

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961



273

ENROLLED

HOUSE BILL No... *373*

(By Mr. *Ford*)



PASSED *March 10,* 1961

In Effect *Ninety Days from* Passage

Filed in Office of the Secretary of State
of West Virginia

MAR 17 1961

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

House Bill No. 373

(By MR. FORD)

[Passed March 10, 1961; 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 the injury, destruction, concealment, removal, encumbrance or sale of goods sold under 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

7 defraud shall remove them to another state or to a county
8 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 confined in the county jail for not more than one year, or
14 be fined not more than five hundred dollars, or both. Where
15 the amount due on the goods thus injured, destroyed, con-
16 cealed, removed, mortgaged, sold or otherwise disposed
17 of is fifty dollars or more, the buyer shall be guilty of
18 a felony and, upon conviction thereof, shall be fined not
19 less than one hundred nor more than one thousand dol-
20 lars, or be imprisoned in the penitentiary for not less than
21 one year nor more than five years, or both, in the discre-
22 tion of the court. When, prior to the performance of the
23 condition, the buyer, without having given the notice
24 required by section thirteen of this article, but without
25 malice and without intent to defraud, shall remove such
26 goods to another state or to a county in this state where
27 the contract or a copy thereof is not filed, he shall be

28 guilty of a misdemeanor, and, upon conviction thereof,
29 shall be confined in the county jail for not more than one
30 year, or be fined not more than five hundred dollars, or
31 both. Any such removal without such notice having been
32 given shall be deemed prima facie fraudulent.

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

Samuel Davis, Jr.
Chairman Senate Committee

Mrs. H. H. Withers
Chairman House Committee

Originated in the House.

Takes effect *ninety days from* passage.

Howard Hughes
Clerk of the Senate

C. 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.

Tom Barr
Governor

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