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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

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## ENROLLED

*Com. Sub. for Com. Sub. for*  
**SENATE BILL NO.** 135

(By Senator Hawse)

—●—

**PASSED** March 7, 1991

In Effect 90 days from Passage

# ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

## Senate Bill No. 135

(By SENATOR HAWSE, *original sponsor*)

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[Passed March 7, 1991; in effect ninety days from passage.]

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AN ACT to repeal section eleven, article two-c, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections one, three, four, five, five-a, six, six-a, eight, nine and ten of said article; and to further amend said article by adding thereto three new sections, designated sections six-b, six-c and eight-a, all relating to auctioneers and apprentice auctioneers; definitions; procedure and fees for obtaining a license; department of agriculture as statutory agent for licensees, fees; requiring bonds and specifying approved methods of bonding; requirements for license; promulgation of rules and regulations; duties of licensee; examination of applicants; examination fee; excuse for illness; renewal fees; apprentice licenses; waiver of apprenticeship requirement; investigation of complaints; board of review; duties and responsibilities of apprentice auctioneers and sponsoring auctioneer; procedure for nonres-

ident auctioneer's and apprentice auctioneer's license; civil and criminal penalties for violation of article or rules and regulations; suspension, revocation or denial of licenses; written contracts for auctions and exception; and advertising of auction sales.

*Be it enacted by the Legislature of West Virginia:*

That section eleven, article two-c, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections one, three, four, five, five-a, six, six-a, eight, nine and ten of said article be amended and reenacted; and that said article be further amended by adding thereto three new sections, designated sections six-b, six-c and eight-a, to read as follows:

**ARTICLE 2C. AUCTIONEERS.**

**§19-2C-1. Definitions.**

1 For the purposes of this article:

2 (a) The term "auctioneer" means and includes a  
3 person who sells goods or real estate at public auction  
4 for another on commission or for other compensation.  
5 The term "auctioneer" does not include: (1) Persons  
6 conducting sales at auctions conducted by or under the  
7 direction of any public authority or pursuant to any  
8 judicial order or direction or to any sale required by  
9 law to be at auction; (2) the owner of any real or  
10 personal property when personally sold at auction by  
11 such owner and such owner has not personally con-  
12 ducted an auction within the previous twelve-month  
13 period; (3) persons conducting sales pursuant to a deed  
14 of trust or other security agreement; (4) fiduciaries of  
15 estates when selling real or personal property of such  
16 estate; and (5) persons conducting sales on behalf of  
17 charitable, religious, fraternal or other nonprofit  
18 organizations: *Provided*, That nothing contained in this  
19 article exempts persons conducting sales at public  
20 markets from the provisions of article two-a, chapter  
21 nineteen of this code, where the sale is confined solely  
22 to livestock, poultry and other agriculture and horti-  
23 culture products.

24 (b) The term "public auction" means any public sale

25 of real or personal property when offers or bids are  
26 made by prospective purchasers and the property sold  
27 to the highest bidder.

28 (c) The term "commissioner" means the commis-  
29 sioner of agriculture of West Virginia.

30 (d) The term "department" means the West Virginia  
31 department of agriculture.

**§19-2C-3. Procedure for license; department of agriculture  
as statutory agent for licensees; fee.**

1 Any person who wishes to conduct an auction as an  
2 auctioneer may apply for a license on forms prescribed  
3 by the commissioner and containing such information  
4 as the commissioner may by rule or regulation  
5 require. A nonreturnable application fee of fifty  
6 dollars shall accompany each application as well as  
7 license fee of fifty dollars. All fees collected under this  
8 article shall be paid into the general revenue fund in  
9 the state treasury.

10 In addition to the payment of fees, an applicant shall  
11 file with his application, a bond as required in section  
12 four of this article.

13 The commissioner shall, within thirty days after the  
14 receipt of an application, notify the applicant of his  
15 eligibility to be examined at the next regularly  
16 scheduled examination, as well as the date of such  
17 examination.

18 In the event the license is denied, the applicant shall  
19 be refunded the license fee submitted with the  
20 application.

21 Licenses issued shall expire on the thirty-first day of  
22 December of each year but shall be renewable upon  
23 the payment of the annual license fee within sixty  
24 days of the expiration date: *Provided*, That licenses  
25 issued for fiscal year one thousand nine hundred  
26 ninety-one will be extended, at no additional fee,  
27 through the thirty-first day of December, one thou-  
28 sand nine hundred ninety-one. Renewals received  
29 more than sixty days after the expiration date are

30 subject to a late renewal fee of twenty-five dollars in  
31 addition to the annual renewal fee. Licenses which  
32 have been expired for more than two years will not be  
33 renewed and the auctioneer or apprentice auctioneer  
34 will be required to take the written and oral examina-  
35 tion and to pay the examination fee. No renewal will  
36 be made unless the other requirements of this article  
37 are complied with.

38 Should a duplicate or replacement license or a  
39 license reflecting a change in information be required,  
40 the auctioneer or apprentice auctioneer must submit  
41 with such request a fee of five dollars.

42 The state department of agriculture is the agent for  
43 the purpose of service of process on any licensed  
44 auctioneer for any action occasioned by the perfor-  
45 mance of the duties of such auctioneer. Every licensed  
46 auctioneer, by virtue of his application for license,  
47 shall be considered to have consented to such statutory  
48 agency.

**§19-2C-4. Bond required.**

1 Every person applying for a license as an auctioneer,  
2 apprentice auctioneer or continuing to act as a licensed  
3 auctioneer or apprentice auctioneer, shall file with the  
4 commissioner and maintain in full effect a bond  
5 satisfactory to the commissioner and in form and  
6 amount as prescribed by the commissioner pursuant to  
7 the rules and regulations promulgated in accordance  
8 with this article: *Provided*, That in no event shall the  
9 amount of such bond be less than ten thousand dollars  
10 for an auctioneer and in no event less than five  
11 thousand for an apprentice auctioneer. The bond may  
12 include, at the option of the applicant, corporate surety  
13 bonding, collateral bonding (including costs and secur-  
14 ities), establishment of an escrow account, an irrevoca-  
15 ble letter of credit or a combination of these methods.  
16 If collateral bonding is used, the auctioneer may elect  
17 to deposit cash, or any of the following collateral  
18 securities or certificates: Bonds of the United States or  
19 its possessions, of the federal land bank, or of the  
20 homeowners' loan corporation; full faith and credit

21 general obligation bonds of the state of West Virginia,  
 22 or other states, and of any county, district, or munic-  
 23 ipality of the state of West Virginia or other states; or  
 24 certificates of deposit in a bank in this state which  
 25 certificates shall be in the name of the department.  
 26 The cash deposit or market value of such securities or  
 27 certificates shall be equal to or greater than the sum  
 28 of the bond. It shall be the duty of the applicant to  
 29 insure the market value of such bonds is sufficient.  
 30 The commissioner shall, upon receipt of any such  
 31 deposits of cash, securities or certificates, promptly  
 32 place the same with the treasurer of the state of West  
 33 Virginia whose duty it shall be to receive and hold the  
 34 same in the name of the state in trust for the purpose  
 35 for which the deposit is made when the license is  
 36 issued. The applicant making the deposit shall be  
 37 entitled from time to time to receive from the state  
 38 treasurer, upon written approval of the commissioner,  
 39 the whole or any portion of any cash, securities or  
 40 certificates so deposited, upon depositing with him in  
 41 lieu thereof, cash or other securities or certificates of  
 42 the classes herein specified having value equal to or  
 43 greater than the sum of the bond. Such bond shall be  
 44 conditioned upon the faithful compliance by the  
 45 auctioneer with the provisions of this article and the  
 46 payment of all required taxes, fees and penalties  
 47 imposed by this state and its political subdivisions as  
 48 well as the payment by any auctioneer of any final  
 49 judgment obtained for damages arising out of his  
 50 conduct or duties as an auctioneer. Such bond shall be  
 51 open to public inspection.

**§19-2C-5. Requirements for license; rules and regulations;  
 duties of licensee.**

1 (1) Each person seeking a license hereunder after  
 2 the effective date of this section shall submit satisfac-  
 3 tory evidence to the commissioner showing:

4 (a) That he or she has successfully completed the  
 5 written and oral examinations provided for in this  
 6 article;

7 (b) That he or she has a good reputation;

8 (c) That he or she is of trustworthy character;

9 (d) That he or she has met the apprenticeship  
10 requirements set forth in this article, if applicable;

11 (e) That he or she is a citizen of the United States;  
12 and

13 (f) That he or she has a general knowledge of the  
14 auctioneering profession and the principles involved in  
15 conducting an auction.

