

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3249**

By Delegate Westfall

[By Request of the Auditor's Office]

[Introduced February 03, 2023; Referred to the  
Committee on Finance]

1 A BILL to amend and reenact § 59-1-14 of the Code of West Virginia, 1931, as amended, relating  
 2 to the fees to be charged by sheriffs for performing certain tasks.

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

## **ARTICLE 1. FEES AND ALLOWANCES.**

### **§ 59-1-14. Fees to be charged by sheriffs.**

1 (a) The county commission shall determine the amount which the sheriff may charge,  
 2 which charges shall not exceed the following:

3 For serving on any person an order, notice except for any notice pursuant to § 11A-3-1 et  
 4 seq. of this code, summons or other process where the body is not taken, except a subpoena

5 served on a witness, and making return thereof .....\$25.00

6 For summoning a witness .....\$25.00

7 For serving on any person an attachment or other process under which  
 8 the body is taken .....\$25.00

9 For levying an attachment on real estate and making the return .....\$25.00

10 For making any other levy.....\$25.00

11 For serving a writ of possession .....\$25.00

12 For serving on any person notice pursuant to §11A-3-1 et seq. of this code and making  
 13 return thereof .....\$75.00

14 (b) The county commission shall determine the amount which the sheriff may charge,  
 15 which charges shall not exceed the following:

16 For conveying a prisoner to or from jail, for each mile of necessary travel either in going or  
 17 returning .....\$.25

18 For taking any bond .....\$1.00

19 When a jury is sworn in court, for summoning and impaneling such jury .....\$1.00

20 For issuing receipt to purchaser at delinquent tax sale .....\$1.00

21 (c) The county commission, giving due regard to the cost thereof, may from time to time

22 prescribe the amount which the sheriff may charge for keeping any property or in removing any  
23 property. When, after distraining or levying, he or she neither sells nor receives payment, and  
24 either takes no bond or takes one which is not forfeited, he or she shall, if guilty of no default, have  
25 (in addition to the \$1 for a bond, if one was taken) a fee of \$3, unless this be more than half of what  
26 his or her commission would have amounted to if he or she had received payment; in which case  
27 he or she shall (whether a bond was taken or not) have a fee of \$1 at the least, and so much more  
28 as is necessary to make the said half of his or her commission. The commission to be included in a  
29 forthcoming bond (when one is taken) shall be five percent on the first \$300 of the money for which  
30 the distress or levy is made, and two percent on the residue of the money; but the commission  
31 shall not be received, in whole or in part, except as hereinbefore provided, unless the bond be  
32 forfeited, or the amount (including the commission) be paid to the plaintiff. An officer receiving  
33 payment in money, or selling property, shall have the like commission of five percent on the first  
34 \$300 of the money paid or proceeds from the sale, and two percent on the residue, except that  
35 when the payment or sale is on an execution on a forthcoming bond, his or her commission shall  
36 be only half what it would be if the execution were not on the bond.

37 (d) Any amounts collected by the sheriff pursuant to this section shall be deposited in a  
38 separate account of the county general fund and used by the sheriff for the expenses of providing  
39 the services herein described: *Provided*, That \$2 of each fee collected pursuant to the provisions  
40 of subsection (a) of this section shall be deposited by the county commission in the "West Virginia  
41 Deputy Sheriff Retirement Fund" created in section six, article fourteen-d, chapter seven of this  
42 code and \$3 of each fee collected pursuant to the provisions of subsection (a) of this section shall  
43 be deposited by the county commission in the general revenue account of the county commission.  
44 Any surplus funds that remain in the separate account of the county general fund required by the  
45 provisions of this subsection on the last day of the fiscal year, and have not been expended for the  
46 purposes herein described, shall revert to the county general fund.

NOTE: The purpose of this bill is to allow for sheriffs to collect additional funds for notice served related to tax sales. This bill was recommended for introduction in the 2023 regular session of the Legislature by the West Virginia Auditor's office.

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