

FILED

2001 MAY -2 P 4: 29

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2961

(By Delegates Warner and Shelton)

Passed April 14, 2001

In Effect Ninety Days from Passage

FILED

2001 MAY -2 P 4: 30

OFFICE WEST VIRGINIA
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ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2961

(BY DELEGATES WARNER AND SHELTON)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact sections two, four, six, eight and eighteen, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated two-a, all relating to the establishment of a dealer recovery fund; setting forth legislative findings; creating a dealer recovery fund control board; promulgation of rules; providing for an annual dealer recovery fund fee; providing exemptions; requiring surety bonds; and providing for payment of claims.

Be it enacted by the Legislature of West Virginia:

That sections two, four, six, eight and eighteen, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding a new section, designated two-a, all to read as follows:

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Enr. Com. Sub. for H. B. 2961] 2

**ARTICLE 6. LICENSING OF DEALERS, WRECKERS OR DISMANTLERS;
SPECIAL PLATES; TEMPORARY PLATES OR MARK-
ERS**

**§17A-6-2. Legislative findings, declaration of public policy and
dealer recovery fund.**

1 (a) The Legislature hereby determines and finds that in the
2 past some persons engaged in the business of selling new or
3 used motor vehicles, house trailers, trailers, recreational
4 vehicles, motorcycles, or used motor vehicle parts, and in the
5 business of wrecking or dismantling motor vehicles, have not
6 had the necessary qualifications, staff, equipment or facilities
7 to adequately serve the public; that some persons engaged in the
8 businesses have made false and deceptive claims and advertise-
9 ments to the public and have engaged in fraud and other illegal
10 conduct; that certain citizens of this state have sustained
11 financial losses as a result thereof; and that in some of the cases
12 there has been no adequate means to prevent the conduct or
13 protect the interests of the citizens of West Virginia. It is,
14 therefore, declared to be the public policy of this state that the
15 business of new motor vehicle dealer, used motor vehicle
16 dealer, house trailer dealer, trailer dealer, recreational vehicle
17 dealer, motorcycle dealer, used parts dealer, or wrecker or
18 dismantler, affects the general welfare of this state and its
19 citizens; that persons without the necessary qualifications, staff,
20 equipment or facilities to adequately serve the public, and
21 persons not of good character or who have or are likely to
22 attempt to misrepresent their product or engage in fraudulent or
23 other illegal conduct should not engage in these businesses; and
24 that the evils may best be prevented and the interests of the
25 public best served by requiring persons in the businesses to
26 meet the qualifications set forth in this article and to be licensed
27 by the commissioner of motor vehicles as provided in this
28 article.

29 (b) The Legislature further determines and finds that there
30 exists a significant problem when a motor vehicle dealer goes
31 out of business or engages in business practices that cause
32 citizens or businesses of the affected community, as well as this
33 state substantial financial loss. It is, therefore determined, that
34 the creation of a dealer recovery fund is necessary as a remedial
35 measure to allow both the state and the citizens of this state to
36 recover any taxes which have not been properly remitted to the
37 state and to provide financial relief to citizens, businesses and
38 other motor vehicle dealers who have suffered financial harm
39 through the failure of a motor vehicle dealer to properly fulfill
40 its responsibilities such as failure to properly release liens and
41 deliver clear title in motor vehicle transactions.

§17A-6-2a. Dealer recovery fund created.

1 (a) There is hereby created a special fund in the state
2 treasury which is to be designated the “dealer recovery fund.”
3 The fund shall consist of certain moneys received from persons
4 engaged in the business of selling new or used motor vehicles,
5 new or used motorcycles, trailers, semi-trailers or recreational
6 vehicles or from grants, gifts, bequests or awards arising out of
7 the settlement or adjudication of a claim. The fund is not to be
8 treated by the auditor and treasurer as part of the general
9 revenue of the state. The fund is to be a special revolving fund
10 paid out upon order of the commissioner of motor vehicles
11 based on the recommendation of the dealer recovery fund
12 control board created in this section, solely for the purposes
13 specified in this section. The commissioner may use up to one
14 percent of funds from the dealer recovery fund for the adminis-
15 trative expenses of operating the dealer recovery fund program.