16 (2) The commissioner shall promulgate such reason-  
17 able rules and regulations as he or she considers  
18 necessary to carry out the intent and the administra-  
19 tion and enforcement of this article, which said rules  
20 and regulations shall be promulgated in accordance  
21 with the applicable provisions of chapter twenty-nine-  
22 a of this code.

23 (3) Each licensee shall promptly produce for inspec-  
24 tion such license at all sales conducted by or partici-  
25 pated in by such licensee when requested to do so by  
26 any person and shall keep complete and accurate  
27 records of all transactions engaged in for a period of  
28 six months which records shall be open to inspection  
29 by the commissioner or his authorized representative.

**§19-2C-5a. Examinations of applicants; excuse for illness; fee  
renewal.**

1 Examinations shall be held in April and October of  
2 each year, at a time and place to be designated by the  
3 commissioner or his authorized representative.

4 Any individual auctioneer applicant may take the  
5 examination for auctioneer or apprentice auctioneer at  
6 the regularly scheduled time and place. The appren-  
7 tice auctioneer's examination shall consist of a written  
8 examination. The auctioneer's examination will con-  
9 sist of both a written and oral examination. The  
10 passing grade for any written examination shall be  
11 seventy percent out of one hundred percent. The oral  
12 portion will be scored by the commissioner or his  
13 authorized representative. If the applicant fails either  
14 the written or oral portion of the examination no

15 license will be issued and he or she shall not be  
16 administered the examination again until the next  
17 regularly scheduled examination date. A person who is  
18 qualified for a auctioneer's license as provided for in  
19 this article is considered to be a professional in his  
20 trade.

21 One notice only of the examination shall be mailed  
22 to the applicant at the address given on the applica-  
23 tion. If the applicant fails to appear for such examina-  
24 tion, except as provided herein, a new application and  
25 a new fee shall be required. No fee shall be returned  
26 except when the applicant fails to take the examina-  
27 tion because of illness evidenced by a doctor's certifi-  
28 cate sent to the commissioner. If excused because of  
29 illness the applicant shall be admitted to the next  
30 scheduled examination without paying an additional  
31 fee. No applicant shall be excused from taking the  
32 scheduled examination for any reason other than  
33 illness unless in the judgment of the commissioner,  
34 the applicant would suffer undue hardship by not  
35 being excused.

36 An examination fee, of fifty dollars in addition to  
37 any other fees required by this article, shall be  
38 collected from each person taking such examination. If  
39 the applicant has previously paid the examination fee  
40 and successfully completed the apprentice auctioneer's  
41 examination, no additional examination fee will be  
42 required to take the auctioneer's examination as  
43 provided for in this article.

44 If the commissioner determines that an applicant  
45 does not qualify for a license, he or she shall so notify  
46 the applicant by certified mail. The notice shall state  
47 the reason for refusal to grant a license and the  
48 applicant's right to appeal the commissioner's decision  
49 within twenty days of receipt of the notice.

50 An examination shall not be required for the  
51 renewal of any license unless such license has been  
52 revoked or suspended, in which case the applicant  
53 may be required, by the commissioner to, take and  
54 pass any written or oral examination required by the

55 department. In cases where a license has been expired  
56 for more than two years, and not been revoked or  
57 suspended the applicant is required to take and pass  
58 any written and oral examinations required by the  
59 department. The commissioner is hereby authorized to  
60 promulgate rules as he or she considers necessary for  
61 the renewal of auctioneer licenses, including, but not  
62 limited to, requirements for continuing education of  
63 auctioneers.

**§19-2C-6. Apprentice licenses; fees.**

1 The department of agriculture may grant apprentice  
2 auctioneer's licenses to those persons considered  
3 qualified by the commissioner. Every applicant for an  
4 apprentice auctioneer's license must take and pass a  
5 written examination relating to the skills and knowl-  
6 edge, and statutes and regulations governing auctio-  
7 neers. Every applicant shall furnish to the commis-  
8 sioner on forms provided by the department, satisfac-  
9 tory proof of the following:

- 10 (a) That he or she has a good reputation;  
11 (b) That he or she is a trustworthy character; and  
12 (c) That he or she is a citizen of the United States.

