

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 816

By Senators Barrett, Deeds, Rucker, and Taylor

[Introduced February 16, 2024; 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 chapter,
 2 designated §31J-1-1, §31J-1-2, §31J-1-3, §31J-1-4, §31J-1-5, and §31J-1-6, all relating to
 3 creating the Truth in Giving Act, providing definitions, establishing penalties, and granting
 4 rulemaking authority.

Be it enacted by the Legislature of West Virginia:

CHAPTER 31J. TRUTH IN GIVING ACT.

ARTICLE	1.	TRUTH	IN	GIVING	ACT.
§31J-1-1.		Short			title.

1 This chapter may be cited as the Truth in Giving Act.

§31J-1-2.					Purpose.
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1 Individuals who donate consumer goods that are intended for resale by thrift operators or
 2 who purchase consumer goods that have been donated for resale are entitled to know if those
 3 donations are benefitting non-profit charities or for-profit businesses.

§31J-1-3.					Definitions.
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1 "Drop box" means any publicly accessible container intended to receive donated
 2 consumer goods.

3 "Mobile pickup unit" means any automobile used by a thrift operator to receive donated
 4 consumer goods.

5 "Thrift operator" means any retailer licensed to conduct business in this state that sells
 6 consumer goods that have been obtained by donations.

7 "Thrift sales" means selling consumer goods that were received by the thrift operator via
 8 donations.

§31J-1-4.	Truth	in	Giving	Act	requirements.
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1 Any thrift operator selling consumer goods that have been obtained via drop boxes, on-site
 2 donations at the retailer's location, mobile pickup units, or at-home pickup must provide the

3 following information to those providing donations and to customers at the retailer's business

4 location:

5 (1) Name of the business that owned the drop box, mobile pickup unit or is providing at-
6 home pick-up of donated consumer goods;

7 (2) Name of the business that will be selling consumer goods that have been donated;

8 (3) Name of the entity or entities receiving proceeds from thrift sales and the percentage of
9 proceeds from thrift sales going to each entity.

§31J-1-5. **Penalties.**

1 Failure to comply with this chapter shall result in a \$500 fine per occurrence, as determined
2 by the West Virginia Secretary of State's Office Investigations Unit.

§31J-1-6. **Rulemaking.**

1 The West Virginia Secretary of State's Office shall develop rules to implement this chapter.

NOTE: The purpose of this bill is to inform the public about who receives the proceeds from the sale of donated 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.