

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Senate Bill 658

BY SENATOR ROMANO

[Passed March 7, 2019; in effect from passage]

1 AN ACT to amend and reenact §17A-6E-4 of the Code of West Virginia, 1931, as amended,
2 relating to motor vehicle salesperson licenses; and modifying the felony disqualification.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6E. MOTOR VEHICLE SALESPERSON LICENSE.

§17A-6E-4. Eligibility and issuance of license.

1 (a) The division may not issue any person a motor vehicle salesperson license unless the
2 applicant:

3 (1) Is employed by a licensed West Virginia dealer who verifies the employment;

4 (2) Completes the application for a license on the form prescribed by the division, fully
5 completed, signed and attested to by the applicant, including, but not limited to, the applicant's:

6 (A) Full name;

7 (B) Social Security number;

8 (C) Residence and mailing address;

9 (D) Name of employing dealership;

10 (E) Statement as to whether the applicant has ever had any previous application for a
11 dealer or salesperson license refused in this or any other state or jurisdiction;

12 (F) Statement as to whether the applicant has been previously licensed as a salesperson
13 in this state or any other state or jurisdiction;

14 (G) Statement as to whether the applicant has ever had his or her salesperson license or
15 a dealer license suspended or revoked in this state or any other state or jurisdiction;

16 (H) Statement as to whether the applicant has ever held a dealer license which has been
17 suspended or revoked or has been employed by a dealer which has had its license suspended
18 or revoked;

19 (I) Statement as to whether the applicant has ever been convicted of a felony or whether
20 the applicant individually or as an owner, partner, officer, or director of a business entity has been

21 convicted of, or pleaded guilty or nolo contendere to, a criminal action, and if so, a written
22 explanation of the conviction;

23 (J) Statement as to whether or not the applicant owes a child support obligation, owes a
24 child support obligation that is more than six months in arrears, is the subject of a child support
25 related warrant, subpoena, or court order; and

26 (K) Statement that the applicant has not been found to have done any of the acts which
27 would justify suspension or revocation of a salesperson's license under §17A-6E-9 of this code;

28 (3) Submits verification of employment by the employing dealer;

29 (4) Furnishes a full set of fingerprints to facilitate a background check and other
30 investigation considered necessary by the commissioner;

31 (5) Pays an initial nonrefundable application fee of \$7 for each year the license is valid.

32 Payment of the fee entitles the applicant to one attempt at a written test prescribed by the division.

33 Successful completion of at least 70 percent of the written test is a passing score;

34 (6) Pays a nonrefundable background investigation fee of \$25; and

35 (7) Is not the subject of a background investigation which reveals criminal convictions or
36 other circumstances for which the commissioner may deny licensure under the provisions of this
37 article.

38 (b) The division may, upon successful completion of all the requirements contained in
39 subsection (a) of this section, with the exception of the background investigation, issue the
40 applicant a temporary motor vehicle salesperson license. The temporary license is valid for a
41 maximum of 90 days pending issuance of the permanent license endorsement or receipt of an
42 unfavorable background investigation, whichever occurs first.

43 (c) The division shall refuse to issue the license if the applicant:

44 (1) Does not provide the necessary documents as determined by the division to establish
45 his or her identity or legal presence in this country;

46 (2) Has made any false statements of material fact in the application;

47 (3) Has had his or her privilege to sell vehicles denied, suspended, or revoked by this state
48 or any other state or jurisdiction: *Provided*, That upon the applicant's appeal, the commissioner
49 may grant an exemption of this restriction if the applicant can show that he or she is eligible for
50 reinstatement in his or her previous jurisdiction of licensure;

51 (4) Has committed a fraudulent act or omission or repeatedly defaulted in financial
52 obligations in connection with the buying, selling, leasing, rental, or otherwise dealing in motor
53 vehicles, recreational vehicles, or trailers;

54 (5) Has been convicted of a felony: *Provided*, That upon the applicant's appeal the
55 commissioner may grant an exemption to this restriction if the felony did not involve a financial
56 transaction involving the sale or purchase of a motor vehicle or the motor vehicle industry;

57 (6) Is not employed as a salesperson for a motor vehicle dealer licensed in accordance
58 with §17A-6-1 *et seq.* or §17A-6C-1 *et seq.* of this code;

59 (7) Is acting as a salesperson for more than one motor vehicle dealer at the same time
60 without a waiver issued by the commissioner; or

61 (8) Has a background investigation which reveals criminal convictions or other
62 circumstances for which the commissioner may deny licensure under the provisions of this article.

63 (d) Willful misrepresentation of any fact in any application or any document in support of
64 the application is a violation of this article.

The 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.

In effect from passage.

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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 of the House of Delegates

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Day of, 2019.

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Governor