13 Any apprentice auctioneer may take the examina-  
14 tion to become an auctioneer after serving a two-year  
15 apprenticeship under a licensed auctioneer: *Provided*,  
16 That if the apprentice auctioneer has attended a  
17 nationally accredited graduate school of auctioneering,  
18 approved by the commissioner, he or she shall serve  
19 an apprenticeship of only six months. Before an  
20 apprentice auctioneer may take the auctioneer's  
21 examination, the apprentice auctioneer shall conduct  
22 at least six auction sales under the direct supervision  
23 of the sponsoring auctioneer. The commissioner may  
24 waive the requirements of this section, on an individ-  
25 ual basis, upon the presentation of written evidence  
26 that the applicant has educational training or excep-  
27 tional experience in the auctioneering profession and  
28 that the applicant has been unable to obtain sponsor-  
29 ship by a licensed auctioneer: *Provided, however*, That

30 the commissioner shall promulgate rules and regula-  
 31 tions setting forth educational and experience qualifi-  
 32 cations which would entitle an individual to a waiver  
 33 of the provisions of this section: *Provided further*, That  
 34 the commissioner shall not waive apprenticeship  
 35 requirements for any applicant without the concu-  
 36 rrence of the board of review.

37 When any apprentice auctioneer is discharged or  
 38 terminates his employment with an auctioneer for any  
 39 reason, the auctioneer shall immediately provide  
 40 written notification to the commissioner. No dis-  
 41 charged or terminated apprentice auctioneer shall  
 42 thereafter perform any acts under the authority of his  
 43 license until such apprentice auctioneer receives a  
 44 new license bearing the name and address of his new  
 45 employer. No more than one license shall be issued to  
 46 any apprentice auctioneer for the same period of time.  
 47 The fee for the transfer of the license of an apprentice  
 48 auctioneer to a new employer auctioneer is fifteen  
 49 dollars.

50 The fee for the annual renewal of the apprentice  
 51 auctioneer's license is fifty dollars. Bond requirements  
 52 for an apprentice auctioneer shall be established by  
 53 reasonable rules and regulations promulgated by the  
 54 commissioner, and both the annual renewal fee and  
 55 the bond must be filed with the department of agricul-  
 56 ture: *Provided*, That the bond required by this section  
 57 shall not be less than five thousand dollars. The  
 58 department shall not issue an apprentice auctioneer's  
 59 license until bond has been filed in accordance with  
 60 this article. All apprentice auctioneer licenses expire  
 61 on the thirty-first day of December of each year but  
 62 are renewable upon the payment of the annual fee.

**§19-2C-6a. Investigation of complaints; board of review.**

1 The department of agriculture may, upon its own  
 2 action, and shall upon the verified written complaint  
 3 of any person, investigate the actions of any auction-  
 4 eer, apprentice auctioneer, any applicant for an  
 5 auctioneer's or apprentice auctioneer's license, or any  
 6 person who assumes to act in that capacity, if the

7 complaint, together with other evidence presented in  
8 connection with it, establishes probable cause.

9 Upon verification of the complaint, the department  
10 shall present the complaint to the board of review.  
11 The board of review shall consider all of the facts of  
12 the complaint and recommend a course of action to  
13 the commissioner.

14 The board of review shall be appointed by the  
15 governor, by and with the advice and consent of the  
16 Senate and shall consist of three members each  
17 appointed for a staggered three year term. Two  
18 members of the board of review shall be licensed  
19 auctioneers in West Virginia and residents of this state  
20 and shall have been licensed and been practicing the  
21 profession of auctioneering for five years immediately  
22 preceding their appointment. The third member shall  
23 be a lay person from the commercial or agricultural  
24 community who has utilized services of auctioneers  
25 for at least three years. No more than one board  
26 member shall be from any one congressional district  
27 and no more than two members shall be from the  
28 same political party. Board members shall receive no  
29 compensation for their service on the board, but shall  
30 be entitled to receive reimbursement for expenses in  
31 accordance with the department of agriculture travel  
32 regulations.

33 During the establishment of the board one member  
34 shall be appointed for a three year term, one member  
35 for a two year term and one member for a one year  
36 term. The first year of each term expires on the first  
37 day of January, one thousand nine hundred ninety-  
38 two and subsequently on the first day of January of  
39 each year. There shall be no limit on the number of  
40 consecutive terms a member may serve on the board.  
41 The governor is authorized to fill a vacancy when it  
42 occurs on the board for any reason. An appointment to  
43 fill a vacancy shall be for the remainder of the existing  
44 term of the vacant position.

