

Senate Bill No. 491

(By Senators Snyder, Kessler (Mr. President), Blair, Cookman,
Unger, Plymale and Barnes)

[Introduced February 5, 2014; referred to the Committee on the
Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 11A. UNFAIR TRADE PRACTICES.

§47-11A-8. Sales exempt.

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

(a) In closing out in good faith the owner's stock or any part
~~thereof~~ of his or her stock, for the purpose of discontinuing his
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.