

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4278**

BY DELEGATES FAST, HILL, SHAFFER, KURCABA AND

AZINGER

[Introduced January 26, 2016; referred to the  
committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §46A-6-109a, relating to allowing a home improvement transaction to be  
 3 performed under an oral contract.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §46A-6-109a, to read as follows:

**ARTICLE 6. GENERAL CONSUMER PROTECTION.**

**§46A-6-109a. Failure to provide written contract not unfair or deceptive act.**

1 Notwithstanding any other provision of this code to the contrary and notwithstanding the  
 2 provisions of Attorney General Rule §142-5-3, it is not an unfair or deceptive practice to have an  
 3 oral contract to perform any home improvement transaction. The Attorney General shall amend  
 4 its rules to comply with this section.

NOTE: The purpose of this bill is to allow an oral contract to be used to perform any home improvement transaction.

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