

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 123**

4 (By Senators Snyder, Blair and Romano)

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6 [Originating in the Committee on Transportation and Infrastructure;  
7 reported February 11, 2015.]  
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11 A BILL to amend and reenact §47-11A-8 of the Code of West Virginia, 1931, as amended, relating  
12 to unfair trade practices; and adding gasoline, diesel fuel and blended fuel to the list of  
13 products exempted from unfair trade practices.

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

15 That §47-11A-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
16 to read as follows:

17 **ARTICLE 11A. UNFAIR TRADE PRACTICES.**

18 **§47-11A-8. Sales exempt.**

19 The provisions of this article ~~shall~~ do not apply to any sale made:

20 (a) In closing out in good faith the owner's stock or any part ~~thereof~~ of his or her stock, for  
21 the purpose of discontinuing his or her trade in any such stock or commodity, and in the case of the  
22 sale of seasonal goods or to the bona fide sale of perishable goods to prevent loss to the vendor by

1 spoilage or depreciation;

2 (b) When the goods are damaged or deteriorated in quality or where merchandise is sold in  
3 bona fide clearance sales, and, in each case, merchandise is advertised, marked and sold as such;

4 (c) By an officer acting under the orders of any court;

5 (d) In an endeavor in good faith to meet the legal prices of a competitor as ~~herein~~ defined in  
6 this article selling the same ~~article~~ product or item of merchandise, in the same locality or trade area;

7 (e) For charitable purposes or to relief agencies;

8 (f) Where merchandise is sold on contract to departments of the government or governmental  
9 institutions.

10 (g) Of gasoline, diesel fuel and blended fuel, as defined in section two, article fourteen-c,  
11 chapter eleven of this code.

NOTE: The purpose of this bill is to add sales of gasoline, diesel fuel, and blended fuel to the list of products exempted from the Unfair Practices Act.

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