WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

ENROLLED

Com. Sub. For

HOUSE BILL No. 4169

(By Delegates J. Martin and Mezzatesta)

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

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

The county commission, giving due regard to the cost
thereof, may from time to time prescribe the amount
which the sheriff may charge for keeping any property
or in removing any property. When, after distraining or
levying, he neither sells nor receives payment, and
either takes no bond or takes one which is not forfeited,
he shall, if guilty of no default, have (in addition to the
one dollar for a bond, if one was taken) a fee of three
dollars, unless this be more than half of what his
commission would have amounted to if he had received
payment; in which case he shall (whether a bond was
taken or not) have a fee of one dollar at the least, and
so much more as is necessary to make the said half of
his commission. The commission to be included in a
forthcoming bond (when one is taken) shall be five
percent on the first three hundred dollars of the money
for which the distress or levy is made, and two percent
on the residue of such money; but such commission shall
not be received, in whole or in part, except as herein-
before provided, unless the bond be forfeited, or the
amount (including the commission) be paid to the
plaintiff. An officer receiving payment in money, or
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 deposited in a separate account of the county general fund and used by the sheriff for the expenses of providing the services herein described. Any surplus funds that remain in this separate account on the last day of the fiscal year, and have not been expended for the purposes herein described, shall revert to the county general fund.
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 ninety days 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 31st day of March, 1992.

Governor
PRESENTED TO THE GOVERNOR

Date: 3/25/92
Time: 11:40 am