

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



ENROLLED

Committee Substitute for

HOUSE BILL No. 299

299

(By Mr. *Common on Education*)



PASSED March 14 1959

In Effect 90 days from Passage



Filed in Office of the Secretary of State
of West Virginia MAR 20 1959

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 299

[Originating in the Committee on Education.]

[Passed March 14, 1959; in effect ninety days from passage.]

AN ACT to amend article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding to said article, a new section, designated section ten, relating to regulation of privately-owned correspondence, business and trade schools, and providing penalties for violations.

Be it enacted by the Legislature of West Virginia:

That article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten, to read as follows:

Section 10. *Requiring Permits for Soliciting or Selling*
2 *Correspondence Courses and Resident Courses in Business*
3 *and Trade Schools.*—It shall be unlawful for any person

4 representing a correspondence school (excepting accredit-
5 ed members of the national home study council) located
6 within this state or outside thereof, to solicit, sell, or offer
7 to sell within this state any correspondence course for a
8 consideration or remuneration and for any person repre-
9 senting a privately-owned business school (excepting
10 those resident business schools or commercial colleges
11 who are members of the West Virginia association of busi-
12 ness schools and who are also members of the national
13 association and council of business schools) or trade
14 schools to solicit, sell, or offer to sell any resident for a
15 consideration or remuneration courses of instruction un-
16 less such person first obtains a permit from the West
17 Virginia board of education in the manner and on the
18 terms herein prescribed.

19 The application for a permit shall be made on forms to
20 be furnished by the said board. The application shall be
21 accompanied by a fee of five dollars and by a surety bond
22 in the penal sum of one thousand dollars. Such bond may
23 be continuous and shall be conditioned to provide indemni-
24 fication to any student suffering loss as a result of any

25 fraud or misrepresentation used in procuring his enroll-
26 ment. The bond may be given by the representative of a
27 school or by the school itself as a blanket bond covering
28 all of its representatives in the amount of one thousand
29 dollars each. The surety on any such bond may cancel
30 the same upon giving thirty days' notice in writing to
31 the principal on said bond and to the state board of edu-
32 cation, and thereafter shall be relieved of liability for
33 any breach of condition occurring after the effective
34 date of said cancellation.

35 A permit shall be valid for the calendar year in which
36 it is issued, and, upon application, accompanied by a fee
37 of five dollars and the surety bond as herein required,
38 may be renewed if a continuous bond has not been fur-
39 nished.

40 All fees collected for the issuance or renewal of such
41 permits shall be deposited in the state treasury to the
42 credit of the general school fund.

43 No person shall be granted a permit under this section
44 unless he is an individual of good moral character.

45 A permit issued hereunder may upon ten days' notice

46 and after a hearing be revoked by the said board of educa-
47 tion for fraud or misrepresentation in soliciting or enroll-
48 ing students, or for other cause.

49 The said board of education is hereby authorized to
50 adopt rules and regulations for the administration and
51 enforcement of the provisions of this section, and to es-
52 tablish an advisory committee of not more than five
53 owners or other representatives of privately owned cor-
54 respondence, business and trade schools.

55 Any person violating any provision of this section, shall
56 be guilty of a misdemeanor, and upon conviction thereof,
57 shall be fined not more than two hundred dollars or be
58 imprisoned not more than sixty days, or both fined and
59 imprisoned, in the discretion of the court.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. M. Gasper Jr
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the House of Delegates.

Takes effect *90 days from* passage.

J. Howard Mudd
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

H. R. Parley
Speaker House of Delegates

The within *approved* this the *20th*

day of *March*, 1959.

W. H. Underwood
Governor