WEST VIRGINIA CODE CHAPTER 5a ARTICLE 13

WV Legislature

§5A-13-1. Creation of the One-Stop-Shop Permitting Program.

(a) The Legislature finds and declares that it is in the public interest to create a One-Stop-Shop Permitting Program. This program is designed to enhance public awareness, collaboration, accountability, coordination, transparency, and predictability in the state's permitting, licensing, and authorization processes, including for critical infrastructure projects and projects delivering significant economic development to West Virginians.

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§5A-13-2. Definitions.

The words defined in this section have the meanings given them for purposes of this article unless the context clearly requires otherwise.

“Permit" means any permit, license, or approval that:

(1) Is a prerequisite for performing any construction, economic development, infrastructure, or natural resource project in this state; and

(2) Is issued, granted, modified, renewed, denied, or revoked by a permitting agency.

“Permitting agency” means any division, office, board, or other entity under the following departments or offices of this state that grants, issues, denies, or revokes a permit or business registration:

(1) The Department of Commerce;

(2) The Department of Environmental Protection;

(3) The Office of Environmental Health Services;

(4) The Department of Revenue, except the Lottery, Lottery Commission, and the Division of Financial Institutions shall be exempt;

(5) The Department of Tourism;

(6) The Department of Transportation, except the Division of Motor Vehicles shall be exempt; and

(7) The Secretary of State.

“Secretary” means the Secretary of the Department of Administration.

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§5A-13-3. Permitting Program and Dashboard.

(a) The secretary shall coordinate and lead the various permitting agencies in the implementation and execution of the One-Stop-Shop Permitting Program.

(b) The secretary shall issue program guidance and provide training on the One-Stop-Shop Permitting Program and Permitting Dashboard authorized by this article.

(c) On or before January 1, 2027, the secretary shall make available for public use an online dashboard, designated the Permitting Dashboard. The Permitting Dashboard shall serve as a "one-stop-shop" for obtaining and renewing all permits. The Permitting Dashboard shall:

(1) Be easily accessible, searchable, and informative;

(2) Allow the applicants to view, research, apply, and renew permits in this state; and

(3) Allow individuals and businesses to create private accounts, through which they can view, save, and submit applications; electronically pay all required fees; receive updates on the status of applications; send and receive communications directly to and from the regulatory agencies; and receive electronic copies of approved permits;

(4) Allow for coordination between offices, departments, divisions, and agencies of the state, particularly regarding the sequence of particular permits, licenses, and business registrations to enable more efficient processing;

(5) Be designed to make the process for applying for and receiving construction, economic development, infrastructure, or natural resource permits, licenses, and business registrations in West Virginia the simplest, most efficient, and most business friendly in the nation;

(6) Provide applicants a "fast-track" option wherein an applicant can pay an additional fee to expedite the processing of a permit application; and

(7) Protect financial and proprietary information of applicants that is exempt from public disclosure under the West Virginia Freedom of Information Act, being §29B-1-1 *et seq.* of this code.

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§5A-13-4. Refunds of Late Permits.

(a) Every permitting agency shall, on or before July 1, 2025, report to the secretary:

(1) a list of each type of permit issued under its authority;

(2) an explanation of each step involved in processing a properly completed permit;

(3) the average time from receipt of a permit application until the time it is determined to be complete;

(4) the average time from the completeness determination to approval or disapproval of a permit;

(5) the number of permit applications that have been received, approved, and rejected in the 2024 and 2025 fiscal years;

(6) any statutory or regulatory deadlines related to determining the completeness of an application for a permit or the granting or denial of permits; and

(7) data on processing times and statutory deadlines for comparable permits, licenses, or business registrations in West Virginia's neighboring states.

(b) For any permit that has no statutory or regulatory deadline for determining the completeness of an application, granting an application, or denying an application, the secretary, in consultation with the permitting agency, shall within 60 days of the effective date of this article, propose an emergency rule under §29A-3-15 of this code and a legislative rule under §29A-3-1 *et seq.* of this code for consideration by the Legislature during the 2026 regular session to implement such a deadline and to set expedited deadlines for processing of "fast track" permits.

(c) On and after January 1, 2027, any permitting agency that fails to grant or deny a permit available and applied for through the One-Stop-Shop Permitting Program within the deadline identified under subsection (a) of this section or established under subsection (b) of this section shall refund all fees paid by the applicant for that permit.

(d) The refund provided for under subsection (c) of this section shall be paid by the permitting agency that did not process the permit within the established deadline.

(e) The refund requirements of subsection (c) of this section shall not apply if:

(1) the application for a qualifying permit is incomplete; and

(2) within 10 business days of identifying the application as incomplete, the permitting agency:

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(A) notifies the applicant of the deficiency through the Permitting Dashboard;

(B) provides the applicant 30 days to cure the incomplete application; and

(3) the applicant fails to resubmit a complete application within that time.

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§5A-13-5. Options for Paper or Alternative Electronic Forms.

(a) Use of the Permitting Dashboard by a permit-holder or prospective permit-holder is not mandatory for any permit application submitted before July 1, 2027. There shall be no penalty or disadvantage applied to any permit-holder or prospective permit-holder who chooses to bypass the Permitting Dashboard before that date and work directly with the agency to obtain, complete, and return an application in paper form or through any pre-existing online application system operated by permitting agencies.

(b) On and after July 1, 2027, the Permitting Dashboard shall be the exclusive means of applying for a permit, as defined in §5A-13-2 of this code, except where an alternative means is required under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*, or the West Virginia Human Rights Act, being §5-11-1 *et seq.* of this code.

(c) The refund requirement under §5A-13-4(c) through §5A-13-4(e) of this code shall only apply to applications submitted through the Permitting Dashboard.

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§5A-13-6. Legislative Rules.

(a) The secretary is authorized to promulgate legislative rules pursuant to §29A-3-1 *et seq.* of this code to implement the One-Stop-Shop Permitting Program including to:

(1) Establish, in consultation with the relevant agency:

(A) Deadlines for making completion determinations and for the processing of a permit application; and

(B) Expedited deadlines for the processing of a "fast-track" permit application;

(2) Establish, as needed, an applicant or user fee to fund the Permitting Program; and

(3) Establish a fee to be paid by an applicant to "fast-track" a permit application.

(b) Any fee implemented pursuant to subdivision (a)(3) of this section shall be:

(1) No greater than necessary to offset the permitting agency’s cost to expedite the permit application; and

(2) Subject to the refund requirement under §5A-13-4(c) through §5A-13-4(e) of this code.

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