

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Originating

Senate Bill 642

BY SENATORS AZINGER, BALDWIN, BEACH, CLEMENTS,
CLINE, HARDESTY, JEFFRIES, LINDSAY, MAYNARD,
PITSENBARGER, ROMANO, RUCKER, SMITH, TAKUBO,
WELD, WOELFEL, AND TRUMP

[Originating in the Committee on the Judiciary;
reported on January 28, 2020]

1 A BILL to amend and reenact §46A-1-105 of the Code of West Virginia, 1931, as amended,
2 relating to correcting an incorrect code citation in the West Virginia Consumer Credit and
3 Protection Act.

Be it enacted by the Legislature of West Virginia:

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 in a planned community
5 containing no more than 12 units which is not subject to any development rights or a planned
6 community that provides in its declaration that the annual average common expense liability of all
7 units restricted to residential purposes, exclusive of optional user fees and any insurance
8 premiums paid by the association, may not exceed \$300 as adjusted pursuant to ~~section one~~
9 ~~hundred fourteen, chapter one, article thirty six b~~ §36B-1-114 of this code, or the efforts of
10 property owners' associations or homeowners' associations to collect the same to pay dues,
11 assessments, costs, or fees of any kind to a property owners' association or homeowners'
12 association;

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

16 (5) Licensed pawnbrokers.

17 (b) Mortgage lender and broker licensees are excluded from the provisions of this chapter
18 to the extent those provisions directly conflict with any section of §31-17-1 *et seq.* of this code.

NOTE: The purpose of this bill is to correct an incorrect code citation.

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