WEST VIRGINIA CODE: §11-13NN-6

§11-13NN-6. Uses of credit; unused credit; carry forward; transferred credit.

(a)The tax credit allowed under this article may be used against the taxes imposed by §11-21-1 *et seq.*, §11-23-1 *et seq.*, and §11-24-1 *et seq.* of this code, in no particular order.

(b) To the extent not used, the tax credit authorized under this article may be carried over, in order, to each of the five subsequent taxable years.

(c) The tax credits authorized under this article may be transferred or sold to a taxpayer by written agreement at any time during the taxable year in which the credit is earned by the eligible taxpayer or in the subsequent years as allowed under this section. The transferor and transferee must jointly file a transfer form with the Tax Commissioner within 30 days of the transfer. The transfer form must contain the name, address, and taxpayer identification number of the parties to the assignment, the tax year the eligible taxpayer incurred the qualified expenditures, the amount of credit being transferred, the credit certificate number, and the tax year or years for which the credit may be claimed, and any other information required by the Tax Commissioner.

(d) The Tax Commissioner may not seek recourse against the transferee for any portion of the credit that may be subsequently disqualified.