

No. 1773

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



ENROLLED

Com. Sub. for
HOUSE BILL No. 1773

(By Mr. Del Ryan)



Passed April 12, 1985

In Effect July 1, 1985 ~~Passage~~

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1773

(By DELEGATE RYAN)

[Passed April 12, 1985; in effect July 1, 1985]

AN ACT to amend and reenact section fourteen, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to and increasing certain fees to be charged by the sheriff.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-14. Fees to be charged by sheriffs.

- 1 A sheriff shall charge and collect the following fees:
- 2 For serving on any person a declaration in
- 3 ejectment, or an order, notice, summons or other
- 4 process where the body is not taken, except a
- 5 subpoena served on a witness, and making
- 6 return thereof..... \$5.00
- 7 For summoning a witness 5.00
- 8 For serving on any person an attachment or other
- 9 process under which the body is taken 5.00

10	For levying an attachment on real estate and	
11	making the return	5.00
12	For making any other levy	5.00
13	For conveying a prisoner to or from jail,	
14	for each mile of necessary travel either	
15	in going or returning15
16	For taking any bond	1.00
17	When a jury is sworn in court, for summoning	
18	and impaneling such jury	1.00
19	For serving a writ of possession	5.00
20	For issuing receipt to purchaser at	
21	delinquent tax sale	1.00

22 The county commission, giving due regard to the cost
 23 thereof, may from time to time prescribe the amount which
 24 the sheriff may charge for keeping any property or in removing
 25 any property. When, after distraining or levying, he neither
 26 sells nor receives payment, and either takes no bond or takes
 27 one which is not forfeited, he shall, if guilty of no default, have
 28 (in addition to the one dollar for a bond, if one was taken)
 29 a fee of three dollars, unless this be more than half of what
 30 his commission would have amounted to if he had received
 31 payment; in which case he shall (whether a bond was taken
 32 or not) have a fee of one dollar at the least, and so much more
 33 as is necessary to make the said half of his commission. The
 34 commission to be included in a forthcoming bond (when one
 35 is taken) shall be five percent on the first three hundred dollars
 36 of the money for which the distress or levy is made, and two
 37 percent on the residue of such money; but such commission
 38 shall not be received, in whole or in part, except as
 39 hereinbefore provided, unless the bond be forfeited, or the
 40 amount (including the commission) be paid to the plaintiff. An
 41 officer receiving payment in money, or selling property, shall
 42 have the like commission of five percent on the first three
 43 hundred dollars of the money paid or proceeds from such sale,
 44 and two percent on the residue, except that when such
 45 payment or sale is on an execution on a forthcoming bond,
 46 his commission shall be only half what it would be if the
 47 execution were not on such bond.

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

Norval E. Adams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect July 1, 1985.

Judd C. Miller
Clerk of the Senate

Donald L. Hoop
Clerk of the House of Delegates

Sam Fontenot
President of the Senate

Joseph P. Albright
Speaker of the House of Delegates

The within *approved* this the *1st*
day of *May*, 1985.

Rich A. Pearce, Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date

4/9/85

Time

7:41 p.m.

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE