WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

ENROLLED

HOUSE BILL No. 2139

(By Hon. [Signature])

Passed March 9, 1991

In Effect [Specify] Passage
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 increasing the fees to be charged by sheriffs for service of process, subpoenas and various writs; and increasing the mileage charge for conveying prisoners.

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 The county commission shall determine the amount which the sheriff may charge, which charges shall not exceed the following:
2 For serving on any person a declaration in ejectment, or an order, notice, summons or other process where the body is not taken, except a subpoena served on a witness, and making return thereof $20.00
3 For summoning a witness 20.00
4 For serving on any person an attachment

ENROLLED
H. B. 2139
(By Delegates Faircloth and Roop)

[Passed March 9, 1991; in effect from passage.]
12 or other process under which the body
13 is taken ................................................................... 20.00
14 For levying an attachment on real
15 estate and making the return .................................. 20.00
16 For making any other levy ................................... 20.00
17 For conveying a prisoner to or from
18 jail, for each mile of necessary
19 travel either in going or returning ....................... .25
20 For taking any bond ............................................... 1.00
21 When a jury is sworn in court, for
22 summoning and impaneling
23 such jury .................................................................... 1.00
24 For serving a writ of possession ........................... 20.00
25 For issuing receipt to purchaser at
26 delinquent tax sale .................................................. 1.00
27 The county commission, giving due regard to the cost
28 thereof, may from time to time prescribe the amount
29 which the sheriff may charge for keeping any property
30 or in removing any property. When, after distraining or
31 levying, he neither sells nor receives payment, and
32 either takes no bond or takes one which is not forfeited,
33 he shall, if guilty of no default, have (in addition to the
34 one dollar for a bond, if one was taken) a fee of three
35 dollars, unless this be more than half of what his
36 commission would have amounted to if he had received
37 payment; in which case he shall (whether a bond was
38 taken or not) have a fee of one dollar at the least, and
39 so much more as is necessary to make the said half of
40 his commission. The commission to be included in a
41 forthcoming bond (when one is taken) shall be five
42 percent on the first three hundred dollars of the money
43 for which the distress or levy is made, and two percent
44 on the residue of such money; but such commission shall
45 not be received, in whole or in part, except as herein-
46 before provided, unless the bond be forfeited, or the
47 amount (including the commission) be paid to the
48 plaintiff. An officer receiving payment in money, or
49 selling property, shall have the like commission of five
percent on the first three hundred dollars of the money paid or proceeds from such sale, and two percent on the residue, except that when such payment or sale is on an execution on a forthcoming bond, his commission shall be only half what it would be if the execution were not on such bond. Any amounts collected by the sheriff pursuant to this section shall be credited to the account of the sheriff and used for the expense of providing the services herein described.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 27th day of 27th, 1991.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/30/41
Time 4:30 PM