

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-26-80

Time 10:30 a.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980

— ● —

ENROLLED

Committee Substitute for

HOUSE BILL No. 1553

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

— ● —

Passed March 8, 1980

In Effect Ninety Days From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1553

(By MR. SPEAKER, MR. SEE, and MR. TEETS)

(Originating in the House Committee on the Judiciary)

[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.

§19-2A-1. Public market defined.

- 1 A public market is (1) any place of business where live-
- 2 stock, poultry, and other agricultural or horticultural products

3 are received and sold at public auction or, (2) any place where
4 livestock is received from producers, assembled and sold, or
5 offered for sale, by any method including, but not limited to,
6 public auction. The term public market shall include all such
7 places where such activities are conducted, whether or not such
8 activities are performed according to a scheduled routine or
9 a historically established pattern of days and times.

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

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

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

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

17 to said commissioner as aforesaid in an amount established
18 by the commissioner, but in no case shall the bond be less
19 than the average bond maintained by all other public markets
20 in the state that have been in operation more than twelve
21 months.

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

James L. Davis

Chairman Senate Committee

Lawrence C. Leustoga Jr

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Judd C. Mullis

Clerk of the Senate

W. Blankenship

Clerk of the House of Delegates

President of the Senate

Clayton M. Lee Jr

Speaker House of Delegates

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

John R. Rhyne

Governor

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OFFICE OF THE GOVERNOR

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