**§19-2C-6b. Duties and responsibilities of an apprentice  
auctioneer and a sponsoring auctioneer.**

1 An apprentice auctioneer shall only conduct or assist

2 in auctions under the direct supervision of his sponsor-  
3 ing auctioneer. A licensed apprentice auctioneer may  
4 not enter into a contract to conduct an auction unless  
5 the contract is cosigned by his sponsoring auctioneer.

6 The sponsoring auctioneer is responsible for the  
7 actions of an apprentice auctioneer. It is his responsi-  
8 bility to insure adherence to this and all applicable  
9 sections of state law: *Provided*, That if the apprentice  
10 auctioneer conducts auctions without the consent of  
11 his sponsor, only the apprentice auctioneer is subject  
12 to the penalties in section eight of this article.

**§19-2C-6c. Procedure for obtaining nonresident auctioneer's  
and apprentice auctioneer's license.**

1 To qualify for a nonresident license by reciprocity  
2 the applicant must show evidence of licensing in  
3 another state for a period of one year preceding the  
4 date of application. The licensing may have been as an  
5 apprentice auctioneer or as an auctioneer. *Provided*  
6 this qualification is met and the applicant meets all the  
7 other requirements as required by this article and by  
8 regulation, he or she shall be licensed either as an  
9 apprentice auctioneer or as an auctioneer, based on a  
10 nonresident license, as the case may be.

11 When an applicant's resident state has no licensing  
12 law for auctioneers or the applicant's resident state  
13 has no written or oral examination associated with its  
14 licensing requirements the department of agriculture  
15 shall require proof that the applicant has been a  
16 practicing auctioneer for a period of two years preced-  
17 ing the date of application. The proof shall be in the  
18 form of sale bills, contracts, sale permits and other  
19 such evidence acceptable to the commissioner. *Pro-*  
20 *vided* this qualification is met, and the applicant meets  
21 other requirements for licensing as required by the  
22 statutes and regulations, the applicant shall be admit-  
23 ted to the next scheduled written and oral examina-  
24 tion for auctioneers without being required to first  
25 serve an apprenticeship.

**§19-2C-8. Penalties for violation of article or rules and  
regulations.**

1 (a) *Criminal penalties.* — Any person, firm, associa-

2 tion or corporation violating any of the provisions of  
3 this article, or of the rules and regulations adopted  
4 pursuant to the provisions thereof, shall be guilty of a  
5 misdemeanor, and, upon conviction thereof, shall be  
6 fined not less than fifty dollars nor more than two  
7 hundred dollars for the first offense, and not less than  
8 four hundred dollars nor more than one thousand  
9 dollars for the second and subsequent offenses. Magis-  
10 trates have concurrent jurisdiction with circuit courts  
11 to enforce the provisions of this article.

12 (b) *Civil penalties.* — (1) Any person violating a  
13 provision of this article or any rule or regulation  
14 adopted hereunder may be assessed a civil penalty by  
15 the commissioner. In determining the amount of any  
16 civil penalty, the commissioner shall give due consid-  
17 eration to the history of previous violations of the  
18 person, the seriousness of the violation, and the  
19 demonstrated good faith of the person charged in  
20 attempting to achieve compliance with this article  
21 before and after written notification of the violation;  
22 (2) the commissioner may assess a penalty of not more  
23 than two hundred dollars for each first offense, and  
24 not more than one thousand dollars for a second and  
25 subsequent offenses; and (3) the civil penalty is  
26 payable to the state of West Virginia and is collectible  
27 in any manner now or hereafter provided for collec-  
28 tion of debt. If any person liable to pay the civil  
29 penalty neglects or refuses to pay the same, the  
30 amount of the civil penalty, together with interest at  
31 ten percent, is a lien in favor of the state of West  
32 Virginia upon the property, both real and personal, of  
33 such a person after the same has been entered and  
34 docketed to record in the county where such property  
35 is situated. The clerk of the county, upon receipt of the  
36 certified copy of such, shall enter same to record  
37 without requiring the payment of costs as a condition  
38 precedent to recording.

39 (c) Notwithstanding any other provision of law to  
40 the contrary, the commissioner may promulgate and  
41 adopt rules which permit consent agreements or  
42 negotiated settlements for the civil penalties assessed

43 as a result of violation of the provisions of this article.

44 (d) No state court may allow for the recovery of  
45 damages for any administrative action taken, if the  
46 court finds that there was probable cause for such  
47 action.

