

H. B. 4357

(BY DELEGATES MORGAN, STEPHENS, D. POLING,
HATFIELD AND BUTCHER)

[Introduced January 31, 2012; referred to the
Committee on the Judiciary.]

A BILL to amend and reenact §47-11B-9 of the Code of West Virginia, 1931, as amended, relating to the bond required for closing-out sales, fire sales and defunct business sales.

Be it enacted by the Legislature of West Virginia:

That §47-11B-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 11B. CLOSING-OUT SALES, FIRE SALES AND DEFUNCT BUSINESS SALES.

§47-11B-9. Bond required.

1 No license shall be issued unless the applicant files with
2 the commissioner a bond with corporate surety payable to the
3 State of West Virginia conditioned upon the faithful
4 observance of all the provisions of this article, the payment
5 to any municipality or the state of all taxes due and owing or

6 which may become due and the indemnifying of any
7 purchaser at such sale who suffers any loss by reason of
8 misrepresentation made in connection with such sale:
9 *Provided*, That the aggregate liability of the surety for all
10 breaches of the conditions of the bond shall in no event
11 exceed the amount of said bond. The amount of ~~said~~ the
12 bond shall be ~~determined~~ based on the inventory required to
13 be filed with the commissioner by section four of this article,
14 and calculated as follows: Five percent of the first \$100,000
15 of the retail value of all the goods, wares and merchandise to
16 be offered at such sale, two percent of the next \$400,000 and
17 one percent of the balance. ~~Said~~ The bond shall be approved
18 as to form and sufficiency by the ~~prosecuting attorney or his~~
19 ~~assistant of the county in which such sale is to be conducted~~
20 commissioner.

NOTE: The purpose of this bill is to modify the bonding requirement for closing-out sales.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.