

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2718

BY DELEGATES COOPER, WORRELL, WESTFALL, MILLER,

MAYNARD, ATKINSON, KESSINGER AND HARSHBARGER

[Originating in the Committee on the Judiciary,

February 20, 2019.]

1 A BILL to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section,
2 designated §61-3-52a; relating to requiring commercial purchasers of roundwood to
3 collect and maintain certain information; and establishing criminal and administrative
4 penalties for failure to comply.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-52a. Purchase of roundwood and required recordkeeping.

1 (a) It is unlawful for any commercial purchaser of roundwood to purchase roundwood
2 without obtaining and recording the information required by this section. For purposes of this
3 section, "roundwood" means logs or pulpwood of six feet or more in length.

4 (b) A commercial purchaser of roundwood shall make a record of the purchase using a
5 form provided or approved by the Division of Forestry. The form shall contain, at a minimum, the
6 following information for each initial timber operation notification:

7 (1) The name, current address, and phone number of the seller;

8 (2) The date and time of the transaction;

9 (3) A complete description of the kind, character, and board feet of the roundwood
10 purchased; and

11 (4) A photocopy of a valid timber license or timber license exemption issued by the WV
12 Division of Forestry to the seller delivering the roundwood. Sellers located out-of-state shall
13 provide the purchaser with an equivalent business license: *Provided*, That if the purchaser has a
14 copy of the seller's valid timber or timber license exemption or required valid out-of-state business
15 license on file, the purchaser may reference the identification that is on file, without making a
16 separate photocopy for each transaction.

17 (c) The seller is required to notify the buyer of any changes in his or her timber license or
18 timber exemption status, already on file with the purchaser and the seller is required to provide

19 the purchaser with updated documentation at the time the roundwood is received by the
20 purchaser.

21 (d) The purchaser shall retain the records required by this section at his or her place of
22 business for a minimum of three calendar years after the date of purchase and the records shall
23 be made available for inspection upon reasonable request by any law-enforcement officer or any
24 employee of the Division of Forestry. Records requested in this manner are not subject to public
25 disclosure requirements.

26 (e) Any person who knowingly or fraudulently violates a provision of this section, including
27 the failure to make a record, maintain records required by this section, or who falsifies any
28 required information, is guilty of a misdemeanor. Upon conviction of a first offense, a person shall
29 be fined not less than \$1,000 nor more than \$3,000; upon conviction of a second offense, a person
30 shall be fined not less than \$2,000 nor more than \$4,000 and, notwithstanding the provisions of
31 §11-12-5 of this code, the court in which the conviction occurred shall issue an order directing the
32 Tax Commissioner to suspend for a period of six months any business registration certificate held
33 by that person. Upon conviction of a third or subsequent offense, a person shall be fined not less
34 than \$3,000 nor more than \$5,000 and, notwithstanding the provisions of §11-12-5 of this code,
35 the court in which the conviction occurred shall issue an order directing the Tax Commissioner to
36 suspend any business registration certificate held by that person and include the date the
37 cancellation shall take effect.

NOTE: The purpose of this bill is to require purchasers of roundwood to collect and maintain certain information. It requires sellers to provide updated information to purchases prior to purchase. It also provides criminal penalties for failure to record, maintain or for falsifying required information.

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