

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 533

BY SENATOR NELSON

[Introduced January 31, 2023; referred
to the Committee on Agriculture and Natural
Resources]

1 A BILL 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. ~~Any such recycling cooperative association is limited
16 to owning or using one motor vehicle for the collection and transportation of recyclable goods~~ The
17 recyclable goods must be generated by members of the recycling cooperative association.

18 (e) "Qualified person" means a person who is engaged in the producing, preserving,
19 harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling,

20 utilizing, marketing, financing, selling, distributing, shipping, procuring or providing of agricultural
21 products, or other goods and services, or the by-products thereof.

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