

SB 320

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

96 APR - 1 PM 4: 44

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## ENROLLED

*COMMITTEE SUBSTITUTE FOR*  
SENATE BILL NO. 320

(By Senator WHITLOW, ET AL)

PASSED MARCH 9, 1996  
In Effect JULY 1, 1996 ~~Passage~~

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COMMITTEE SUBSTITUTE  
FOR

### Senate Bill No. 320

(SENATORS WHITLOW, HELMICK, ROSS, MILLER  
AND ANDERSON, *original sponsors*)

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[Passed March 9, 1996; to take effect July 1, 1996.]

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AN ACT to amend and reenact section three, article two-c, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the licensure of auctioneers; fees; required bond; creation of special revenue fund for administration and enforcement and continuing education; licensure renewals; service of process; and depositing auctioneer application fees to the department of agriculture.

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

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

**ARTICLE 2C. AUCTIONEERS.**

**§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 as  
4 the commissioner may require by a legislative rule  
5 promulgated in accordance with article three, chapter  
6 twenty-nine-a of this code. A nonreturnable application  
7 fee of fifty dollars shall accompany each application as  
8 well as a license fee of fifty dollars. All fees collected  
9 under this article shall be paid into a special revenue  
10 fund in the state treasury to be used by the department  
11 of agriculture for the expressed purpose of administering  
12 and enforcing this article and for providing continuing  
13 education for auctioneers: *Provided*, That for the fiscal  
14 year ending the thirtieth day of June, one thousand nine  
15 hundred ninety-seven, fees collected under this article  
16 shall be paid into the state fund, general revenue.

17 In addition to the payment of fees, an applicant shall  
18 file with his or her application a bond as required in  
19 section four of this article.

20 The commissioner shall, within thirty days after the  
21 receipt of an application, notify the applicant of his or  
22 her eligibility to be examined at the next regularly  
23 scheduled examination, as well as the date of the exami-  
24 nation.

25 In the event the license is denied, the commissioner  
26 shall refund the license fee submitted with the applica-  
27 tion to the applicant.

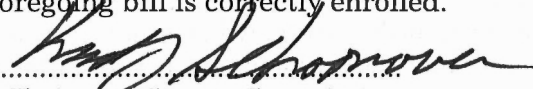
28 Licenses issued expire on the thirty-first day of  
29 December of each year but are renewable upon the  
30 payment of the annual license fee within sixty days of  
31 the expiration date. Renewals received more than sixty  
32 days after the expiration date are subject to a late  
33 renewal fee of twenty-five dollars in addition to the  
34 annual renewal fee. The commissioner shall not renew  
35 licenses which have been expired for more than two

36 years and the auctioneer or apprentice auctioneer shall  
37 take the written and oral examination and pay the  
38 examination fee in order to renew his or her license. The  
39 commissioner shall not renew a license unless the  
40 applicant complies with the other requirements of this  
41 article.

42 Where an auctioneer or apprentice auctioneer requires  
43 a duplicate or replacement license or a license reflecting  
44 a change in information, the auctioneer or apprentice  
45 auctioneer shall submit a fee of five dollars with the  
46 request.

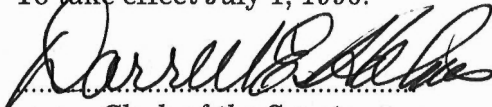
47 The state department of agriculture is the agent for the  
48 purpose of service of process on any licensed auctioneer  
49 for any action occasioned by the performance of the  
50 duties of the auctioneer. Every licensed auctioneer, by  
51 virtue of his or her application for a license, shall be  
52 considered to have consented to the statutory agency.

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

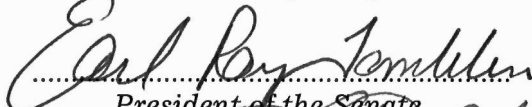
  
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Chairman Senate Committee

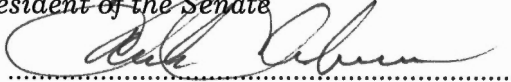
  
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Chairman House Committee

Originated in the Senate.  
To take effect July 1, 1996.

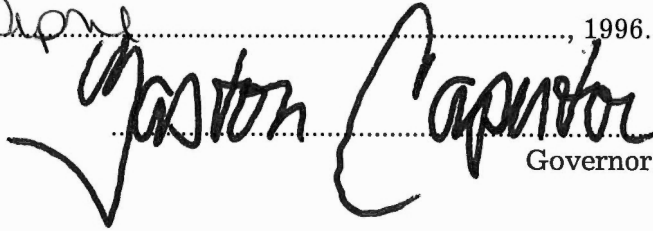
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within is approved this the 1<sup>st</sup>.....  
day of April....., 1996.

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/96

Time 9:32 am