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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



**ENROLLED**  
Committee Substitute for  
**SENATE BILL NO. 259**

(By Senator Burdette, Mr. President, et al)



PASSED March 11, 1994  
In Effect 90 days from Passage

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 259**

(SENATORS BURDETTE, MR. PRESIDENT, CRAIGO,  
WOOTON, YODER, DITTMAR, MILLER, ROSS, DALTON,  
WHITLOW, WAGNER, MINARD, CLAYPOLE AND ANDERSON,  
*original sponsors*)

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[Passed March 11, 1994; in effect ninety days from passage.]

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AN ACT to amend and reenact section two, article fourteen, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to enforcement of foreign judgments generally; entitling citizens of this state against whom a judgment is enforced to the same exemption from execution, attachment or seizure and sale as a citizen of the state from which the judgment was given is entitled; requirements of debt collector; and civil and criminal penalties.

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

That section two, article fourteen, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 14. UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS  
ACT.**

**§55-14-2. Filing and status of foreign judgments.**

1 A copy of any foreign judgment authenticated in  
2 accordance with an act of Congress or the statutes of  
3 this state may be filed in the office of the clerk of any  
4 circuit court of this state. The clerk shall treat the  
5 foreign judgment in the same manner as a judgment  
6 of any circuit court of this state. A judgment so filed  
7 has the same effect and is subject to the same proce-  
8 dures, defenses and proceedings for reopening, vacat-  
9 ing or staying as a judgment of a circuit court of this  
10 state and may be enforced or satisfied in like manner:  
11 *Provided*, That notwithstanding any other provision of  
12 this article to the contrary, a citizen of this state shall  
13 be entitled to the same exemption from execution,  
14 attachment or seizure and sale as a citizen of the state  
15 where the original judgment was entered. A debt  
16 collector seeking to enforce a foreign judgment in this  
17 state shall ensure that any suggestee execution or  
18 other legal process seeking to seize property of a  
19 debtor pursuant to a foreign judgment shall clearly  
20 state, on the face of the petition or other filing, any  
21 property exempt in the state in which the original  
22 judgment was entered and it shall specify that the  
23 property is exempt from execution, attachment or  
24 seizure and sale in this state. Any person seeking to  
25 enforce a foreign judgment in this state who violates  
26 any provision of this section shall be liable to the  
27 person against whom the judgment is sought to be  
28 enforced for actual damages and, in addition thereto,  
29 shall be liable to such person for a penalty in an  
30 amount not more than one thousand dollars. Any  
31 person seeking to enforce a foreign judgment in this  
32 state who willfully violates any provision of this  
33 section shall be guilty of a misdemeanor and, upon  
34 conviction thereof, shall be fined not more than one  
35 thousand dollars or confined in jail not more than one  
36 year, or both fined and confined.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



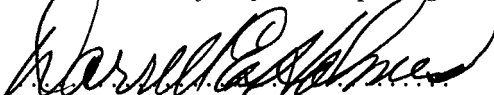
Chairman Senate Committee



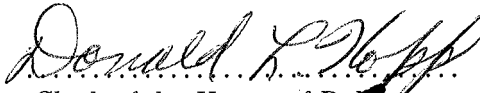
Chairman House Committee

Originated in the Senate.

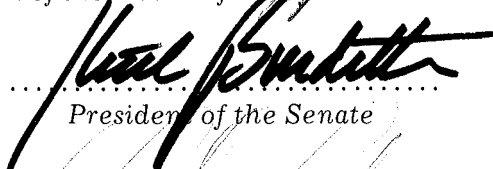
In effect ninety days from passage.



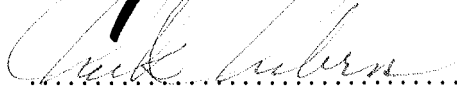
Clerk of the Senate



Clerk of the House of Delegates



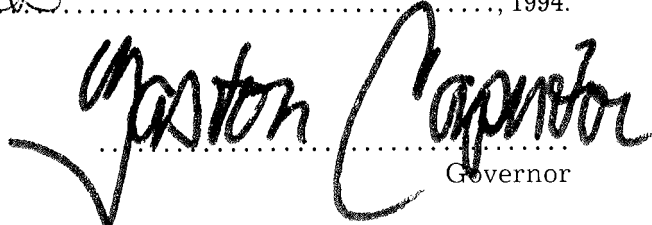
President of the Senate



Speaker House of Delegates

The within is approved this the 30th

day of March, 1994.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/94

Time 1:03 pm