

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 314

(By Mr. Moreland & Bachman)



PASSED Feb 20, 1957

In Effect 90 days from Passage



**ENROLLED**

**House Bill No. 314**

(By MR. MORELAND and MR. BACHMANN)

[Passed February 20, 1957; in effect ninety days from passage.]

AN ACT to amend and reenact section fifteen, article three, chapter forty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to conditional sales contracts.

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

That section fifteen, article three, chapter forty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 15. *Injury, Destruction, Concealment, Removal, Encumbrance or Sale.*—When, prior to the performance of the condition, the buyer, maliciously or with intent to defraud, shall injure, destroy or conceal the goods, or shall sell, mortgage or otherwise dispose of them under claim of full ownership, or maliciously or with intent to defraud shall remove them to another state or to a county in this state where the contract or a copy thereof is not

9 filed, he shall be guilty of a misdemeanor, if the amount  
10 due on the goods so injured, destroyed, concealed, re-  
11 moved, mortgaged, sold or otherwise disposed of is less  
12 than fifty dollars, and, upon conviction thereof, shall be  
13 imprisoned in the county jail for not more than one year,  
14 or be fined not more than five hundred dollars, or both.  
15 Where the amount due on the goods thus injured, de-  
16 stroyed, concealed, removed, mortgaged, sold or other-  
17 wise disposed of is greater than fifty dollars, the buyer  
18 shall be guilty of a felony and, upon conviction thereof,  
19 shall be fined not less than one hundred nor more than  
20 one thousand dollars, or be imprisoned in the penitentiary  
21 for not less than one year nor more than five years, or  
22 both, in the discretion of the court. When, prior to the  
23 performance of the condition, the buyer, without having  
24 given the notice required by section thirteen of this ar-  
25 ticle, but without malice and without intent to defraud,  
26 shall remove such goods to another state or to a county  
27 in this state where the contract or a copy thereof is not  
28 filed, he shall be guilty of a misdemeanor, and, upon con-  
29 viction thereof, shall be imprisoned in the county jail for

30 not more than one year, or be fined not more than five  
31 hundred dollars, or both. Any such removal without such  
32 notice having been given shall be deemed prima facie  
33 fraudulent.

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

*Sam B. Marchand*  
Chairman Senate Committee

*L. F. Deem*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *90 days from* passage.

*Thomas Myers*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*Joseph J. Bean*  
President of the Senate

*W. G. Jennings*  
Speaker, House of Delegates

The within *approved* this the *second* day of *March*, 1957.

*Leif St. Ludenwood*  
Governor



Filed in the Office of the Secretary of State  
of West Virginia **MAR 2 - 1957**  
D. MIT O'BRIEN  
SECRETARY OF STATE