ENROLLED

HOUSE BILL No. 215

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

PASSED March 9, 1945

In Effect from Passage
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House Bill No. 215

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

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

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thirty-two, article twelve, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, be repealed and that sections twenty-four and twenty-five be amended and reenacted to read as follows: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
Nursery Stock Sold; Duties of Carriers.—It shall be unlawful for any nurseryman to deliver or give away, within the boundaries of this State, plants commonly known as nursery stock, which have not been duly inspected in accordance with the provisions of this article and do not carry plainly attached to each car load, box, bale or package, a copy of a certificate or permit as herein provided, except that in case of nursery stock shipped into the state from without, the commissioner shall provide by regulations for the acceptance of proper certificates from other states, and a tag or certificate so stating shall be attached to all such shipments, but no nursery stock shall be sold or shipped under the certificate issued as provided herein that was not raised in the nursery for or to which the certificate was issued, until such stock has been duly examined, as provided herein, and found to be apparently free from any dangerously injurious insect pest or plant disease. The commissioner may require all transportation companies and common carriers bringing nursery stock into this state, upon receiving such consignment, to notify immediately the
commissioner of the fact that such consignment is in their possession or enroute to some point within the state, and give the names of the consignor and consignee, the point of shipment, the designation of such consignment and whether it bears the official tag hereinbefore required. It shall be unlawful, after the promulgation of the rules and regulations provided for in this article, for any person to transport, by land or water, plants commonly known as nursery stock, in violation of the same, and every such offense shall constitute a misdemeanor.

Sec. 25. Registration of Nurserymen.—It shall be unlawful for any person, either for himself or as agent for another, to offer for sale, sell, deliver or give away, within the bounds of this state, any plants known as nursery stock, unless such person shall have first procured from the commissioner a certificate of registration, which certificate shall contain such rules and regulations concerning the sale of nursery stock as the commissioner may prescribe, who shall have full power, and is hereby authorized and required, to cancel and withdraw any certificate upon satisfactory evidence that any
rules and regulations governing the sale of nursery stock within this state have been violated by the holder of the same. The commissioner shall not issue any certificate of registration except on the filing with the commissioner of a certified copy of a certificate of inspection, as specified in sections twenty-one and twenty-four of this article. All such certificates as may be granted shall expire and become null and void June thirtieth next succeeding the issuance thereof. Any person, either for himself or as agent for another, who shall sell, offer for sale, deliver or give away any plants, commonly known as nursery stock without exhibiting a copy of the certificate of registration as herein provided for to each and every person whom he shall sell, offer for sale, deliver or give away any such plants, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined as provided in section thirty-one of this article. This section shall not be construed so as to prevent a neighbor from 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. H. Bellamy St.
Chairman House Committee

Originated in the House

Takes effect from passage.

Howard Hughes
Clerk of the Senate

Elizabeth
Clerk of the House of Delegates

Orwell W. Tucker
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 16th

day of March, 1945.

Governor.

Filed in the office of the Secretary of State of West Virginia MAR 16 1945

Wm. S. O'Brien,
Secretary of State.