WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1055

(By Mr. Caravajal, Mr. D'Vojich)

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Passed April 3, 1981

In Effect Ninety Days From Passage
AN ACT to amend article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-four-c, relating to making it a crime to intercept or monitor certain customer telephone communications and providing a criminal penalty therefor; providing for circumstances by which certain telephone communications may be monitored; and providing for certain exceptions.

Be it enacted by the Legislature of West Virginia:

That article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-four-c, to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-24c. Intercepting or monitoring customer telephone calls; penalty.

(a) It is unlawful for any person, firm or corporation to intercept or monitor, or to attempt to intercept or monitor, the transmission of a message, signal or other communication by
telephone between an employee or similar agent of such
person, firm or corporation and a customer of such person,
firm or corporation unless such person, firm or corporation
does all of the following:

(1) Clearly marks each telephone instrument in the pos-
session of said person, firm or corporation from which any
such communication may be intercepted or in any way moni-
tored, with accompanying explanation in each telephone direc-
tory at the next succeeding publication after enactment of
this section and all succeeding publications used by its em-
ployees or customers.

(2) Throughout the period of each such interception or
monitoring or attempted interception or monitoring, utilizes an
automated tone warning device that produces a distinct warn-
ing signal or beep tone, which signal or tone is clearly audible
to each party to the communication or by other audible means
clearly indicates that such message, signal or other communi-
cation is being monitored or intercepted.

Any person, firm or corporation violating the provisions of
this section is guilty of a misdemeanor, and, upon conviction
thereof, shall be fined not less than two hundred dollars, or
imprisoned in the county jail not more than one year, or both
fined and imprisoned.

(b) Nothing contained in this section shall require marking
of telephone instruments and directories, nor require consent to
interception or monitoring, nor require utilization of an auto-
mated tone warning device, in the case of a wiretap or other
form of monitoring which is engaged in for the sole purpose
of law enforcement and which is lawful in all other respects.

(c) The public service commission shall not issue any rule
or regulation requiring or suggesting the monitoring of any
message, signal or other communication by telephone to or
from any telephone utility customer so as to obtain the con-
tent or substance of any such communication.
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 House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 14 day of April, 1981.

[Signature]
Governor