WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 335

(By Senators Tomblin, Mr. President, Fanning, Chafin, Kessler, McCabe, White and Jenkins)

[Passed March 7, 2007; in effect ninety days from passage.]
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(BY SENATORS TOMBLIN, MR. PRESIDENT, FANNING, CHAFIN, KESSLER, MCCABE, WHITE AND JENKINS)

[Passed March 7, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-4c; and to amend and reenact §11-22-2 of said code, all relating to the West Virginia Affordable Housing Trust Fund generally; imposing a fee of twenty dollars on the transfer of real property in addition to the excise tax imposed on property transfers; imposing a fee of twenty dollars in addition to the consumers sales and service tax on the sale of factory-built homes by licensed dealers; dedicating the revenue from the additional fees to the West Virginia Affordable Housing Trust Fund; and authorizing expenditures for administrative and operating expenses.
Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-15-4c; and that §11-22-2 of said code be amended and reenacted, all to read as follows:

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-4c. Collection of fee in addition to the consumers sales tax for sales of mobile factory-built homes; deposit of additional fee in West Virginia Affordable Housing Trust Fund.

(a) There is imposed, in addition to the sales tax imposed by the provisions of this article and article fifteen-a of this chapter, a fee of twenty dollars on all sales by licensed dealers of factory-built homes as that term is defined in section two, article fifteen, chapter thirty-seven of this code to be collected as provided in article fifteen-b of this chapter and remitted to the Tax Commissioner to be deposited by the commissioner in the West Virginia Affordable Housing Trust Fund, as provided in article eighteen-d, chapter thirty-one of this code.

(b) The moneys collected from this additional fee shall be segregated from other funds in the West Virginia Affordable Housing Trust Fund and shall be accounted for separately. Not more than ten percent of these additional moneys may be expended by the West Virginia Affordable Housing Trust Fund to defray administrative and operating costs and expenses actually incurred by the West Virginia Affordable Housing Trust Fund.
ARTICLE 22. EXCISE TAX ON PRIVILEGE OF TRANSFERRING REAL PROPERTY.

§11-22-2. Rate of tax; when and by whom payable; additional county tax.

(a) Every person who delivers, accepts or presents for recording any document, or in whose behalf any document is delivered, accepted or presented for recording, is subject to pay for, and in respect to the transaction or any part thereof, a state excise tax upon the privilege of transferring title to real estate at the rate of one dollar and ten cents for each five hundred dollars value or fraction thereof as represented by the document as defined in section one of this article. The state tax is payable at the time of delivery, acceptance or presenting for recording of the document. In addition to the state excise tax described in this subsection, there is assessed a fee of twenty dollars upon the privilege of transferring real estate for consideration. The clerk of the county commission shall collect the additional twenty-dollar fee before recording a transfer of title to real estate and shall deposit the moneys from the additional fees into the West Virginia Affordable Housing Trust Fund as provided in article eighteen-d, chapter thirty-one of this code. The moneys collected from this additional fee shall be segregated from other funds in the West Virginia Affordable Housing Trust Fund and shall be accounted for separately. Not more than ten percent of these additional moneys may be expended by the West Virginia Affordable Housing Trust Fund to defray administrative and operating costs and expenses actually incurred by the West Virginia Affordable Housing Trust Fund. The Housing Development Fund, as fiscal agent of the West Virginia Affordable Housing Trust Fund, shall publish monthly on the internet site...
an accounting of all revenue deposited into the fund
during the month and a full disclosure of all
expenditures from the fund including the group
receiving funds, their location and any contractor
awarded the construction contract. Additionally, the
West Virginia Affordable Housing Trust Fund is to
provide an annual report to the Joint Committee on
Government and Finance before the first day of
December, two thousand seven, and each year
thereafter.

(b) Effective the first day of January, one thousand
nine hundred sixty-eight, and thereafter, there is
imposed an additional county excise tax for the
privilege of transferring title to real estate at the rate of
fifty-five cents for each five hundred dollars' value or
fraction thereof as represented by such document as
defined in section one of this article, which county tax
shall be payable at the time of delivery, acceptance or
presenting for recording of such document: Provided,
That after the first day of July, one thousand nine
hundred eighty-nine, the county may increase said
counties tax to an amount equal to the state excise tax.
The additional tax hereby imposed is declared to be a
county tax and to be used for county purposes: Provided, however, That only one such state tax and
one such county tax shall be paid on any one document
and shall be collected in the county where the document
is first admitted to record and the tax shall be paid by
the grantor therein unless the grantee accepts the
document without such tax having been paid, in which
event such tax shall be paid by the grantee: Provided
further, That on any transfer of real property from a
trustee or a county clerk transferring real estate sold for
taxes, such tax shall be paid by the grantee. The county
excise tax imposed under this section may not be
increased in any county unless the increase is approved by a majority vote of the members of the county commission of such county. Any county commission intending to increase the excise tax imposed in its county shall publish a notice of its intention to increase such tax not less than thirty days nor more than sixty days prior to the meeting at which such increase will be considered, such notice to be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area shall be the county in which such county commission is located.
Enr. S. B. No. 335]

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

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the Day of April, 2007.

Governor
PRESENTED TO THE GOVERNOR

MAR 20 2007

Time 3:55