

**H. B. 2601**

(By Delegates Skinner, Faircloth, Householder, Overington and Blair)

[Introduced February 4, 2015; referred to the

Committee on Roads and Transportation then 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 sale of seasonal goods or to the ~~bona-fide~~ sale of perishable goods to prevent loss to the vendor by

1 spoilage or depreciation;

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

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

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

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

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

10 (g) By a wholesaler, distributor or retailer for all sales of motor fuel, as defined in section  
11 two, article fourteen-c, chapter 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.