

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961



80  
**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

**ENROLLED**  
**House Bill No. 80**

(By MR. BEDELL)

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

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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, Distributor, Retail Dealer, Importer, Sale, Purchase and Motor Vehicles.*—When used in this article: The term “gasoline” shall include any substance or combination of substances which is capable of use as a motor fuel for any internal combustion engine, except fuel oil, kerosene, 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.

*Harmon 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

*W. Blankenship*  
Clerk of the House of Delegates

*Harvard Watson*  
President of the Senate

*Julius W. Singleton Sr.*  
Speaker House of Delegates

The within *approved* this the *17<sup>th</sup>*  
day of *March*, 1961.

*W. W. Barron*  
Governor



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of West Virginia

**MAR 17 1961**  
**JOE F. BURDETT**  
SECRETARY OF STATE