

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1969

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**ENROLLED**

SENATE BILL NO. 234

(By Mr. Hylton.....)

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PASSED March 1,..... 1969

In Effect Ninety days from Passage

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 3-14-69

#234

**ENROLLED**  
**Senate Bill No. 234**

(By MR. HYLTON)

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[Passed March 1, 1969; in effect ninety days from passage.]

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AN ACT to amend chapter one hundred fifty-one, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, by adding thereto a new section, designated section twelve-a, and to constitute said chapter one hundred fifty-one, as so amended, article eleven-a, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, said section twelve-a prohibiting the voluntary and unsolicited sending of goods, wares or merchandise and providing that the receipt of any such unsolicited goods, wares or merchandise shall for all purposes be deemed an unconditional gift to the recipient who may use or dispose of the same in any manner he sees fit without any obligation on his part to the sender.

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

That chapter one hundred fifty-one, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended by adding thereto a new section, designated section twelve-a, and that said chapter one hundred fifty-one, as so amended, be and the same is hereby constituted article eleven-a, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, said section twelve-a to read as follows:

**ARTICLE 11A. UNFAIR TRADE PRACTICES.**

**§47-11A-12a. Unsolicited goods.**

1 No person, firm, partnership, association or corpora-  
2 tion, or agent or employee thereof, shall, in any manner,  
3 or by any means, offer for sale goods, wares or merchan-  
4 dise, where the offer includes the voluntary and unsolicit-  
5 ed sending of goods, wares or merchandise not actually  
6 ordered or requested by the recipient, either orally or in  
7 writing. The receipt of any such unsolicited goods, wares  
8 or merchandise shall for all purposes be deemed an un-  
9 conditional gift to the recipient who may use or dispose  
10 of the same in any manner he sees fit without any obliga-  
11 tion on his part to the sender.

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

*William Tompou*

Chairman Senate Committee

*Phyllis J. Seetledge*  
The Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*Howard Deane*

Clerk of the Senate

*C. A. Blankenship*

Clerk of the House of Delegates

*Hyde S. You*

President of the Senate

*Sam T. Bowdler*  
Speaker House of Delegates

The within *is approved* this the *12<sup>th</sup>*  
day of *March*, 1969.

*Arch. B. Shaver Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/7/69  
Time 2:30 p.m.

RECEIVED

MAR 14 9 27 AM '69

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA