

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



## ENROLLED

HOUSE BILL No. 215

(By Mr. Speaker, Mr. Amos,) by request



PASSED March 9 1945

In Effect From Passage

215

**ENROLLED**

**House Bill No. 215**

(By MR. SPEAKER, MR. AMOS, by request)

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[Passed March 9, 1945; in effect from passage.]

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AN ACT to amend and reenact sections twenty-four and twenty-five, article twelve, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to certificate or permit to be attached to nursery stock sold, duties of carriers bringing such stock into the state, and to registration of nurserymen; and to repeal section thirty-two of said article and chapter relating to tags required to be attached to shipments of nursery stock.

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

That section thirty-two, article twelve, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, be repealed and that sections twenty-four and twenty-five be amended and reenacted to read as follows:

Section 24. *Certificate or Permit to Be Attached to*

2 *Nursery Stock Sold; Duties of Carriers.*—It shall be un-  
3 lawful for any nurseryman to deliver or give away, with-  
4 in the boundaries of this State, plants commonly known  
5 as nursery stock, which have not been duly inspected in  
6 accordance with the provisions of this article and do not  
7 carry plainly attached to each car load, box, bale or  
8 package, a copy of a certificate or permit as herein pro-  
9 vided, except that in case of nursery stock shipped into  
10 the state from without, the commissioner shall provide  
11 by regulations for the acceptance of proper certificates  
12 from other states, and a tag or certificate so stating shall  
13 be attached to all such shipments, but no nursery stock  
14 shall be sold or shipped under the certificate issued as  
15 provided herein that was not raised in the nursery for  
16 or to which the certificate was issued, until such  
17 stock has been duly examined, as provided herein, and  
18 found to be apparently free from any dangerously in-  
19 jurious insect pest or plant disease. The commissioner  
20 may require all transportation companies and common  
21 carriers bringing nursery stock into this state, upon re-  
22 ceiving such consignment, to notify immediately the

23 commissioner of the fact that such consignment is in  
24 their possession or enroute to some point within the  
25 state, and give the names of the consignor and consignee,  
26 the point of shipment, the designation of such consign-  
27 ment and whether it bears the official tag hereinbefore  
28 required. It shall be unlawful, after the promulgation  
29 of the rules and regulations provided for in this article,  
30 for any person to transport, by land or water, plants com-  
31 monly known as nursery stock, in violation of the same,  
32 and every such offense shall constitute a misdemeanor.

Sec. 25. *Registration of Nurserymen.*—It shall be un-  
2 lawful for any person, either for himself or as agent for  
3 another, to offer for sale, sell, deliver or give away,  
4 within the bounds of this state, any plants known as  
5 nursery stock, unless such person shall have first pro-  
6 cured from the commissioner a certificate of registra-  
7 tion, which certificate shall contain such rules and regu-  
8 lations concerning the sale of nursery stock as the com-  
9 missioner may prescribe, who shall have full power, and  
10 is hereby authorized and required, to cancel and with-  
11 draw any certificate upon satisfactory evidence that any

12 rules and regulations governing the sale of nursery stock  
13 within this state have been violated by the holder of the  
14 same. The commissioner shall not issue any certificate  
15 of registration except on the filing with the commis-  
16 sioner of a certified copy of a certificate of inspection, as  
17 specified in sections twenty-one and twenty-four of this  
18 article. All such certificates as may be granted shall ex-  
19 pire and become null and void June thirtieth next suc-  
20 ceeding the issuance thereof. Any person, either for  
21 himself or as agent for another, who shall sell, offer for  
22 sale, deliver or give away any plants, commonly known  
23 as nursery stock without exhibiting a copy of the certifi-  
24 cate of registration as herein provided for to each and  
25 every person whom he shall sell, offer for sale, deliver  
26 or give away any such plants, shall be guilty of a misde-  
27 meanor, and, upon conviction thereof, shall be fined as  
28 provided in section thirty-one of this article. This section  
29 shall not be construed so as to prevent a neighbor from  
30 giving away a plant or tree which is not from a nursery.

Sec. 32. This section is hereby repealed.

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

*Charles C Morris*

Chairman Senate Committee

*J. B. Belmyster Jr.*  
Chairman House Committee

Originated in the

*House*

Takes effect

*From*

passage.

*Horace Hughes*  
Clerk of the Senate

*Albion*  
Clerk of the House of Delegates

*Arnold W. Tickers*  
President of the Senate

*John E. Amos*  
Speaker House of Delegates

The within

*Approved*

this the

*16<sup>th</sup>*

day of

*March*

, 1945.

*Robert M. ...*

Governor.



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

**MAR 16 1945**

Wm. S. O'BRIEN,  
Secretary of State