WEST VIRGINIA LEGISLATURE
2023 REGULAR SESSION
ENROLLED
Senate Bill 533

BY SENATOR NELSON

[Passed March 11, 2023; in effect 90 days from passage (June 9, 2023)]
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[Passed March 11, 2023; in effect 90 days from passage (June 9, 2023)]
AN ACT to amend and reenact §19-4-1 of the Code of West Virginia, 1931, as amended, relating to limitations on motor vehicles used by nonprofit cooperative recycling associations for the collection and transportation of recyclable goods.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COOPERATE ASSOCIATIONS.

§19-4-1. Definitions.

As used in this article:

(a) "Agricultural products" means horticultural, viticultural, forestry, dairy, livestock, poultry, bee, and any farm products in their natural form or processed.

(b) "Goods and services" means food and beverages, arts and crafts, woodworking and furniture-making, and recycling, composting and repurposing materials.

(c) "Member" means a member of an association without capital stock and a holder of common stock in an association organized with capital stock.

(d) "Cooperative association" or "association" means any corporation organized under this article. Each association shall also comply with the requisite business corporation provisions of chapter 31D or 31F of this code, or the nonprofit corporation provisions of chapter 31E of this code.

Except within a 35 mile radius of a facility that has been permitted and classified by the West Virginia Department of Environmental Protection as a mixed waste processing resource recovery facility, a recycling cooperative association may be organized as a nonprofit corporation pursuant to chapter thirty-one-e of this code. The recyclable goods must be generated by members of the recycling cooperative association and shall be limited to recyclable goods not collected by a certified waste motor carrier as defined pursuant to §24A-1-2 of this code in the same area the recycling cooperative is located. If a motor carrier receives a certificate of need to serve the same area with the same services as the cooperative, then the cooperative shall cease providing those services.
(e) "Qualified person" means a person who is engaged in the producing, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling, utilizing, marketing, financing, selling, distributing, shipping, procuring or providing of agricultural products, or other goods and services, or the by-products thereof.

(f) "Qualified activity" means those engaged in the producing, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling, utilizing, marketing, financing, selling, distributing, shipping, procuring or providing of agricultural products, or other goods and services, or the by-products thereof.
The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

Clerk of the Senate

Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

President of the Senate

Speaker of the House of Delegates

The within is approved this the 29th Day of March, 2023.

Governor
PRESENTED TO THE GOVERNOR

MAR 16 2023

Time 11:30 AM