WEST VIRGINIA CODE: §12-3A-6

§12-3A-6. Receipting of electronic commerce purchases.

(a)(1) The State Treasurer may establish a system for acceptance of credit card and other payment methods for electronic commerce purchases from spending units. Notwithstanding any other provision of this code to the contrary, each spending unit, utilizing WEB commerce, electronic commerce, or other method that offers products or services for sale shall utilize the State Treasurer's system for acceptance of payments, except as provided in subsection (b) of this section.

(2) Notwithstanding any other provision of code to the contrary, the costs associated with the acceptance of credit card and other payment methods in the State Treasurer's system for electronic commerce purchases may be invoiced in a commercially reasonable manner, according to the legislative rules promulgated pursuant to subsection (f) of this section.

(3) For the purposes of this section, "spending unit" has the same meaning provided in §12-1-2 of this code.

(b) A state institution of higher education may receive credit card payments from systems of acceptance other than that provided by the State Treasurer if:

(1) The proposed alternate system is compliant with the payment card industry data security standards for acceptance of payments, and the institution is proposing to use the alternate system for the sole purpose of:

(A) Processing the payment of academic transcripts; or

(B) Accepting payment for applications for admission, if necessary, to participate in a national or regional program for applications for admission; or

(2) The institution certifies that the use of the alternate system will not cause a reduction in the volume of credit card revenues by more than 10 percent as compared to previous credit card revenues processed on behalf of the institution during the previous fiscal year and the State Treasurer consents to the use.

(c) To facilitate electronic commerce, the State Treasurer may charge a spending unit for the banking and other expenses incurred by the Treasurer on behalf of the spending unit and for any work performed, including, without limitation, assisting in the development of a website and utilization of the Treasurer's payment gateway. A special revenue account, entitled the Treasurer's Financial Electronic Commerce Fund, is created in the State Treasury to receive the amounts charged by the Treasurer. The Treasurer may expend the funds received in the Treasurer's Financial Electronic Commerce Fund only for the purposes of this article and for other purposes as determined by the Legislature.

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(d) The State Treasurer may authorize a spending unit to assess and collect a fee to recover or pay the cost of accepting bank, charge, check, credit, or debit cards from amounts collected.

(e) On or before March 1, 2023, all political subdivisions shall offer a system, with an online presence for acceptance of payments, that will allow persons to submit payments to political subdivisions electronically. Payments that shall be accepted through the required system shall include, but not be limited to, payments or fees for services provided by the political subdivision or any fee, fine, penalty, or other monetary payment collected by the political subdivision. Upon written request from a political subdivision, the State Treasurer may provide services of his or her office to a political subdivision and charge for the services.

(f)(1) The State Treasurer shall propose legislative rules for promulgation in accordance with the provisions of §29A-3-1 *et seq*. of this code to implement the provisions of this section.

(2) The State Treasurer is authorized to promulgate legislative rules to establish a system by which the State Treasurer may exempt a political subdivision from the requirements of subsection (e) of this section. The rules authorized by this subsection shall include monetary threshold criteria for granting exemptions, based on the amount of revenue collections and the operations of the political subdivision applying for an exemption.

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