16 (b) The dealer recovery fund control board shall consist of
17 the commissioner of motor vehicles or his or her designee, the
18 attorney general’s designee representing the office of consumer
19 protection and one representative [selected by the motor vehicle

20 dealer's advisory board. The commissioner of motor vehicles
21 or his or her designee shall serve as chair and the board shall
22 meet at least once a year during the month of July, and as
23 required by the commissioner. The commissioner may propose
24 rules for promulgation in accordance with article three, chapter
25 twenty-nine-a of this code that are necessary to effectuate the
26 provisions of this section. The commissioner may employ the
27 necessary staff needed to operate the program. The board may
28 prorate the amount paid on claims when the amount of valid
29 claims submitted would exceed thirty-three percent of the fund.
30 However, claims presented by the division of motor vehicles for
31 taxes and fees shall be paid in full. The board may purchase
32 insurance at a cost not to exceed one percent of the fund to
33 cover extraordinary or excess claims from the fund.

34 (c) Every applicant for either an original dealer license or
35 renewal of an existing dealer license of the type enumerated in
36 subsection (a) of this section shall pay, in addition to any other
37 license fee, an annual dealer recovery fund fee of one hundred
38 and fifty dollars. All dealers shall continue to maintain a surety
39 bond as required by this article and the dealer recovery fund
40 payment unless exempt by one of the following requirements:

41 (1) Any dealer who, for the three years immediately
42 preceding assessment of the fees, has not had a claim paid
43 against their bond or against the dealer recovery fund, whose
44 license has not been suspended or revoked and who has not
45 been assessed any civil penalties is not required to continue to
46 keep the bond required by this article. However, no dealer can
47 submit a claim against the fund unless it has contributed to the
48 fund for at least three years.

49 (2) If the dealer recovery fund reaches or exceeds the
50 amount of three million dollars as of the first day of July of any
51 year, a dealer who meets the requirements of subdivision (1) of
52 this subsection, is exempt from payment of the annual dealer

53 recovery fund fee. However, if the fund should, as of the first
54 day of April of any year, drop below three million dollars, all
55 dealers, regardless of any previous exemption shall pay the
56 annual dealer recovery fee of one hundred fifty dollars. The
57 exemption prescribed in subdivision (1) of this subsection
58 remains in effect regardless of the status of the fund.

59 (d) The dealer recovery fund control board may consider
60 payment only after any dealer surety bond required pursuant to
61 the provisions of section four of this article has been exhausted.

62 (e) When the fund reaches two hundred fifty thousand
63 dollars, the board shall consider claims for payment.

64 (f) Claims against the fund are not to be made for any act
65 or omission which occurred prior to the first day of July, two-
66 thousand and two.

67 (g) Claims for payment shall be submitted within six
68 months of the date of sale or the date the division is made aware
69 of the claim.

70 (h) The board shall pay claims in the following order:

71 (1) Claims submitted by the division of motor vehicles for
72 unpaid taxes and fees;

73 (2) Claims submitted by a retail purchaser of a vehicle from
74 a dealer covered by the fund with an undisclosed lien or a retail
75 purchaser of a vehicle from a dealer covered by the fund who
76 finds that the lien on the vehicle traded in has not been satisfied
77 by the selling dealer if the lien satisfaction was a condition of
78 the purchase agreement;

79 (3) Claims submitted by a motor vehicle dealer contributing
80 to the fund, which has purchased a vehicle or vehicles from
81 another dealer covered by the fund with an undisclosed lien; or

82 (4) Claims submitted by a retail purchaser of third party
83 goods or services from a dealer covered by the fund for the
84 unpaid charges when the dealer fails to pay the third party for
85 the goods or services.

86 (i) The maximum claim against the fund for any unpaid lien
87 of a used vehicle is the unpaid balance of the lien up to the loan
88 value of the vehicle as of the date of the sale or other transac-
89 tion as shown by a generally accepted motor vehicle value
90 guide. The maximum claim against the fund for any new or
91 unused vehicle is the amount of the invoice less any amounts
92 rebated or to be rebated to the dealer from the manufacturer.
93 Payment is only to be made to a secured party who agrees to
94 accept payment from the dealer recovery fund and who accepts
95 the payment in full settlement of any claims, and who releases
96 the lien and the title, if applicable, prior to receiving payment.
97 Any dealer who agrees to accept payment from the dealer
98 recovery fund shall release the title prior to receiving payment.

