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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992



ENROLLED

Com. Sub. For

HOUSE BILL No. 4169

(By Delegates *J. Martin and Mezzeateta*)



Passed *March 7,* 1992

In Effect *Ninety Days From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4169

(By DELEGATES J. MARTIN AND MEZZATESTA)

[Passed March 7, 1992; in effect ninety days from 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 accounting procedures involving service of process fees by sheriffs.

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
2 which the sheriff may charge, which charges shall not
3 exceed the following:

4 For serving on any person an order, notice, summons
5 or other process where the body is not taken, except a
6 subpoena served on a witness, and making return
7 thereof \$20.00

8 For summoning a witness 20.00

9 For serving on any person an attachment or other

10	process under which the body is taken	20.00
11	For levying an attachment on real estate and making	
12	the return	20.00
13	For making any other levy	20.00
14	For conveying a prisoner to or from jail, for each mile	
15	of necessary travel either in going or returning ..	.25
16	For taking any bond	1.00
17	When a jury is sworn in court, for summoning and	
18	impaneling such jury	1.00
19	For serving a writ of possession	20.00
20	For issuing receipt to purchaser at delinquent tax	
21	sale	1.00

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

48 execution on a forthcoming bond, his commission shall
49 be only half what it would be if the execution were not
50 on such bond. Any amounts collected by the sheriff
51 pursuant to this section shall be deposited in a separate
52 account of the county general fund and used by the
53 sheriff for the expenses of providing the services herein
54 described. Any surplus funds that remain in this
55 separate account on the last day of the fiscal year, and
56 have not been expended for the purposes herein
57 described, shall revert to the county general fund.

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

Tomer Leck

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrell E. Palmer
Clerk of the Senate

Donald L. Hoop
Clerk of the House of Delegates

Keith Fardette
President of the Senate

Robert C. Bell
Speaker of the House of Delegates

The within is approved this the 31st day of March 1992.

Yaston Caperton
Governor

PRESENTED TO THE
GOVERNOR

Date 3/25/92

Time 11:40 am