

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 250

BY SENATOR TRUMP

[Introduced January 13, 2016;

Referred to the Committee on the Judiciary.]

1 A BILL to amend and reenact §46A-1-105 of the Code of West Virginia, 1931, as amended,
 2 relating to excluding obligation to make required payments to property owners' or
 3 homeowners' association from provisions of the Consumer Credit and Protection Act.

Be it enacted by the Legislature of West Virginia:

1 That §46A-1-105 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 1. SHORT TITLE, DEFINITIONS AND GENERAL PROVISIONS.

§46A-1-105. Exclusions.

1 (a) This chapter does not apply to:

2 (1) Extensions of credit to government or governmental agencies or instrumentalities;

3 (2) The sale of insurance by an insurer, except as otherwise provided in this chapter;

4 (3) The obligation of a property owner, lot owner or homeowner to pay dues, assessments,
 5 costs or fees of any kind to a property owners' association or homeowners' association;

6 ~~(3)~~ (4) Transactions under public utility or common carrier tariffs if a subdivision or agency
 7 of this state or of the United States regulates the charges for the services involved, the charges
 8 for delayed payment, and any discount allowed for early payment; or

9 ~~(4)~~ (5) Licensed pawnbrokers.

10 (b) Mortgage lender and broker licensees are excluded from the provisions of this chapter
 11 to the extent those provisions directly conflict with any section of article seventeen, chapter thirty-
 12 one of this code.

NOTE: The purpose of this bill is to exclude the obligation to make required payments to a property owners' or homeowners' association from the provisions of the consumer credit and protection act.

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