

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
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-15-71

317

ENROLLED
Senate Bill No. 317

(By MR. BROTHERTON and MR. CARRIGAN)

[Passed March 4, 1971; in effect ninety days from passage.]

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
2 of advice or services of any and every kind in the estab-

3 lishment or operation of a plan pursuant to which a debtor
4 would deposit or does deposit funds for the purpose of
5 distributing such funds among his creditors. It shall be
6 unlawful for any person to solicit in any manner a debt-
7 pooling. It shall further be unlawful for any person, ex-
8 cept licensed attorneys, to make any charge for a debt-
9 pooling by way of fee, reimbursement of costs, or other-
10 wise, in excess of an amount equal to two percent of
11 the total amount of money actually deposited pursuant
12 to a debt-pooling: *Provided*, That any nonprofit firm,
13 corporation or voluntary association may make an addi-
14 tional charge not exceeding five percent of the total
15 amount of money actually deposited pursuant to a debt-
16 pooling, to defray costs of counseling services furnished
17 for the benefit of its clientele of debtors generally with
18 respect to personal money management. Any person,
19 whether acting as agent or otherwise, who violates any
20 provision of this section shall be guilty of a misdemeanor,
21 and, upon conviction, shall be fined not less than one
22 hundred nor more than two hundred fifty dollars or
23 confined in jail not less than thirty nor more than sixty

24 days or both. Justices of the peace and other competent
25 courts shall have concurrent jurisdiction of offenses under
26 this section. It shall not be necessary in any warrant
27 issued or indictment returned under this section to
28 allege exceptions or provisos contained in this section but
29 in the trial of an offense subject thereto it shall be the
30 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.

Russell M. Beale
Chairman Senate Committee

Phyllis Rutledge
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ed Spont
President of the Senate

Gov. F. Bucarsky
Speaker House of Delegates

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

Arch. A. Shaver Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/9/71

Time 1:45 p.m.

RECEIVED

MAR 15 10 03 AM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA