

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2604

BY DELEGATES MALLOW, CONLEY, FORSHT, BRUCE,
LONGANACRE, HORST, MILLER, PRITT, AND HOLSTEIN

[Introduced February 19, 2021; Referred to the
Committee on Education then Finance]

1 A BILL to amend and reenact §18-30-3 of the Code of West Virginia, 1931, as amended, relating
 2 to including vocational or trade schools in the West Virginia College Prepaid Tuition and
 3 Savings Program, if qualified as an eligible educational institution under 20 U. S. C. §529.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 30. WEST VIRGINIA COLLEGE PREPAID TUITION AND SAVINGS
 PROGRAM ACT.**

§18-30-3. Definitions.

1 For the purposes of this article, the following terms have the meanings ascribed to them,
 2 unless the context clearly indicates otherwise or as otherwise provided in 26 U.S.C. § 529:

3 (a) "Account" means a prepaid tuition account, or a savings plan account established in
 4 accordance with this article.

5 (b) "Account owner" means the individual, corporation, association, partnership, trust, or
 6 other legal entity who enters into a prepaid tuition contract and is obligated to make payments in
 7 accordance with the prepaid tuition contract or who enters into a savings plan contract and invests
 8 money in a savings plan account.

9 (c) "Beneficiary" means the individual designated as a beneficiary at the time an account
 10 is established, the individual designated as the beneficiary when beneficiaries are changed, the
 11 individual entitled to receive distributions from an account, and any individual designated by the
 12 account owner, his or her agent, or his or her estate ~~in the event~~ if the beneficiary is unable or
 13 unwilling to receive distributions under the terms of the contract.

14 (d) "Board" means the Board of Trustees of the College Prepaid Tuition and Savings
 15 Program as provided in §18-30-4 of this code.

16 (e) "Distribution" means any disbursement from an account in accordance with 26 U.S.C.
 17 § 529.

18 (f) "Eligible educational institution" means an institution of higher education or a private,
19 or religious primary, vocational or trade school, middle or secondary school that qualifies under
20 26 U.S.C. § 529 as an eligible educational institution.

21 (g) "Prepaid tuition account" means an account established by an account owner pursuant
22 to this article in order for the beneficiary to apply distributions in accordance with the prepaid
23 tuition plan.

24 (h) "Prepaid tuition contract" means a contract entered into by the board and an account
25 owner establishing a prepaid tuition account.

26 (i) "Prepaid tuition plan" means the plan that contractually guarantees payment of tuition
27 at a West Virginia public, private, or religious eligible educational institution.

28 (j) "Program" means the West Virginia College Prepaid Tuition and Savings Program
29 established under this article.

30 (k) "Qualified education expenses" mean education expenses permitted under 26 U.S.C.
31 § 529 for enrollment or attendance of a beneficiary at an eligible educational institution.

32 (l) "Savings plan" means the plan that allows account distributions for qualified higher
33 educational expenses and tuition at private or religious primary, middle, and secondary schools.

34 (m) "Savings plan account" means an account established by an account owner pursuant
35 to this article in order for the beneficiary to apply distributions toward qualified higher education
36 expenses and tuition expenses at eligible educational institutions.

37 (n) "Savings plan contract" means a contract entered into by the board or its agent, if any,
38 and an account owner establishing a savings plan account.

39 (o) "Treasurer" means the West Virginia State Treasurer.

40 (p) "Tuition" means the quarter, semester, or term charges imposed by an eligible
41 educational institution and all mandatory fees required as a condition of enrollment by all students
42 for full-time attendance.

NOTE: The purpose of this bill is to include vocational or trade schools in the West Virginia College Prepaid Tuition and Savings Program, if they qualify as an eligible educational institution under 20 U. S. C. §529.

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