WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
Committee Substitute for
SENATE BILL NO. 444

(By Mr. [Signature], Pres., et al.)

PASSED March 9, 1983
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 permits required for correspondence, business, occupational and trade schools; providing for the application for, purpose, issuance, renewal and revocation of permits; increasing the surety bond and providing a fee for solicitors; requiring certain reports; authorizing rules and regulations including evaluations; providing for enforcement; and increasing the penalty.

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. BOARD OF EDUCATION.

§18-2-10. Permits required for correspondence, business, occupational and trade schools; surety bonds and fees; issuance, renewal and revocation of permit; reports; rules and regulations; penalty and enforcement.

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

[Passed March 7, 1983; in effect ninety days from passage.]
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.

The application for a permit shall be made on forms to be furnished by the board. The application shall be accompanied by a surety bond in the penal sum of twenty-five thousand dollars and by a fee of ten dollars. The 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. The ten dollar fee will entitle a school to register up to two individual solicitors. Additional solicitors may be registered by paying a five dollar fee for each registration submitted.

A permit shall be valid for one year corresponding to the effective date of the bond and, upon application, accompanied by the required fee and the surety bond as herein required, may be renewed. All fees collected for the issuance or renewal of such permit shall be deposited in the state treasury to the credit of the general school fund.

The board may refuse a permit to any school if the board finds that the school engages in practices which are inconsistent with this section or with rules and regulations issued pursuant thereto. A permit issued hereunder, upon fifteen days' notice and after a hearing, if a hearing is requested by the school, may be suspended or 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 pertinent thereto. Any refusal, suspension
or revocation of a permit, or any other adverse action
against a school, shall comply with all constitutional pro-
visions, including due process, relating to the protection
of property rights.

All correspondence, business, occupational or trade
schools which have been issued a permit shall make an-
nual reports to the state board of education, on forms
furnished by the board, providing such appropriate in-
formation as the board reasonably may require. All cor-
respondence, business, occupational or trade schools which
have been issued a permit shall furnish to the West Vir-
ginia board of education a list of its official representa-
tives. Each school shall be issued a certificate of identi-

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, asserting 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 evaluation of schools,
for the administration and enforcement of the provisions
of this section, and to establish an advisory committee
of not less than five owners or other representatives of
privately owned correspondence, business, occupational
and trade schools. Correspondence, business, occupational
and trade schools which have their home office in West
Virginia and which are fully accredited members of
nationally recognized accrediting associations approved by
the West Virginia board of education shall be exempted
from any rules and regulations for evaluation of schools
by the state board as authorized by this section.

A representative 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 per day of violation, not to exceed a maximum of two thousand dollars per violation, 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 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

Donald Evans
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. Wellis
Clerk of the Senate

Donald L. Doggett
Clerk of the House of Delegates

Maurice R. Moore
President of the Senate

Speaker House of Delegates

The within is approved this the 26th day of March, 1983.

John D. Dingell
Governor