1   **H. B. 4357**

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3   (By Delegate Morgan, Stephens, D. Poling,
4   Hatfield and Butcher)

5   [Introduced January 31, 2012; referred to the

6   Committee on the Judiciary.]

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10 A BILL to amend and reenact §47-11B-9 of the Code of West Virginia,

11   1931, as amended, relating to the bond required for

12   closing-out sales, fire sales and defunct business sales.

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

14   That §47-11B-9 of the Code of West Virginia, 1931, as amended,

15 be amended and reenacted to read as follows:

16 **ARTICLE 11B. CLOSING-OUT SALES, FIRE SALES AND DEFUNCT BUSINESS**

17   **SALES.**

18 **§47-11B-9. Bond required.**

19   No license shall be issued unless the applicant files with the

20 commissioner a bond with corporate surety payable to the State of

21 West Virginia conditioned upon the faithful observance of all the

22 provisions of this article, the payment to any municipality or the

23 state of all taxes due and owing or which may become due and the

24 indemnifying of any purchaser at such sale who suffers any loss by

1 reason of misrepresentation made in connection with such sale:

2 *Provided,* That the aggregate liability of the surety for all

3 breaches of the conditions of the bond shall in no event exceed the

4 amount of said bond. The amount of ~~said~~ the bond shall be

5 ~~determined~~ based on the inventory required to be filed with the

6 commissioner by section four of this article, and calculated as

7 follows: Five percent of the first $100,000 of the retail value of

8 all the goods, wares and merchandise to be offered at such sale,

9 two percent of the next $400,000 and one percent of the balance.

10 ~~Said~~ The bond shall be approved as to form and sufficiency by the

11 ~~prosecuting attorney or his assistant of the county in which such~~

12 ~~sale is to be conducted~~ commissioner.

     NOTE: The purpose of this bill is to modify the bonding
requirement for closing-out sales.

     Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.