WEST VIRGINIA CODE: §33-60-5

§33-60-5. Time period of beta test; extension of time period; penalties for violation of limited no-action letter.

- (a) The time period for a beta test shall be three years. The time period may be extended by the commissioner in the notice of acceptance for a period that is not longer than one year if a request is made in accordance with §33-60-2(a)(5)(B) of this code.
- (b) During the beta test, the participant and any clients of the participant shall:
- (1) Comply with all terms and conditions set forth in the limited no-action letter; and
- (2) Provide the commissioner with all documents, data, and information requested by the commissioner.
- (c) For any violation of the terms or conditions set forth in the limited letter, the commissioner may:
- (1) Issue an order terminating the beta test and the safe harbor of the limited letter before the time period set forth in the limited letter has expired; and
- (2) Impose a fine of not more than \$2,000 per violation.
- (d) The commissioner may issue an order under §33-60-5(c) of this code if, following receipt of information or complaints, the commissioner determines the beta test is causing consumer harm.
- (e) The commissioner may issue an order requiring a client to cease and desist any activity violating the terms or conditions set forth in the limited letter. The issuance of a cease and desist order to one client shall not otherwise impact the ability of the participant or any other clients to continue activities relating to the innovation in a manner compliant with the requirements of the limited letter.
- (f) A participant or client may request a hearing on any order issued under this section pursuant to §33-2-13 of this code.