99 (j) On payment by the board to a claimant from the fund,
100 the board shall immediately notify the licensee against whom
101 a claim was paid and request full reimbursement within thirty
102 days of notification. If a dealer fails to fully reimburse the
103 board within the specified period of time, the commissioner
104 shall immediately and without prior hearing revoke the dealer
105 license of dealer against whom the claim was paid. No appli-
106 cant with an unpaid claim is eligible for renewal or relicensure
107 until the full amount of the reimbursement plus interest as
108 determined by the board is paid to the fund. Nothing in this
109 section shall limit the authority of the commissioner to suspend,
110 revoke or levy civil penalties against a dealer, nor shall full
111 repayment of the amount owed to the fund necessarily nullify
112 or modify the effect of any action by the commissioner.

113 (k) Nothing in this section shall limit the right for any
114 person to seek relief though civil action against any other
115 person.

116 (l) The provisions of this section do not apply to those class
117 DTR dealers in the business of selling manufactured housing
118 and covered by the state manufactured housing recovery fund
119 established by the division of labor pursuant to a legislative
120 rule.

**§17A-6-4. Application for license certificate; insurance; bonds;
investigation; information confidential.**

1 (a) Application for any license certificate required by
2 section three of this article shall be made on a form prescribed
3 by the commissioner. There shall be attached to the application
4 a certificate of insurance certifying that the applicant has in
5 force an insurance policy issued by an insurance company
6 authorized to do business in this state insuring the applicant and
7 any other person, as insured, using any vehicle or vehicles
8 owned by the applicant with the express or implied permission
9 of the named insured, against loss from the liability imposed by
10 law for damages arising out of the ownership, operation,
11 maintenance or use of the vehicle or vehicles, subject to
12 minimum limits, exclusive of interest and costs, with respect to
13 each vehicle, as follows: Twenty thousand dollars because of
14 bodily injury to or death of one person in any one accident and,
15 subject to the limit for one person, forty thousand dollars
16 because of bodily injury to or death of two or more persons in
17 any one accident, and ten thousand dollars because of injury to
18 or destruction of property of others in any one accident.

19 (b) In the case of an application for a license certificate to
20 engage in the business of new motor vehicle dealer, used motor
21 vehicle dealer or house trailer dealer, the application shall
22 disclose, but not be limited to, the following:

23 (1) The type of business for which a license certificate is
24 sought;

25 (2) If the applicant is an individual, the full name and
26 address of the applicant and any trade name under which he or
27 she will engage in the business;

28 (3) If the applicant is a copartnership, the full name and
29 address of each partner in the copartnership, the name of the
30 copartnership, its post-office address and any trade name under
31 which it will engage in the business;

32 (4) If the applicant is a corporation, its name, the state of its
33 incorporation, its post-office address and the full name and
34 address of each officer and director of the corporation;

35 (5) The location of each place in this state at which the
36 applicant will engage in the business and whether the business
37 is owned or leased by the applicant;

38 (6) Whether the applicant, any partner, officer or director
39 of the business has previously engaged in the business or any
40 other business required to be licensed under the provisions of
41 this article and if so, with or for whom, at what location and for
42 what periods of time;

43 (7) Whether the applicant, any partner, officer, director or
44 employer of the business has previously applied for a license
45 certificate under the provisions of this article or a similar
46 license certificate in this or any other state, and if so, whether
47 the license certificate was issued or refused, and, if issued,
48 whether it was ever suspended or revoked;

49 (8) A statement of previous general business experience
50 and the past history of the applicant; and

51 (9) Any other information that the commissioner may
52 reasonably require which may include information relating to
53 any contracts, agreements or understandings between the
54 applicant and other persons respecting the transaction of the

55 business, and any criminal record of the applicant if an individ-
56 ual, or of each partner if a copartnership, or of each officer and
57 director, if a corporation.

58 (c) In the case of an application for a license certificate to
59 engage in the business of new motor vehicle dealer, the
60 application shall, in addition to the matters outlined in subsec-
61 tion (b) of this section disclose:

62 (1) The make or makes of new motor vehicles which the
63 applicant will offer for sale in this state during the ensuing
64 fiscal year; and

65 (2) The exact number of new and used motor vehicles, if
66 any, sold at retail and wholesale by the applicant or his or her
67 predecessor, if any, during the preceding fiscal year, and if no
68 new and used motor vehicles were sold at retail and wholesale
69 by the applicant or his or her predecessor, if any, during the
70 preceding fiscal year, the number of new and used motor
71 vehicles the applicant reasonably expects to sell at retail and
72 wholesale during the ensuing fiscal year.

