WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

HOUSE BILL NO. 1521

(By Mr. Speaker, Mr. Albright, and Delegate Swann
[By Request of the Executive]

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Passed March 3, 1986

In Effect ninety days from Passage
ENROLLED

H. B. 1521

(By Mr. Speaker, Mr. Albright, and Delegate Swann)
[By request of the Executive]

[Passed March 3, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-four-c, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to changing the restrictions on intercepting or monitoring of customer telephone calls and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That section twenty-four-c, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, 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) Notifies each employee or agent subject to interception or monitoring that their telephone messages are
subject to interception or monitoring.

(2) Provides telephone instruments for employee's personal use which are not subject to intercepting or monitoring.

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 fifty nor more 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 nor require consent to interception or monitoring, 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 content or substance of any such communication.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce C. Williams  
Chairman Senate Committee

Floyd Fuller  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joseph C. Hull  
Clerk of the Senate

Donald L. Hoff  
Clerk of the House of Delegates

Dan Tomlinson  
President of the Senate

Joseph H. Alsheimer  
Speaker of the House of Delegates

The within  
Approves this the 12th day of  
1986.

Rich. W. Lewis  
Governor
PRESENTED TO THE
GOVERNOR
Date 3/11/86
Time 2:05 p.m.