

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1941



ENROLLED

COMMITTEE SUBSTITUTE FOR  
HOUSE BILL No. 70

Originating in the Committee on  
the Judiciary  
(By ~~AA~~.....)



PASSED March 8, 1941

In Effect ninety days from Passage

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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,  
2 corporation, association or copartnership, either foreign

3 or domestic, to display, barter, sell, offer or expose for  
4 sale, any clock or watch or other instrument or contriv-  
5 ance by which the progress of time is perceived or meas-  
6 ured, or which instrument or contrivance is intended for  
7 such use, and which has before been used, rebuilt, re-  
8 possessed, reconstructed or reconditioned, without at all  
9 times having the same marked by label plainly written  
10 or printed in the English language, and attached thereto,  
11 with the words thereon, "Used", "Second-hand", "Re-  
12 built", "Repossessed", "Reconstructed" or "Reconditioned"  
13 as the case may be.

14 Any person, firm, corporation, association or copartner-  
15 ship, foreign or domestic, who or which shall violate the  
16 provisions of this act shall be deemed guilty of a mis-  
17 demeanor, and upon conviction thereof, shall for the first  
18 offense, be fined not less than twenty-five nor more than  
19 one hundred dollars; and for a second offense shall be  
20 fined not less than fifty dollars nor more than two hundred  
21 fifty dollars, and in addition thereto, the owner, manager  
22 or acting agent of the seller shall be imprisoned in the  
23 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. McLean

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

W. H. Watkins

Clerk of the Senate

J. S. Jeff

Clerk of the House of Delegates

Byron B. Randolph

President of the Senate

Malcolm R. Arnold

Speaker House of Delegates

The within appeared this the 14

day of March, 1941.

Matthew M. Neely

Governor.

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Filed in the office of the Secretary of State  
of West Virginia. APR 17 1941

Wm. S. O'BRIEN,  
Secretary of State