

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

SENATE BILL No. 121

(By Mr. Fleming)



PASSED March 9 1935

In Effect from **Passage**

121

ENROLLED

Senate Bill No. 121

(BY MR. FLEMING)

[Passed March 9, 1935; in effect from passage.]

AN ACT to provide for the registration and protection of the names, badges, mottoes, buttons, decorations, charms, emblems, rosettes, and other insignia of associations, lodges, orders, fraternal societies, beneficial societies, or fraternal and beneficial societies or associations, historical, military, or veterans' organizations, labor unions, foundation, federation, or any other society, organization or association, degree, branch, subordinate lodge, or auxiliary thereof; to prohibit the wearing, exhibition, display, or use of the same, by any person not entitled to wear, exhibit, display, or use the same, fixing a penalty for the violation of this act.

Be it enacted by the Legislature of West Virginia:

Section 1. Any association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military or veterans' organization, labor union, foundation, federation, or any other society, organization or association, degree, branch, subordinate lodge, or auxiliary thereof, whether incorporated or unincorporated, the principles and activities of which are not repugnant to the constitution and laws of the United States or this state, may register, in the office of the secretary of state, a facsimile, duplicate, or description of its name, badge, motto, button, decoration, charm, emblem, rosette or other insignia, and may, by reregistration, alter or cancel the same.

Sec. 2. Application for such registration, alteration, or cancellation, shall be made by the chief officer or officers of said association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or associations, historical, military, or veterans' organization, labor union, foundation, federation, or any other society, organization, or association, degree, branch, subordinate lodge, or auxiliary thereof, upon blanks to be provided by the secretary of state; and such

9 registration shall be for the use, benefit, and on behalf of all
10 associations, degrees, branches, subordinate lodges, and
11 auxiliaries of said association, lodge, order, fraternal society,
12 beneficial association, or fraternal and beneficial society or
13 association, historical, military, or veterans' organization, labor
14 union, foundation, federation, or any other society, organiza-
15 tion or association, degree, branch, subordinate lodge, or
16 auxiliary thereof, and the individual members and those here-
17 after to become members thereof, throughout this state.

Sec. 3. The secretary of state shall keep a properly indexed
2 record of the registration provided for by this act, which record
3 shall also show any altered or cancelled registration.

Sec. 4. No registration shall be granted or alteration per-
2 mitted to any association, lodge, order, fraternal society, bene-
3 ficial association, or fraternal and beneficial society or associa-
4 tion, historical, military, or veterans' organization, labor union,
5 foundation, federation, or any other society, organization, or
6 association, degree, branch, subordinate lodge, or auxiliary
7 thereof, having a name, badge, motto, button, decoration, charm,
8 emblem, rosette or other insignia, similar to, imitating, or so
9 nearly resembling as to be calculated to deceive, any other

10 name, badge, button, decoration, charm, emblem, rosette, or
11 other insignia whatsoever, already registered pursuant to the
12 provisions of this act.

Sec. 5. Upon granting registration as aforesaid, the secre-
2 tary of state shall issue his certificate to the petitioners, setting
3 forth the fact of such registration.

Sec. 6. Any person who shall wilfully wear, exhibit, display,
2 print, or use, for any purpose, the badge, motto, button, decor-
3 ation, charm, emblem, rosette or other insignia, of any such
4 association or organization, herein mentioned, duly registered
5 hereunder, unless he or she shall be entitled to use and wear
6 the same under the constitution and by-laws, rules and regula-
7 tions of such association and organization, shall be guilty of a
8 misdemeanor, and, upon conviction, shall be punished by a
9 fine not exceeding twenty dollars, and, in default of payment,
10 committed to jail for a period of not to exceed ten days.

Sec. 7. The fees of the secretary of state for registration,
2 alteration, cancellation, searches made by him, and certificates
3 issued by him, pursuant to this act, shall be the same as pro-
4 vided by law for similar services. The fees collected under

5 this act shall be paid by the secretary of state into the state
6 treasury.

Sec. 8. All acts or parts of acts inconsistent herewith are
2 hereby repealed.

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 15th day of March,

19 35


SECRETARY OF STATE

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

Clinton L. Howard

Chairman Senate Committee

Arnold M. Tickers

Chairman House Committee

Originated in the *Senate*

Takes effect *from* passage.

Charles M. ...

Clerk of the Senate

W. S. ...

Clerk of the House of Delegates

Chas. E. Hodges

President of the Senate

John S. ...

Speaker House of Delegates

The within.....this the.....

day of....., 1935.

Governor

Filed in the office of the Secretary of State
of West Virginia. **MAR 15 1935**
Wm. S. O'BRIEN,
Secretary of State