WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

ENROLLED
Committee Substitute for
HOUSE BILL No. 1553

(By Mr. Speaker, Mr. Lee, and Mr. Teets)

Passed March 8, 1980
In Effect Ninety Days From Passage
AN ACT to amend and reenact sections one and eight, article two-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article two-a by adding thereto a new section, designated section two-d, all relating to public markets; definition; surety bond for benefit of consignors; separate account required; prompt payment required; penalties.

Be it enacted by the Legislature of West Virginia:

That sections one and eight, article two-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article two-a be further amended by adding thereto a new section, designated section two-d, all to read as follows:

ARTICLE 2A. PUBLIC MARKETS.


1 A public market is (1) any place of business where live-stock, poultry, and other agricultural or horticultural products
are received and sold at public auction or, (2) any place where
livestock is received from producers, assembled and sold, or
offered for sale, by any method including, but not limited to,
public auction. The term public market shall include all such
places where such activities are conducted, whether or not such
activities are performed according to a scheduled routine or
a historically established pattern of days and times.

§19-2A-2d. Separate account required; prompt payment required;
penalties.

Every public market, as defined in section one of this
article, shall maintain a separate bank account for the
deposit of sale proceeds due to shippers and producers of
the products and sales subject to the provisions of this
article. All payments due to shippers and producers for
such products and sales shall be drawn upon the separate
account herein required and such payments shall be made
within seventy-two hours following the conclusion of the daily
activities at such market. Anyone violating the provisions of
this section shall be guilty of a misdemeanor and subject to
the penalties prescribed in section nineteen of this article.

§19-2A-8. Applicant for permit to furnish surety bond for benefit
of consignors.

Before the granting of any such permit, the applicant shall
execute and deliver to the commissioner a surety bond con-
ditioned as the commissioner may require and acceptable
to him, payable to the state of West Virginia, for the bene-
fit of the consignors at said market of livestock, poultry,
and other agricultural and horticultural products, who have
been wronged or damaged by any fraud or fraudulent prac-
tices of the market and so adjudged by a court of competent
jurisdiction and who shall have the right of action for damage
for compensation against such bond. A holder of a permit,
who shall have been in operation not less than twelve months,
shall maintain and deliver such bond to said commissioner
as aforesaid in an amount not to exceed one hundred twenty
percent of the average of its sales during the preceding calendar
year. A holder of a permit, who shall have been in operation
less than twelve months, shall maintain and deliver such bond
3 [Enr. Com. Sub. for H. B. 1553

to said commissioner as aforesaid in an amount established
by the commissioner, but in no case shall the bond be less
than the average bond maintained by all other public markets
in the state that have been in operation more than twelve
months.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Claurence T. Fields
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Todd A. Wells
Clerk of the Senate

O.A. Blankenship
Clerk of the House of Delegates

The within is approved this the 26th day of March, 1980.

Governor