**§19-2C-8a. Revocation.**

1 In addition to the penalties in section eight of this  
2 article, the commissioner may, by order, suspend,  
3 deny or revoke any license granted hereunder for any  
4 violation of this article or the rules and regulations  
5 promulgated hereunder or for any of the following  
6 reasons:

7 (a) Obtaining a license through false or fraudulent  
8 representation;

9 (b) Making any substantial misrepresentation in any  
10 application for an auctioneer's or apprentice auctio-  
11 neer's license;

12 (c) Engaging in a continued or flagrant course of  
13 misrepresentation or for making false promises  
14 through an agent, advertisement or otherwise;

15 (d) Failing to account for or remit within a reason-  
16 able time any money belonging to others that comes  
17 into his possession;

18 (e) Being convicted in any court of competent  
19 jurisdiction of this state or any other state of a  
20 criminal offense involving moral turpitude or a felony;  
21 or for failing to notify the department of any such  
22 conviction within fifteen days of conviction;

23 (f) Engaging in any conduct of an auctioneer which  
24 demonstrates dishonesty or incompetency;

25 (g) Engaging in any other conduct that constitutes  
26 fraudulent or dishonest dealing; and

27 (h) Acting as an attorney for a client.

28 Any auctioneer or apprentice auctioneer who has  
29 had his license suspended or revoked shall not be  
30 issued another such license until a period not to

31 exceed two years has elapsed from the date of revoca-  
32 tion. The commissioner may also require the success-  
33 ful completion of the examinations required for an  
34 auctioneer's license or an apprentice auctioneer's  
35 license.

**§19-2C-9. Written contracts; exception.**

1 No person shall act as auctioneer on the sale at  
2 public auction of any goods, wares, merchandise or of  
3 any other property, real or personal, until he or she  
4 has entered into a written contract in duplicate with  
5 the owner or consignor of the property to be sold,  
6 containing the terms and conditions upon which the  
7 licensee receives or accepts the property for sale at  
8 auction. No apprentice auctioneer shall be authorized  
9 to enter into a contract without the written consent of  
10 his or her sponsoring auctioneer. All contracts shall be  
11 in the name of and on behalf of the sponsoring  
12 auctioneer.

13 The commissioner may require by rule the following:

14 (a) That written contracts between the auctioneer  
15 and the seller be made in duplicate;

16 (b) That the original contract is to be retained by the  
17 auctioneer for a period of six months;

18 (c) That one copy of the contract is to be furnished  
19 to each person that entered into the contract;

20 (d) That an apprentice auctioneer may not contract  
21 directly with a client, but only through his or her  
22 sponsoring auctioneer;

23 (e) That an apprentice auctioneer may not engage in  
24 a sale with an auctioneer by whom he or she is not  
25 sponsored without first obtaining the written consent  
26 of his or her sponsoring auctioneer; and

27 (f) That on all contracts between an auctioneer and  
28 a seller there shall be a prominent statement indicat-  
29 ing that the auctioneer is licensed by the department  
30 of agriculture and bonded in favor of the state of West  
31 Virginia.

**§19-2C-10. Advertising.**

1 In advertising an auction sale by any licensed  
2 auctioneer, the principal auctioneer or auctioneers  
3 who physically conduct the sale shall be listed prom-  
4 inently in such advertising as used by said auctioneer  
5 or auctioneers. The individual auctioneer or auctio-  
6 neers who conduct the sale shall be the person or  
7 persons who call for, accept and close bids on the  
8 majority of items offered for sale.

9 Any apprentice auctioneer who advertises, as pro-  
10 vided in this section, shall indicate in his advertise-  
11 ment the name of the sponsoring auctioneer under  
12 whom he or she is licensed.

13 The auctioneer's name and license number shall be  
14 displayed in equal prominence with the name of the  
15 apprentice auctioneer and license number in such  
16 advertisement.

17 Nothing in the provisions of this article, shall be  
18 construed so as to prohibit any other auctioneer,  
19 licensed pursuant to this article, from assisting with  
20 any auction, notwithstanding the failure to list the  
21 name of the other auctioneer in any advertising  
22 associated with such auction.

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

*Forner Luck*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Samuel E. Adams*  
.....  
Clerk of the Senate

*Donald L. Hopp*  
.....  
Clerk of the House of Delegates

*Keith Burdette*  
.....  
President of the Senate

*Robert C. Chell*  
.....  
Speaker House of Delegates

The within is approved this the *15<sup>th</sup>* .....  
day of *March* ....., 1991.

*Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/91

Time 10:29 am