73 (d) In the case of an application for a license certificate to
74 engage in the business of used motor vehicle dealer, the
75 application shall in addition to the matters outlined in subsec-
76 tion (b) of this section, disclose the exact number of used motor
77 vehicles, if any, sold at retail and wholesale by the applicant or
78 his or her predecessor, if any, during the preceding fiscal year,
79 and if no used motor vehicles were sold at retail and wholesale
80 by the applicant or his or her predecessor, if any, during the
81 preceding fiscal year, the number of used motor vehicles the
82 applicant reasonably expects to sell at retail and wholesale
83 during the ensuing fiscal year.

84 (e) In the case of an application for a license certificate to
85 engage in the business of trailer dealer, recreational vehicle
86 dealer, motorcycle dealer, used parts dealer or wrecker/

87 dismantler/rebuilder, the application shall disclose any informa-
88 tion that the commissioner may reasonably require.

89 (f) The application shall be verified by the oath or affirma-
90 tion of the applicant, if an individual, or if the applicant is a
91 copartnership or corporation, by a partner or officer thereof, as
92 the case may be. Except as provided in section two-a of this
93 article, the application shall be accompanied by a bond of the
94 applicant in the penal sum of ten thousand dollars, in the form
95 prescribed by the commissioner, conditioned that the applicant
96 will not in the conduct of his or her business practice any fraud
97 which, or make any fraudulent representation which, shall cause
98 a financial loss to any purchaser, seller or financial institution
99 or agency, or the state of West Virginia, with a corporate surety
100 thereon authorized to do business in this state. The bond shall
101 be effective as of the date on which the license certificate
102 sought is issued.

103 (g) Upon receipt of any fully completed application,
104 together with any bond required under subsection (f) of this
105 section, the certificate of insurance as required in subsection (a)
106 of this section and the appropriate fee provided for in section
107 ten of this article, the commissioner may conduct any investiga-
108 tion he or she considers necessary to determine the accuracy of
109 any statements contained in the application and the existence of
110 any other facts which he or she considers relevant in consider-
111 ing the application. To facilitate the investigation, the commis-
112 sioner may withhold issuance or refusal of the license certifi-
113 cate for a period not to exceed twenty days.

114 (h) Any application for a license certificate under the
115 provisions of this article and any information submitted with
116 the application is confidential for the use of the division. No
117 person shall divulge any information contained in any applica-
118 tion or any information submitted with the application except

119 in response to a valid subpoena or subpoena duces tecum issued
120 pursuant to law.

§17A-6-6. Refusal or issuance of license certificate; license certificate not transferable.

1 (a) Upon the basis of the application and all other informa-
2 tion before him or her, the commissioner shall make and enter
3 an order denying the application for a license certificate and
4 refusing the license certificate sought. The denial and refusal
5 are final and conclusive unless an appeal is taken in accordance
6 with the provisions of section twenty-one of this article, if the
7 commissioner finds that the applicant (individually, if an
8 individual, or the partners, if a copartnership, or the officers and
9 directors, if a corporation):

10 (1) Has failed to furnish the required bond unless otherwise
11 exempt under the provisions of section two-a of this article;

12 (2) Has failed to furnish the required certificate of insur-
13 ance;

14 (3) Has knowingly made false statement of a material fact
15 in his or her application;

16 (4) Has habitually defaulted on financial obligations in this
17 state or any other state or jurisdiction;

18 (5) Has been convicted of a felony: *Provided*, That upon
19 appeal, the motor vehicle dealers advisory board established
20 pursuant to the provisions of section eighteen-a of this article
21 may grant as exemption of this restriction if the felony did not
22 involve financial matters, the motor vehicle industry or matters
23 of moral turpitude.

24 (6) So far as can be ascertained, has not complied with and
25 will not comply with the registration and title laws of this state
26 or any other state or jurisdiction;

27 (7) Does not or will not have or maintain at each place of
28 business (subject to the qualification contained in subdivision
29 (17), subsection (a), section one of this article with respect to a
30 new motor vehicle dealer) an established place of business as
31 defined for the business in question in that section;

32 (8) Has been convicted of any fraudulent act in connection
33 with the business of new motor vehicle dealer, used motor
34 vehicle dealer, house trailer dealer, trailer dealer, recreational
35 vehicle dealer, motorcycle dealer, used parts dealer, or wrecker
36 or dismantler in this state or any other state or jurisdiction;

