

H. B. 2232

(By Delegates Perry, Fast, Moore, Sponaugle, Miley, Perdue,
Rowe, Kessinger, Boggs, Pethel and Ferro)

[Introduced January 22, 2015; referred to the
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-2-138a, relating to consumer credit and protection; and providing that an automatic renewal provision of a contract for service, maintenance or repair is unenforceable unless notice of renewal is given to the recipient of the service no less than 30 days prior to the cancellation of renewal date of the contract.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §46A-2-138a, to read as follows:

ARTICLE 2. CONSUMER CREDIT PROTECTION.

§46A-2-138a. Automatic renewal provision of contract unenforceable unless notice given.

(a) As used in this section, "person" means an individual, firm company, partnership or corporation.

(b) No provision of a contract for service, maintenance or repair, to or for any real or personal property, which states that the term of the contract may be considered renewed for a specified

1 additional period unless the consumer receiving the service, maintenance or repair gives notice to
2 the person furnishing the contract service, maintenance or repair of the intention of the consumer to
3 terminate the contract at the expiration of the term, is enforceable unless the person furnishing the
4 service, maintenance or repair, gives written notice served personally or by certified mail to the
5 consumer, at least thirty days previous to the time specified for serving the notice on that person,
6 calling the attention of the consumer to the existence of the automatic renewal provision in the
7 contract.

NOTE: The purpose of this bill is to provide that an automatic renewal provision of a contract for service, maintenance or repair is unenforceable unless notice of renewal is given to the recipient of the service no less than 30 days prior to the cancellation of renewal date of the contract.

§46A-2-138a is new; therefore, it has been completely underscored.