and actual value in case of a gift, which the actual value
56 of the real property located in West Virginia bears to the total actual value of all the property, real or
57 personal, transferred by the document. The value as defined in this subdivision shall be stated in
58 the declaration of consideration or value provided for in §11-22-6 of this code.

NOTE: The purpose of this bill is to amend the definitions section of the excise tax on property transfers to add and clarify exemptions and what is a "person".

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