37 (9) Has done any act or has failed or refused to perform any
38 duty for which the license certificate sought could be suspended
39 or revoked were it then issued and outstanding;

40 (10) Is not age eighteen years or older;

41 (11) Is delinquent in the payment of any taxes owed to the
42 United States, the state of West Virginia or any political
43 subdivision thereof;

44 (12) Has been denied a license in another state or has been
45 the subject of license revocation or suspension in another state;

46 (13) Has committed any action in another state which, if it
47 had been committed in this state, would be grounds for denial
48 and refusal of the application for a license certificate;

49 (14) Has failed to pay any civil penalty assessed by this
50 state or any other state; or

51 (15) Has failed to reimburse when ordered, any claim
52 against the dealer recovery fund as prescribed in section two-a
53 of this article.

54 Otherwise, the commissioner shall issue to the applicant the
55 appropriate license certificate which entitles the licensee to
56 engage in the business of new motor vehicle dealer, used motor

57 vehicle dealer, house trailer dealer, trailer dealer, recreational
58 vehicle dealer, motorcycle dealer, used parts dealer, or wrecker
59 or dismantler, as the case may be, during the period, unless
60 sooner suspended or revoked, for which the license certificate
61 is issued.

62 (b) A license certificate issued in accordance with the
63 provisions of this article is not transferable.

**§17A-6-8. Form and display of license certificate or certified copy
thereof; obtaining certified copy of license certifi-
cate; bond.**

1 (a) The commissioner shall prescribe the form of license
2 certificate for each type of business required to be licensed
3 under the provisions of this article, and each license certificate
4 shall have printed on it the seal of the division and any other
5 information prescribed by the commissioner, and shall show as
6 to any licensee the location of each place of business of the
7 licensee. The license certificates for each type of business shall
8 show the year for which issued and shall be serially numbered.
9 The license certificate shall be delivered or mailed to the
10 licensee.

11 (b) When a licensee conducts his or her licensed business
12 at more than one location, he or she shall, upon application
13 therefor, obtain from the commissioner for each place of
14 business one certified copy of his or her license certificate. A
15 fee of one dollar shall be paid for each certified copy. Each
16 licensee shall keep his or her license certificate or certified copy
17 of the license certificate conspicuously posted at each place of
18 business.

19 (c) A licensee shall keep the bond, unless otherwise exempt
20 by section two-a of this article, and liability insurance required
21 by section four of this article in full force and effect at all times.
22 The aggregate liability of the surety in no event shall exceed the

23 principal sum of the bond. The surety on the bond shall have the
24 right to cancel the bond upon giving thirty days' notice to the
25 commissioner and thereafter shall be relieved of liability for
26 any breach of condition occurring after the effective date of the
27 cancellation.

28 (d) In the event of the loss or destruction of a license
29 certificate or a certified copy of a license certificate, the
30 licensee shall immediately make application for a certified copy
31 of the license certificate. A fee of one dollar shall be required
32 for any certified copy.

**§17A-6-18. Investigation; matters confidential; grounds for
suspending or revoking license or imposing fine;
suspension and revocation generally.**

1 (a) The commissioner may conduct an investigation to
2 determine whether any provisions of this chapter have been or
3 are about to be violated by a licensee. Any investigation shall
4 be kept in strictest confidence by the commissioner, the
5 division, the licensee, any complainant and all other persons,
6 unless and until the commissioner suspends or revokes the
7 license certificate of the licensee involved or fines the licensee:
8 *Provided*, That the commissioner may advise the motor vehicle
9 dealers advisory board of pending actions and may disclose to
10 the motor vehicle dealers advisory board any information that
11 enables it to perform its advisory function in imposing penal-
12 ties. The commissioner may suspend or revoke a license
13 certificate, suspend a special dealer plate or plates, impose a
14 fine or take any combination of these actions, if the commis-
15 sioner finds that the licensee:

16 (1) Has failed or refused to comply with the laws of this
17 state relating to the registration and titling of vehicles and the
18 giving of notices of transfers, the provisions and requirements
19 of this article, or any reasonable rules authorized in section

20 nine, article two of this chapter and promulgated to implement
21 the provisions of this article by the commissioner in accordance
22 with the provisions of article three, chapter twenty-nine-a of
23 this code;

24 (2) Has given any check in the payment of any fee required
25 under the provisions of this chapter which is dishonored;

26 (3) In the case of a dealer, has knowingly made or permit-
27 ted any unlawful use of any dealer special plate or plates issued
28 to him or her;

