WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED

HOUSE BILL No. 1508

(By Mr. ___ and Mr. Brown)

PASSED March 13, 1976

In Effect ninety days from Passage

FILE IN THE OFFICE OF SECRETARY OF STATE OF WEST VIRGINIA

THIS DATE 3/30/76
ENROLLED

H. B. 1508

(By Mr. LOHR and Mr. BROWN)

[Passed March 13, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to raising the amount of the surety bond required by correspondence, business, occupational and trade schools to ten thousand dollars; making such schools responsible for liability; extending indemnification to persons suffering loss as a result of schools inability to meet contractual agreements; and increasing the fee for a permit for such schools to ten dollars.

Be it enacted by the Legislature of West Virginia:

That section ten, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-10. Permits required for certain correspondence, business, occupational and trade schools; reports, issuance, renewal and revocation of permits; penalty and enforcement.

1 Except for those correspondence, business, occupational and trade schools that are members of nationally recognized accrediting associations approved by the West Virginia board of education, it shall be unlawful for any person representing a correspondence, business, occupational or trade school inside or outside this state to solicit, sell or offer to sell courses
of instruction to any resident of this state for consideration or remuneration unless the school first obtains a permit from the West Virginia board of education in the manner and on the terms herein prescribed.

All schools exempted from the requirement of a permit under this section shall, before recruiting any students in West Virginia, secure authorization from the state board of education. The board may refuse authorization to any such school, regardless of that school's membership in any accrediting association, if the board has reason to believe that the school engages in practices which are inconsistent with this section or with rules and regulations issued pursuant thereto.

All correspondence, business, occupational and trade schools located in this state, including those schools which are not required to secure permits under this section, shall make annual reports to the state board of education, on forms furnished by the board, providing such appropriate information as the board reasonably may require.

The application for a permit shall be made on forms to be furnished by the board. The application shall be accompanied by a fee of ten dollars and by a surety bond in the penal sum of ten thousand dollars. Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment, or failure of the school to meet contractual obligations. The bond shall be given by the school itself as a blanket bond covering all of its representatives. The surety on any such bond may cancel the same upon giving thirty days' notice in writing to the principal on said bond and to the state board of education and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of said cancellation.

A permit shall be valid for one year from the date on which it is issued, and, upon application, accompanied by a fee of ten dollars and the surety bond as herein required, may be renewed.

All fees collected for the issuance or renewal of such permits shall be deposited in the state treasury to the credit of the general school fund.
All correspondence, business, occupational or trade schools which have been issued a permit, or who have been authorized because of their exempt status, to sell courses to residents of this state shall furnish to the West Virginia board of education a list of its official representatives. Each school shall be issued a certificate of identification by the state board of education for each of its official representatives.

A permit issued hereunder, upon fifteen days' notice and after a hearing, if a hearing is requested by the permit holder, may be revoked by the board of education for fraud or misrepresentation in soliciting or enrolling students, for failure of the school to fulfill its contract with one or more students who are residents of West Virginia, or for violation of or failure to comply with any provision of this section or with any regulation of the state board of education.

The issuance of a permit pursuant to this section does not constitute approval or accreditation of any course or school. No school nor any representative of a school shall make any representation stating, inserting or implying that a permit issued pursuant to this section constitutes approval or accreditation by the state of West Virginia, state board of education or any other department or agency of the state.

The state board of education is hereby authorized to adopt rules and regulations for the administration and enforcement of the provisions of this section, and to establish an advisory committee of not more than five owners or other representatives of privately owned correspondence, business, occupational and trade schools.

Any person or any proprietor or chief administrative officer of any school violating any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than two hundred dollars, or imprisoned in the county jail not more than sixty days, or both fined and imprisoned. No correspondence, business, occupational or trade school shall maintain an action in any court of this state to recover for services rendered pursuant to a contract solicited by the school if the school is required under this section to obtain a permit and did not hold a valid permit at the time the contract was signed by any of the parties.
thereto. The attorney general or any county prosecuting attorney, at the request of the state board of education or upon his own motion, may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of the provisions of this section relating to permits, bonds and sureties.
The Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 27th
day of ____________, 1976.

Governor
PRESENTED TO THE GOVERNOR

Date  3/23/26

Time  3:10 p.m.