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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



# ENROLLED

*Committee Substitute for*

HOUSE BILL No. 2219

(By Delegates Hendricks, H. White, et al )



Passed April 9 1993

In Effect — ninety days from — Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 2219**

(By DELEGATES HENDRICKS, H. WHITE, HARRISON,  
CARPER AND WILLIAMS)

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[Passed April 9, 1993; in effect ninety days from passage.]

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AN ACT to amend and reenact section one hundred thirteen, article three, chapter forty-six-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to allowing merchants to charge and collect a late payment penalty fee for merchandise which is financed.

*Be it enacted by the Legislature of West Virginia:*

That section one hundred thirteen, article three, chapter forty-six-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**§46A-3-113. Delinquency charges on nonprecomputed consumer credit sales or consumer loans repayable in installments.**

1       (1) In addition to the continuation of the sales finance  
2 charge or loan finance charge on a delinquent instal-  
3 lment with respect to a nonprecomputed consumer  
4 credit sale or consumer loan, refinancing or consolida-  
5 tion, repayable in installments, the parties may contract  
6 for a delinquency charge on any installment not paid in  
7 full within ten days after its scheduled due date in an

8 amount not less than one dollar or five percent of the  
9 unpaid installment not to exceed five dollars if five  
10 percent of the unpaid installment is greater than one  
11 dollar.

12 (2) A delinquency charge under subsection (1) may be  
13 collected only once on an installment however long it  
14 remains in default. A delinquency charge may be  
15 collected at the time it accrues or at any time thereafter.

16 (3) No delinquency charge may be collected on an  
17 installment which is paid in full within ten days after  
18 its scheduled due date, even though an earlier maturing  
19 installment or a delinquency or deferral charge on an  
20 earlier installment may not have been paid in full. For  
21 purposes of this subsection, payments shall be applied  
22 first to current installments, then to delinquent install-  
23 ments, and then to delinquency and other charges.

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

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Darrell E. Johnson*  
.....  
Clerk of the Senate

*Donald S. Yepp*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker of the House of Delegates

The within is approved this the 30th  
day of April, 1993.

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/22/93

Time 11:24am