

HB 2648

RECEIVED

1995 APR -5 PM 4:40

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

HOUSE BILL No. 2648

(By Delegate WALLACE, ET AL)



Passed MARCH 11, 1995

In Effect 90 days from Passage



ENROLLED

H. B. 2648

(BY DELEGATES WALLACE, ROWE, GIVENS, COMPTON,
OSBORNE AND BALL)

[Passed March 11, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to motor vehicle dealer licenses; separate certificates required for each business when engaging in more than one business; civil penalties; and promulgation of rules.

Be it enacted by the Legislature of West Virginia:

That section three, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6. LICENSING OF DEALERS AND WRECKERS, ETC.

PART II. LICENSE CERTIFICATE PROVISIONS.

§17A-6-3. License certificate required; engaging in more than one business; established place of business required; civil penalties.

1 (a) No person shall engage or represent or advertise
2 that he or she is engaged or intends to engage in the busi-
3 ness of new motor vehicle dealer, used motor vehicle deal-
4 er, house trailer dealer, trailer dealer, recreational vehicle
5 dealer, motorcycle dealer, used parts dealer, or wrecker or
6 dismantler, in this state, unless and until he or she first
7 obtains a license certificate therefor as provided in this

8 article, which license certificate remains unexpired,
9 unsuspended and unrevoked. Any person desiring to
10 engage in more than one such business must, subject to
11 the provisions of section five of this article, apply for and
12 obtain a separate license certificate for each such business.

13 (b) Except for the qualification contained in subdivi-
14 sion (17), subsection (a), section one of this article with
15 respect to a new motor vehicle dealer, each place of busi-
16 ness of a new motor vehicle dealer, used motor vehicle
17 dealer, house trailer dealer, trailer dealer, recreational vehi-
18 cle dealer, motorcycle dealer, used parts dealer and wreck-
19 er or dismantler, must be an established place of business
20 as defined for such business in said section one.

21 (c) Any person who violates this section shall, in addi-
22 tion to any other penalty prescribed by law, be subject to a
23 civil penalty levied by the commissioner in an amount not
24 to exceed one thousand dollars for the first violation, two
25 thousand dollars for the second violation, and five thou-
26 sand dollars for every subsequent violation.

27 (d) The commissioner shall promulgate rules, in ac-
28 cordance with the provisions of chapter twenty-nine-a of
29 this code, establishing procedures whereby persons against
30 whom such civil penalties are to be assessed shall be af-
31 forded all due process required pursuant to the provisions
32 of the West Virginia constitution.

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

Randy Scharrower
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrell D. White
Clerk of the Senate

Donald L. Kapp
Clerk of the House of Delegates

Eul Ray Tomblin
President of the Senate

Carl Albert
Speaker of the House of Delegates

The within _____ this the _____
day of _____, 1995.

Governor



PRESENTED TO THE
GOVERNOR

Date

3/31/95

Time

2:46 pm