WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 317

(By Mr. Brotherton and Mr. Carrigan)

PASSED MARCH 4, 1971

In Effect NINETY DAYS FROM PASSAGE

FILED IN THE OFFICE OF
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-15-71
AN ACT to amend and reenact section twenty-three, article ten, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to debt pooling; penalties.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-23. Debt-pooling; definition; offenses; penalty; jurisdiction; pleading and proof.

1 "Debt-pooling" shall mean the rendering in any manner of advice or services of any and every kind in the estab-
lishment or operation of a plan pursuant to which a debtor
would deposit or does deposit funds for the purpose of
distributing such funds among his creditors. It shall be
unlawful for any person to solicit in any manner a debt-
pooling. It shall further be unlawful for any person, ex-
cept licensed attorneys, to make any charge for a debt-
pooling by way of fee, reimbursement of costs, or other-
wise, in excess of an amount equal to two percent of
the total amount of money actually deposited pursuant
to a debt-pooling: Provided, That any nonprofit firm,
corporation or voluntary association may make an addi-
tional charge not exceeding five percent of the total
amount of money actually deposited pursuant to a debt-
pooling, to defray costs of counseling services furnished
for the benefit of its clientele of debtors generally with
respect to personal money management. Any person,
whether acting as agent or otherwise, who violates any
provision of this section shall be guilty of a misdemeanor,
and, upon conviction, shall be fined not less than one
hundred nor more than two hundred fifty dollars or
confined in jail not less than thirty nor more than sixty
days or both. Justices of the peace and other competent
courts shall have concurrent jurisdiction of offenses under
this section. It shall not be necessary in any warrant
issued or indictment returned under this section to
allege exceptions or provisos contained in this section but
in the trial of an offense subject thereto it shall be the
duty of the state to negative such exceptions and provisos.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
Président of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 13th day of March, 1971.

[Signature]
Governor
PRESENTED TO THE GOVERNOR

Date 3/9/71
Time 1:45 p.m.

OFFICE OF SECRETARY OF STATE
STATE OF WEST VIRGINIA

RECEIVED
Mar 15 1971
10:03 AM