

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961



ENROLLED

HOUSE BILL No... 80.....

(By Mr. Bedell)



PASSED March 7, 1961

In Effect from Passage

Filed in Office of the Secretary of State
of West Virginia MAR 17 1961
JOE F. BURDETT
SECRETARY OF STATE

80

ENROLLED
House Bill No. 80

(By MR. BEDELL)

[Passed March 7, 1961; in effect from passage.]

AN ACT to amend and reenact section one, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the definition of gasoline.

Be it enacted by the Legislature of West Virginia:

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

Section 1. *Definitions; Gasoline, Person, Company, Dis-*
2 *tributor, Retail Dealer, Importer, Sale, Purchase and*
3 *Motor Vehicles.*—When used in this article: The term
4 “gasoline” shall include any substance or combination of
5 substances which is capable of use as a motor fuel for
6 any internal combustion engine, except fuel oil, kerosene,
7 cleaner’s solvent, and any other liquid petroleum product

8 not commonly used as a motor fuel, when not used or
9 sold for use as a motor fuel in an internal combustion
10 engine: *Provided, however,* That the term "gasoline" shall
11 not include diesel fuel, fuel oil or kerosene when used or
12 sold for use as a motor fuel to operate railroad diesel loco-
13 motives in this state or when used as a motor fuel to oper-
14 ate water-craft operated upon the navigable streams of
15 this state, nor include any fuel of a type sold exclusively
16 as a motor fuel to operate aircraft.

17 The term "person" or the term "company" shall include
18 any individual, firm, copartnership, joint venture, associa-
19 tion, corporation, trust and any other group or combina-
20 tion acting as a unit, and the plural as well as the singular
21 number, unless the intention to give a more limited mean-
22 ing is disclosed by the context, and when used in connec-
23 tion with the penalties imposed by this article, shall mean
24 and include the officers, directors, trustees, or members of
25 any firm, copartnership, joint venture, association, corpo-
26 ration, trust or any other group acting as a unit.

27 The term "distributor" shall mean and include every
28 person who refines, produces, manufactures, compounds, or

29 blends gasoline in this state for use or for sale to jobbers or
30 consumers, and every person who is now engaged, or who
31 may hereafter engage, in his own name or in the name of
32 his representative or agent in this state, in the selling of
33 gasoline for the purpose of resale or distribution; and per-
34 sons operating tank wagons into this state from places of
35 business located outside this state and selling gasoline in
36 quantities as desired by purchasers in this state without
37 definite orders having been placed prior to the delivery of
38 the product, shall be deemed distributors in this state.

39 The term "retail dealer" shall mean and include any
40 person not a distributor who sells gasoline in this state
41 to consumers only.

42 The term "importer" shall mean any person who pur-
43 chases or obtains gasoline in the amount of twenty-five
44 gallons or more outside this state and uses the same within
45 the state.

46 The term "sale" shall include any exchange, gift, or
47 other disposition, and "purchase" shall include any acqui-
48 sition of ownership.

49 The term "motor vehicle" shall mean automobiles,

50 motor trucks and motorcycles, and shall include all
51 other vehicles, engines or machines which are operated
52 or propelled by combustion of gasoline.

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

Howard Davis, Jr.
Chairman Senate Committee

Mrs. M. M. Withers
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Myers
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Harvard Carson
President of the Senate

Julius W. Singleton Sr.
Speaker House of Delegates

The within approved this the 17th
day of March, 1961.

W. Barr
Governor



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JOE F. BURDETT
SECRETARY OF STATE