

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-31-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982



ENROLLED

Committee Substitute for
HOUSE BILL No. 1997

(By Mr. Schifano)



Passed March 13, 1982

In Effect Ninety days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1997
(By MR. SCHIFANO)

[Passed March 13, 1982; in effect ninety days from passage.]

AN ACT to amend article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nine-a, relating to the powers of public service districts generally; and limiting the right of such public service districts to foreclose upon the premises served by such districts.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 13A. PUBLIC SERVICE DISTRICT FOR WATER, SEWER-AGE AND GAS SERVICES.

§16-13A-9a. Limitations with respect to foreclosure.

1 No public service district shall foreclose upon the premises
2 served by such district for delinquent fees, rates or charges
3 for which a lien is authorized by sections nine or nineteen of
4 this article except through the bringing and maintenance of a
5 civil action for such purpose brought in the circuit court of the
6 county wherein the district lies. In every such action, the
7 court shall be required to make a finding based upon the

8 evidence and facts presented that the district prior to the
9 bringing of such action had exhausted all other remedies for
10 the collection of debts with respect to such delinquencies. In
11 no event shall foreclosure procedures be instituted by any such
12 district or on its behalf unless such delinquency had been in
13 existence or continued for a period of two years from the
14 date of the first such delinquency for which foreclosure is
15 being sought.

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

R. P. Bayler

Chairman Senate Committee

Joseph E. Whitlow

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Welch

Clerk of the Senate

CA Blankenship

Clerk of the House of Delegates

Warren R. McBrat

President of the Senate

Walter M. Dellinger

Speaker House of Delegates

The within *is approved* this the *31*
day of *March*, 1982.

John R. Ralston

Governor

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OFFICE OF THE GOVERNOR

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OFFICE
SECY. OF STATE