29 (4) In the case of a dealer, has a dealer special plate or
30 plates to which he or she is not lawfully entitled;

31 (5) Has knowingly made false statement of a material fact
32 in his or her application for the license certificate then issued
33 and outstanding;

34 (6) Has habitually defaulted on financial obligations;

35 (7) Does not have and maintain at each place of business,
36 subject to the qualification contained in subdivision seventeen,
37 subsection-a, section one of this article with respect to a new
38 motor vehicle dealer) an established place of business as
39 defined for the business in question in section one of this
40 article;

41 (8) Has been guilty of any fraudulent act in connection with
42 the business of new motor vehicle dealer, used motor vehicle
43 dealer, house trailer dealer, trailer dealer, motorcycle dealer,
44 used parts dealer, or wrecker or dismantler;

45 (9) Has defrauded or is attempting to defraud any buyer or
46 any other person, to the damage of the buyer or other person, in
47 the conduct of the licensee's business;

48 (10) Has defrauded or is attempting to defraud the state or
49 any political subdivision of the state of any taxes or fees in
50 connection with the sale or transfer of any vehicle;

51 (11) Has committed fraud in the registration of a vehicle;

52 (12) Has knowingly purchased, sold or otherwise dealt in
53 a stolen vehicle or vehicles;

54 (13) Has advertised by any means, with intent to defraud,
55 any material representation or statement of fact which is untrue,
56 misleading or deceptive in any particular relating to the conduct
57 of the licensed business;

58 (14) Has willfully failed or refused to perform any legally
59 binding written agreement with any buyer;

60 (15) Has made a fraudulent sale or purchase;

61 (16) Has failed or refused to assign, reassign or transfer a
62 proper certificate of title;

63 (17) Has a license certificate to which he or she is not
64 lawfully entitled;

65 (18) Has misrepresented a customer's credit or financial
66 status to obtain financing; or

67 (19) Has failed to reimburse when ordered, any claim
68 against the dealer recovery fund as prescribed in section two-a
69 of this article.

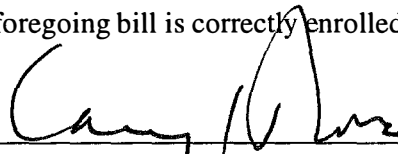
70 The commissioner shall also suspend or revoke the license
71 certificate of a licensee if he or she finds the existence of any
72 ground upon which the license certificate could have been
73 refused, or any ground which would be cause for refusing a
74 license certificate to the licensee were he or she then applying
75 for the license certificate.

76 (b) Whenever a licensee fails or refuses to keep the bond,
77 unless exempt from the requirement pursuant to section two-a
78 of this article, or liability insurance required by section four of
79 this article in full force and effect, the commissioner shall
80 automatically suspend the license certificate of the licensee
81 unless and until a bond or certificate of insurance as required by
82 section four of this article is furnished to the commissioner.
83 When the licensee furnishes the bond or certificate of insurance
84 to the commissioner, the commissioner shall vacate the
85 suspension.

86 (c) Suspensions under this section shall continue until the
87 cause for the suspension has been eliminated or corrected.
88 Revocation of a license certificate shall not preclude application
89 for a new license certificate. The commissioner shall process
90 the application for a new license certificate in the same manner
91 and issue or refuse to issue the license certificate on the same
92 grounds as any other application for a license certificate is
93 processed, considered and passed upon, except that the commis-
94 sioner may give any previous suspension and the revocation
95 such weight in deciding whether to issue or refuse the license
96 certificate as is correct and proper under all of the circum-
97 stances.

Enr. Com. Sub. For H. B. 2961] 18

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



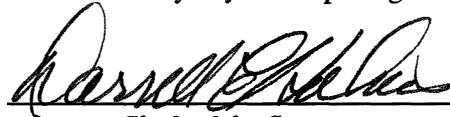
Chairman Senate Committee



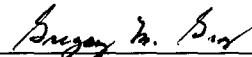
Chairman House Committee

Originating in the House.


In effect ninety days from passage.



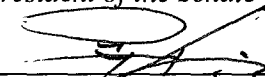
Clerk of the Senate



Clerk of the House of Delegates

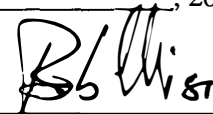


President of the Senate



Speaker of the House of Delegates

The within is approved this the 15th
day of May, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date

4/27/01

Time

4:30 pm