

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1962

ENROLLED

SENATE BILL NO. 50

(By Mr. Handlan)

PASSED February 7 1962

In Effect From Passage



Filed in Office of the Secretary of State  
of West Virginia 2-14-62  
JOE F. BURDETT  
SECRETARY OF STATE

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**Senate Bill No. 50**

(By MR. HANDLAN)

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[Passed February 7, 1962; in effect from passage.]

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AN ACT to amend and reenact section one, article twenty-two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the excise tax on the privilege of transferring real property, by extending the exclusions to provide that the term "document" as used in said article shall not include transfers between parent and child and his or her spouse without consideration.

*Be it enacted by the Legislature of West Virginia:*

That section one, article twenty-two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**Section 1. Definitions.**—The following words when used

2 in this chapter shall have meanings ascribed to them in  
3 this section, except in those instances where the context  
4 clearly indicates a different meaning:

5 “Association” means a partnership, limited partnership  
6 or any other form of unincorporated enterprise, owned  
7 or conducted by two or more persons.

8 “Corporation” means a corporation or joint-stock as-  
9 sociation, organized under the laws of this state, the  
10 United States or any other state, territory, or foreign  
11 country or dependency, including, but not limited to,  
12 banking institutions.

13 “Commissioner” means the state tax commissioner.

14 “Document” means any deed, or instrument or writing  
15 whereby any real property within this state or any in-  
16 terest therein shall be granted, conveyed or otherwise  
17 transferred to the grantee, purchaser or any other person;  
18 but does not include wills, transfer of real property where  
19 the value of the property transferred is one hundred  
20 dollars or less, testamentary or inter vivos trusts, deeds  
21 of partition, deeds made pursuant to mergers of corpora-

22 tions, deeds made by a subsidiary corporation to its parent  
23 corporation for no consideration other than the cancella-  
24 tion or surrender of the subsidiary's stock, leases, trans-  
25 fers between husband and wife, transfers between parent  
26 and child, or transfers between parent and child and his  
27 or her spouse, without consideration, transfers without  
28 consideration between a principal and straw party for any  
29 purpose, gifts to or transfers from or between voluntary  
30 charitable or educational associations or trustees thereof  
31 and like nonprofit corporations having the same or similar  
32 purposes, quitclaim or corrective deeds without consider-  
33 ation, transfers to or from the United States, the state of  
34 West Virginia, or to or from any of their instrumentalities,  
35 agencies or political subdivisions, by gift, dedication, deed  
36 or condemnation proceedings, or mortgages or deeds of  
37 trust given as security for a debt.

38 "Person" means every natural person, association, or  
39 corporation. Whenever used in any clause prescribing  
40 and imposing a fine or imprisonment, or both, the term  
41 "person" as applied to associations, shall mean the part-

42 ners or members thereof, and, as applied to corporations,  
43 the officers thereof.

44 "Transaction" means the delivering, accepting or pre-  
45 sending for recording of a document.

46 "Value" means in the case of any document not a gift,  
47 the amount of the full actual consideration therefor, paid  
48 or to be paid, including the amount of any lien or liens  
49 assumed; in the case of a gift, or any other document  
50 without consideration, the actual monetary value of the  
51 property conveyed or transferred. In the event any docu-  
52 ment includes real property or any interest therein lying  
53 outside the state of West Virginia or includes personal  
54 property, value shall be the proportion of the considera-  
55 tion paid in case of the transfer for consideration, or the  
56 proportion of the true and actual value in case of a gift,  
57 which the actual value of the real property located in  
58 West Virginia bears to the total actual value of all the  
59 property, real or personal, transferred by the document.  
60 The value as herein defined shall be stated in the declara-  
61 tion of consideration or value provided for in section six  
62 hereof.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*James Davis, Jr.*  
Chairman Senate Committee

*Mrs. W. W. Withrow*  
Chairman House Committee

Originated in the Senate.

Takes effect *From* ..... passage.

*J. Howard Taylor*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*Howard W. Carson*  
President of the Senate

*Julius W. Singleton*  
Speaker House of Delegates

The within *approved* ..... this the *thirteenth*  
day of *February* ..... 1962.

*Howard W. Carson*  
Governor

