

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 430

BY SENATOR WOODRUM

[Introduced January 12, 2024; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §46B-3-7 and §46B-3-9 of the Code of West Virginia, 1931, as
2 amended, all relating to the regulation of the rental of consumer goods under rent-to-own
3 agreements; disclosure requirements when consumer is in default; and limitations on
4 charges and fees.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. DEFAULT.

§46B-3-7. Disclosure requirements.

1 (a) The dealer shall make all disclosures required by this section.

2 (b) In all circumstances listed in subsection (c) of this section, the dealer shall disclose the
3 following information with respect to the goods that are the subject of the rental agreement in a
4 clear, conspicuous, and easily understood manner:

5 (1) Retail value;

6 (2) Rent-to-own charge;

7 (3) Rental period;

8 (4) Number of periodic payments required for ownership;

9 (5) Amount of each periodic payment;

10 (6) Total of all payments; and

11 (7) Whether the goods are new or have been previously rented or are otherwise used.

12 (c) The dealer shall make the disclosures required in this section:

13 (1) On a label attached or posted on top of the goods displayed to any potential consumer
14 if the goods are displayed on the premises of the dealer and offered under a rent-to-own
15 agreement by that same dealer;

16 (2) In any rent-to-own agreement as defined in §46B-1-5 of this code;

17 (3) In any telephone communication with a potential consumer; and

18 (4) In any radio, television or printed advertisement for the goods when the amount of the
19 periodic payment for the item is included in the advertisement.

20 (d) For any goods displayed or offered online and for which a consumer can enter into a
21 rent-to-own agreement online or remotely through electronic commerce, a dealer may, in lieu of
22 attaching the disclosure required by subdivision (1), subsection (c) of this section to the goods,
23 provide the same information electronically so long as such information is disclosed in a clear,
24 conspicuous, and easily understood manner.

25 (e) For any goods offered to the consumer under a rent-to-own agreement by one dealer,
26 but displayed by any other person or on the premises of any other dealer, the dealer offering the
27 rent-to-own agreement may provide the information required under subsection (b) of this section
28 electronically, as described under subsection (d) of this section, or on a label, as described under
29 subdivision (1), subsection (c) of this section.

30 ~~(d)~~ (f) Any oral communications concerning the terms and conditions of the transaction
31 shall be incorporated into a written agreement which shall govern the transaction.

32 ~~(e)~~ (g) In any transaction involving more than one dealer, only one dealer may make the
33 disclosures required by this article: *Provided*, That when the name of the dealer is required to be
34 disclosed, all dealers shall be disclosed.

35 ~~(f)~~ (h) A dealer may disclose information that is not required by this section only when the
36 additional information is not stated, used, or placed in a manner that may contradict, obscure, or
37 distract attention from the information required by this section.

§46B-3-9. Limitations on charges and fees.

1 (a) Any consumer seeking to fulfill obligations pursuant to §46B-3-5 of this code may be
2 charged a fee no greater than the retail value divided by the total of payments multiplied by the
3 amount of the periodic payments which have not yet become due.

4 (b) A dealer may not charge a fee for delivery or pickup unless the charge is provided for
5 in the written agreement, the parties agree that the dealer shall deliver or pick up the goods, and
6 the charge is reasonably related to the costs of delivery. ~~*Provided*, That no delivery or pick up~~

7 ~~charge may be assessed in any transaction when the transaction took place in any place other~~
8 ~~than the premises of the dealer~~

9 (c) Any late fee imposed by a dealer may not exceed five percent of the periodic payment
10 or \$15, whichever is less. Only one late charge may be imposed for any payment for which a late
11 charge may be charged. Under a rental agreement in which periodic payments are due weekly,
12 a late charge may not be imposed until the payment is three days late. Otherwise, a late charge
13 may not be imposed until the payment is five days late.

14 (d) The total of payments in a rent-to-own transaction shall not be greater than 240 percent
15 of the retail value.