

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2967

FISCAL
NOTE

BY DELEGATES HARDY, BIBBY, BARRETT, ESPINOSA,
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JEFFRIES AND ROWAN

[Introduced February 11, 2019; Referred
to the Committee on Finance.]

1 A BILL to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating
2 to permitting a county to retain the excise taxes for the privilege of transferring title of real
3 estate in that county.

Be it enacted by the Legislature of West Virginia:

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

§11-22-2. Rate of tax; when and by whom payable; additional county tax.

1 (a) Every person who delivers, accepts, or presents for recording any document, or in
2 whose behalf any document is delivered, accepted, or presented for recording, is subject to pay
3 for, and in respect to the transaction or any part thereof, a state excise tax upon the privilege of
4 transferring title to real estate at the rate of \$1.10 for each \$500 value or fraction thereof as
5 represented by the document as defined in §11-22-1 of this code. The state tax is payable at the
6 time of delivery, acceptance, or presenting for recording of the document. In addition to the state
7 excise tax described in this subsection, there is assessed a fee of \$20 upon the privilege of
8 transferring real estate for consideration. The clerk of the county commission shall collect the
9 additional \$20 fee before recording a transfer of title to real estate and shall deposit the moneys
10 from the additional fees into the Affordable Housing Fund as provided in §31-18-20d of this code.
11 The moneys collected from this additional fee shall be segregated from other funds of the West
12 Virginia Housing Development Fund and shall be accounted for separately. None of these
13 moneys may be expended by the West Virginia Housing Development Fund to defray
14 administrative and operating costs and expenses actually incurred by the West Virginia Housing
15 Development Fund. The West Virginia Housing Development Fund shall publish monthly on the
16 Internet site an accounting of all revenue deposited into the fund during the month and a full
17 disclosure of all expenditures from the fund including the group receiving funds, their location and
18 any contractor awarded the construction contract.

19 (b) Effective January 1, 1968, and thereafter, there is imposed an additional county excise
20 tax for the privilege of transferring title to real estate at the rate of 55 cents for each \$500 value

21 or fraction thereof as represented by such document as defined in §11-22-1 of this code, which
22 county tax shall be payable at the time of delivery, acceptance, or presenting for recording of such
23 document: *Provided*, That after July 1, 1989, the county may increase said excise tax to an
24 amount equal to the state excise tax. The additional tax hereby imposed is declared to be a county
25 tax and to be used for county purposes: *Provided, however*, That after July 1, 2017, the county
26 may increase the excise tax to an amount not to exceed \$1.65 for each \$500 value, or fraction
27 thereof, as represented by a document as defined in §11-22-1 of this code: *Provided further*, That
28 only one such state tax and one such county tax shall be paid on any one document and shall be
29 collected in the county where the document is first admitted to record and the tax shall be paid by
30 the grantor therein unless the grantee accepts the document without such tax having been paid,
31 in which event such tax shall be paid by the grantee: *And provided further*, That on any transfer
32 of real property from a trustee or a county clerk transferring real estate sold for taxes, such tax
33 shall be paid by the grantee. The county excise tax imposed under this section may not be
34 increased in any county unless the increase is approved by a majority vote of the members of the
35 county commission of such county. Any county commission intending to increase the excise tax
36 imposed in its county shall publish a notice of its intention to increase such tax not less than 30
37 days nor more than 60 days prior to the meeting at which such increase will be considered, such
38 notice to be published as a Class I legal advertisement in compliance with the provisions of §59-
39 3-1 *et seq.* of this code and the publication area shall be the county in which such county
40 commission is located.

41 (c) Notwithstanding any provision in this code to the contrary, the excise taxes authorized
42 to be collected by this section shall be retained by the county in which those taxes are collected.

NOTE: The purpose of this bill is to permit a county to retain the excise taxes for the privilege of transferring title of real estate in that county.

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