

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3385

By Delegate Statler

[Introduced February 13, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §46B-2-1 of the Code of West Virginia, 1931, as amended, relating
 2 to eliminating the maximum fair market value limit for any single item which is the subject of
 3 a rent-to-own agreement of consumer goods.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2. FORMATION AND CONSTRUCTION OF AGREEMENTS FOR THE
 RENTAL OF RENTAL OF CONSUMER GOODS.**

§46B-2-1. Statute of frauds.

1 (a) A rental agreement is not enforceable by a dealer by way of action or defense unless
 2 there is a writing, signed by both the dealer or his or her agent or employee and the consumer,
 3 sufficient to indicate that a rent-to-own agreement has been made between the parties,
 4 reasonably identifying and describing the consumer goods to be rented. Any purported rent-to-
 5 own agreement entered into without a written agreement may be voided by the consumer, who
 6 may return the consumer goods and be refunded all amounts previously paid to the dealer under
 7 the purported rental agreement.

8 (b) A rental agreement is not enforceable by a dealer against a consumer unless the
 9 written agreement contains all disclosures required by the provisions of this chapter, and unless a
 10 copy of the written agreement is delivered to the consumer contemporaneously with the execution
 11 of the written agreement. Any written agreement executed by a consumer which does not comply
 12 with the requirements of this subsection may be voided by the consumer.

13 ~~(c) The fair market value for any single item which is the subject of a rent-to-own~~
 14 ~~agreement may not be more than \$10,000~~

NOTE: The purpose of this bill is to eliminate the maximum fair market value limit for any single item which is the subject of a rent-to-own agreement of consumer goods.

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