

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3372

By Delegates Young, Shamblin, W. Hall, Skaff,

Capito, Pushkin, and Ferrell

[Introduced February 13, 2023; Referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §19-4-1 of the Code of West Virginia, 1931, as amended, relating to
2 limitations on motor vehicles used by nonprofit cooperative recycling associations for the
3 collection and transportation of recyclable goods.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COOPERATE ASSOCIATIONS.

§19-4-1. Definitions.

1 As used in this article:

2 (a) "Agricultural products" means horticultural, viticultural, forestry, dairy, livestock, poultry,
3 bee and any farm products in their natural form or processed.

4 (b) "Goods and services" means food and beverages, arts and crafts, woodworking and
5 furniture-making, and recycling, composting and repurposing materials.

6 (c) "Member" means a member of an association without capital stock and a holder of
7 common stock in an association organized with capital stock.

8 (d) "Cooperative association" or "association" means any corporation organized under this
9 article. Each association shall also comply with the requisite business corporation provisions of
10 chapter thirty-one-d or thirty-one-f of this code, or the nonprofit corporation provisions of chapter
11 thirty-one-e of this code.

12 Except within a 35 mile radius of a facility that has been permitted and classified by the
13 West Virginia Department of Environmental Protection as a mixed waste processing resource
14 recovery facility, a recycling cooperative association may be organized as a nonprofit corporation
15 pursuant to chapter thirty-one-e of this code. ~~Any such recycling cooperative association is limited~~
16 ~~to owning or using one motor vehicle for the collection and transportation of recyclable goods~~ The
17 recyclable goods must be generated by members of the recycling cooperative association.

18 (e) "Qualified person" means a person who is engaged in the producing, preserving,
19 harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling,
20 utilizing, marketing, financing, selling, distributing, shipping, procuring or providing of agricultural

21 products, or other goods and services, or the by-products thereof.

22 (f) "Qualified activity" means those engaged in the producing, preserving, harvesting,
23 drying, processing, manufacturing, canning, packing, grading, storing, handling, utilizing,
24 marketing, financing, selling, distributing, shipping, procuring or providing of agricultural products,
25 or other goods and services, or the by-products thereof.

NOTE: The purpose of this bill is to strike from the code the requirement that recycling co-ops be limited to the use of one motor vehicle for the purpose of collection and transportation of recyclable goods.

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