

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1978



ENROLLED

HOUSE BILL No. 1666

(By Mr. Boettner)



PASSED March 9, 1978

In Effect - from - Passage

**ENROLLED**

**H. B. 1666**

(By MR. BOETTNER)

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[Passed March 9, 1978; in effect from passage.]

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AN ACT to amend and reenact section one hundred twenty-two, article two, chapter forty-six-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the West Virginia consumer credit and protection act; definition of terms; defining two terms pertaining to debt collection practices.

*Be it enacted by the Legislature of West Virginia:*

That section one hundred twenty-two, article two, chapter forty-six-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. CONSUMER CREDIT PROTECTION.**

**§46A-2-122. Definitions.**

1 For the purposes of this section and sections one hundred  
2 twenty-three, one hundred twenty-four, one hundred twenty-  
3 five, one hundred twenty-six, one hundred twenty-seven, one  
4 hundred twenty-eight and one hundred twenty-nine of this  
5 article, the following terms shall have the following meanings:

6 (a) "Consumer" means any natural person obligated or  
7 allegedly obligated to pay any debt.

8 (b) "Claim" means any obligation or alleged obligation  
9 of a consumer to pay money arising out of a transaction in  
10 which the money, property, insurance, or service which is

11 the subject of the transaction is primarily for personal, family,  
12 or household purposes, whether or not such obligation has  
13 been reduced to judgment.

14 (c) "Debt collection" means any action, conduct or prac-  
15 tice of soliciting claims for collection or in the collection  
16 of claims owed or due or alleged to be owed or due to a  
17 creditor by a consumer.

18 (d) "Debt collector" means any person or organization  
19 engaging directly or indirectly in debt collection. The term  
20 includes any person or organization who sells or offers to sell  
21 forms which are, or are represented to be, a collection system,  
22 device or scheme, and are intended or calculated to be used  
23 to collect claims.

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

*James L. Davis*  
Chairman Senate Committee

*Clarence B. Thurston*  
Chairman House Committee

Originated in the House.

Takes effect from passage.

*J. P. Willson Jr*  
Clerk of the Senate

*W. B. Blankenship*  
Clerk of the House of Delegates

*M. P. Brotherton Jr*  
President of the Senate

*Donald L. Kopp*  
Speaker House of Delegates

The within *is approved* this the *24*  
day of *March*, 1978.

*John D. Roney*  
Governor

APPROVED AND SIGNED BY THE GOVERNOR

Date March 24, 1978

Time 10:25 AM

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SECY. OF STATE