

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 533

By Senator Nelson

[Passed March 11, 2023; in effect 90 days from
passage]

1 AN ACT to amend and reenact §19-4-1 of the Code of West Virginia, 1931, as amended, relating
2 to limitations on motor vehicles used by nonprofit cooperative recycling associations for
3 the collection and transportation of recyclable goods.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COOPERATE ASSOCIATIONS.

§19-4-1. Definitions.

1 As used in this article:

2 (a) "Agricultural products" means horticultural, viticultural, forestry, dairy, livestock, poultry,
3 bee, and any farm products in their natural form or processed.

4 (b) "Goods and services" means food and beverages, arts and crafts, woodworking and
5 furniture-making, and recycling, composting and repurposing materials.

6 (c) "Member" means a member of an association without capital stock and a holder of
7 common stock in an association organized with capital stock.

8 (d) "Cooperative association" or "association" means any corporation organized under this
9 article. Each association shall also comply with the requisite business corporation provisions of
10 chapter 31D or 31F of this code, or the nonprofit corporation provisions of chapter 31E of this
11 code.

12 Except within a 35 mile radius of a facility that has been permitted and classified by the
13 West Virginia Department of Environmental Protection as a mixed waste processing resource
14 recovery facility, a recycling cooperative association may be organized as a nonprofit corporation
15 pursuant to chapter thirty-one-e of this code. The recyclable goods must be generated by
16 members of the recycling cooperative association and shall be limited to recyclable goods not
17 collected by a certified waste motor carrier as defined pursuant to §24A-1-2 of this code in the
18 same area the recycling cooperative is located. If a motor carrier receives a certificate of need to
19 serve the same area with the same services as the cooperative, then the cooperative shall cease
20 providing those services.

21 (e) "Qualified person" means a person who is engaged in the producing, preserving,
22 harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling,
23 utilizing, marketing, financing, selling, distributing, shipping, procuring or providing of agricultural
24 products, or other goods and services, or the by-products thereof.

25 (f) "Qualified activity" means those engaged in the producing, preserving, harvesting,
26 drying, processing, manufacturing, canning, packing, grading, storing, handling, utilizing,
27 marketing, financing, selling, distributing, shipping, procuring or providing of agricultural products,
28 or other goods and services, or the by-products thereof.