

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4264

BY DELEGATES SKINNER, HOUSEHOLDER, BLAIR,
COWLES, OVERINGTON, MARCUM, FOLK AND FAIRCLOTH

[Introduced January 25, 2016; referred to the
committee on Roads and Transportation then the
Judiciary.]

1 A BILL to amend and reenact §47-11A-8 of the Code of West Virginia, 1931, as amended, relating
 2 to unfair trade practices; and adding motor fuel to the list of products exempted from unfair
 3 trade practices.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 11A. UNFAIR TRADE PRACTICES.

§47-11A-8. Sales exempt.

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

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

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

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

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

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

14 (f) Where merchandise is sold on contract to departments of the government or
 15 governmental institutions;

16 (g) By a wholesaler, distributor or retailer for all sales of motor fuel, as defined in section
 17 two, article fourteen-c, chapter eleven of this code.

NOTE: The purpose of this bill is to add sales of motor fuel to the list of products exempted from unfair trade practices.

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