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OFFICE OF
SECRETARY OF STATE
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

— ● —

ENROLLED

HOUSE BILL No. 1508

(By Mr. Lohr & 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

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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
2 trade schools that are members of nationally recognized
3 accrediting associations approved by the West Virginia board
4 of education, it shall be unlawful for any person representing a
5 correspondence, business, occupational or trade school inside
6 or outside this state to solicit, sell or offer to sell courses

7 of instruction to any resident of this state for consideration
8 or remuneration unless the school first obtains a permit from
9 the West Virginia board of education in the manner and on
10 the terms herein prescribed.

11 All schools exempted from the requirement of a permit
12 under this section shall, before recruiting any students in
13 West Virginia, secure authorization from the state board of
14 education. The board may refuse authorization to any such
15 school, regardless of that school's membership in any accredit-
16 ing association, if the board has reason to believe that the
17 school engages in practices which are inconsistent with this
18 section or with rules and regulations issued pursuant thereto.
19 All correspondence, business, occupational and trade schools
20 located in this state, including those schools which are not
21 required to secure permits under this section, shall make
22 annual reports to the state board of education, on forms
23 furnished by the board, providing such appropriate information
24 as the board reasonably may require.

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

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

43 All fees collected for the issuance or renewal of such
44 permits shall be deposited in the state treasury to the credit
45 of the general school fund.

46 All correspondence, business, occupational or trade schools
47 which have been issued a permit, or who have been authorized
48 because of their exempt status, to sell courses to residents of
49 this state shall furnish to the West Virginia board of education
50 a list of its official representatives. Each school shall be issued
51 a certificate of identification by the state board of education for
52 each of its official representatives.

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

61 The issuance of a permit pursuant to this section does not
62 constitute approval or accreditation of any course or school. No
63 school nor any representative of a school shall make any repre-
64 sentation stating, inserting or implying that a permit issued
65 pursuant to this section constitutes approval or accreditation by
66 the state of West Virginia, state board of education or any
67 other department or agency of the state.

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

74 Any person or any proprietor or chief administrative
75 officer of any school violating any provision of this section
76 shall be guilty of a misdemeanor, and, upon conviction thereof,
77 shall be fined not more than two hundred dollars, or im-
78 prisoned in the county jail not more than sixty days, or both
79 fined and imprisoned. No correspondence, business, occupa-
80 tional or trade school shall maintain an action in any court
81 of this state to recover for services rendered pursuant to a
82 contract solicited by the school if the school is required under
83 this section to obtain a permit and did not hold a valid permit
84 at the time the contract was signed by any of the parties

85 thereto. The attorney general or any county prosecuting at-
86 torney, at the request of the state board of education or upon
87 his own motion, may bring any appropriate action or pro-
88 ceeding in any court of competent jurisdiction for the en-
89 forcement of the provisions of this section relating to permits,
90 bonds and sureties.

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

James L. Davis
Chairman Senate Committee

Clarence B. Christensen
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Wilson, Jr.
Clerk of the Senate

W. A. Blankenship
Clerk of the House of Delegates

W. S. Brotherton
President of the Senate

Louis T. McManus
Speaker House of Delegates

The within *approved* this the *27th*
March day of _____, 1976.

Archie A. Moore, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/23/76

Time 3:10 p.m.