

1 **H. B. 4389**

2
3 (By Delegates Skinner, Barrett and Lawrence)
4 [Introduced February 3, 2014; referred to the
5 Committee on the Judiciary.]
6
7
8
9

10 A BILL to amend and reenact §47-11A-8 of the Code of West Virginia,
11 1931, as amended, relating to unfair trade practices; and
12 adding motor fuel to the list of products exempted from unfair
13 trade practices.

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

15 That §47-11A-8 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 11A. UNFAIR TRADE PRACTICES.**

18 **§47-11A-8. Sales exempt.**

19 The provisions of this article ~~shall~~ do not apply to any sale
20 made:

21 (a) In closing out in good faith the owner's stock or any part
22 thereof of his or her stock, for the purpose of discontinuing his
23 or her trade in any such stock or commodity, and in the case of the

1 sale of seasonal goods or to the ~~bona fide~~ sale of perishable goods
2 to prevent loss to the vendor by spoilage or depreciation;

3 (b) When the goods are damaged or deteriorated in quality or
4 where merchandise is sold in ~~bona fide~~ clearance sales, and, in
5 each case, merchandise is advertised, marked and sold as such;

6 (c) By an officer acting under the orders of any court;

7 (d) In an endeavor in good faith to meet the legal prices of
8 a competitor as ~~herein~~ defined in this article selling the same
9 ~~article~~ product or item of merchandise, in the same locality or
10 trade area;

11 (e) For charitable purposes or to relief agencies;

12 (f) Where merchandise is sold on contract to departments of
13 the government or governmental institutions.

14 (g) By a wholesaler, distributor or retailer for all sales of
15 motor fuel, as defined in section two, article fourteen-c, chapter
16 eleven of this code.

NOTE: The purpose of this bill is to add sales of motor fuel to the list of products exempted from unfair trade practices.

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