

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Enrolled**

### **Senate Bill 642**

BY SENATORS AZINGER, BALDWIN, BEACH, CLEMENTS,  
CLINE, HARDESTY, JEFFRIES, LINDSAY, MAYNARD,  
PITSENBARGER, ROMANO, RUCKER, SMITH, TAKUBO,  
WELD, WOELFEL, AND TRUMP

[Passed February 17, 2020; in effect 90 days from  
passage]



1 AN ACT to amend and reenact §46A-1-105 of the Code of West Virginia, 1931, as amended,  
2 relating to correcting an incorrect code citation in the West Virginia Consumer Credit and  
3 Protection Act.

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

**ARTICLE 1. SHORT TITLE, DEFINITIONS, AND GENERAL PROVISIONS.**

**§46A-1-105. Exclusions.**

1 (a) This chapter does not apply to:

2 (1) Extensions of credit to government or governmental agencies or instrumentalities;

3 (2) The sale of insurance by an insurer, except as otherwise provided in this chapter;

4 (3) The obligation of a property owner, lot owner, or homeowner in a planned community  
5 containing no more than 12 units which is not subject to any development rights or a planned  
6 community that provides in its declaration that the annual average common expense liability of all  
7 units restricted to residential purposes, exclusive of optional user fees and any insurance  
8 premiums paid by the association, may not exceed \$300 as adjusted pursuant to §36B-1-114 of  
9 this code, or the efforts of property owners' associations or homeowners' associations to collect  
10 the same to pay dues, assessments, costs, or fees of any kind to a property owners' association  
11 or homeowners' association;

12 (4) Transactions under public utility or common carrier tariffs if a subdivision or agency of  
13 this state or of the United States regulates the charges for the services involved, the charges for  
14 delayed payment, and any discount allowed for early payment; or

15 (5) Licensed pawnbrokers.

16 (b) Mortgage lender and broker licensees are excluded from the provisions of this chapter  
17 to the extent those provisions directly conflict with any section of §31-17-1 *et seq.* of this code.



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

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2020.

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*Governor*