WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 816

By Senators Barrett, Deeds, Rucker, and Taylor

[Introduced February 16, 2024; referred  
to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31J-1-1, §31J-1-2, §31J-1-3, §31J-1-4, §31J-1-5, and §31J-1-6, all relating to creating the Truth in Giving Act, providing definitions, establishing penalties, and granting rulemaking authority.

Be it enacted by the Legislature of West Virginia:

chapter 31J. Truth in giving act.

article 1. Truth in giving act.

§31J-1-1. Short title.

This chapter may be cited as the Truth in Giving Act.

§31J-1-2. Purpose.

Individuals who donate consumer goods that are intended for resale by thrift operators or who purchase consumer goods that have been donated for resale are entitled to know if those donations are benefitting non-profit charities or for-profit businesses.

§31J-1-3. Definitions.

"Drop box" means any publicly accessible container intended to receive donated consumer goods.

"Mobile pickup unit" means any automobile used by a thrift operator to receive donated consumer goods.

"Thrift operator" means any retailer licensed to conduct business in this state that sells consumer goods that have been obtained by donations.

"Thrift sales" means selling consumer goods that were received by the thrift operator via donations.

§31J-1-4. Truth in Giving Act requirements.

Any thrift operator selling consumer goods that have been obtained via drop boxes, on-site donations at the retailer's location, mobile pickup units, or at-home pickup must provide the following information to those providing donations and to customers at the retailer's business location:

(1) Name of the business that owned the drop box, mobile pickup unit or is providing at-home pick-up of donated consumer goods;

(2) Name of the business that will be selling consumer goods that have been donated;

(3) Name of the entity or entities receiving proceeds from thrift sales and the percentage of proceeds from thrift sales going to each entity.

§31J-1-5. Penalties.

Failure to comply with this chapter shall result in a $500 fine per occurrence, as determined by the West Virginia Secretary of State's Office Investigations Unit.

§31J-1-6. Rulemaking.

The West Virginia Secretary of State's Office shall develop rules to implement this chapter.

NOTE: The purpose of this bill is to inform the public about who receives the proceeds from the sale of donated consumer 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.