WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

COMMITTEE SUBSTITUTE FOR
HOUSE BILL No. 70

Originating in the Committee on
the Judiciary
(By:

PASSED March 8, 1941

In Effect ninety days from Passage
ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 70

[Originating in the House Committee on the Judiciary]

[Passed March 8, 1941; in effect ninety days from passage.]

AN ACT to amend article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be designated section forty-nine-a, relating to the sale of used, second-hand, rebuilt, repossessed, reconstructed or reconditioned watches, clocks, or other instruments used for keeping time.

Be it enacted by the Legislature of West Virginia:

That article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section to be designated section forty-nine-a, to read as follows:

Article 3. Crimes Against Property.

Section 49-a. It shall be unlawful for any person, firm, corporation, association or copartnership, either foreign
or domestic, to display, barter, sell, offer or expose for
sale, any clock or watch or other instrument or contriv-
ance by which the progress of time is perceived or meas-
ured, or which instrument or contrivance is intended for
such use, and which has before been used, rebuilt, re-
possessed, reconstructed or reconditioned, without at all
times having the same marked by label plainly written
or printed in the English language, and attached thereto,
with the words thereon, "Used", "Second-hand", "Re-
built", "Repossessed", "Reconstructed" or "Reconditioned"
as the case may be.

Any person, firm, corporation, association or copartner-
ship, foreign or domestic, who or which shall violate the
provisions of this act shall be deemed guilty of a mis-
demeanor, and upon conviction thereof, shall for the first
offense, be fined not less than twenty-five nor more than
one hundred dollars; and for a second offense shall be
fined not less than fifty dollars nor more than two hundred
fifty dollars, and in addition thereto, the owner, manager
or acting agent of the seller shall be imprisoned in the
county jail not less than ten nor more than sixty days;
24 and upon conviction for a third or subsequent offense,
25 shall be fined not less than one hundred dollars nor more
26 than five hundred dollars, and in addition thereto the
27 owner, manager or acting agent of the seller shall be con-
28 fined in the county jail not less than thirty days nor more
29 than six months, at the discretion of the court, and upon
30 conviction for such third or subsequent offense, in addi-
31 tion to the penalty herein provided, the license of the
32 offender for the sale of merchandise, shall be revoked and
33 shall not be renewed for the period of six months from
34 the date of such third conviction, and then only upon the
35 offender executing bond with approved security in the
36 sum of one thousand dollars, conditioned that he or it will
37 not violate the provisions of this act.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. H. M. Low
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

A. Hale Weatherly
Clerk of the Senate

Clerk of the House of Delegates

Byron B. Randolph
President of the Senate

Malcom R. Arnold
Speaker House of Delegates

The within appeared this the 14

day of March, 1941.

Matthew McNeely
Governor.

Filed in the office of the Secretary of State
of West Virginia.

Wm. S. O'Brien, Secretary of State