

FILED

2001 APR 13 A 8:54

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

House Bill No. 2594

(By Delegates Douglas, Kuhn, Butcher,
Hatfield, Manchin, Prunty and Leggett)



Passed April 3, 2001

In Effect July 1, 2001

FILED

2001 APR 13 A 8:54

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

H. B. 2594

(BY DELEGATES DOUGLAS, KUHN, BUTCHER,
HATFIELD, MANCHIN, PRUNTY AND LEGGETT)

[Passed April 3, 2001; in effect July 1, 2001.]

AN ACT to amend and reenact section eighteen-a, 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 section eighteen-b, relating to continuing the motor vehicle dealers advisory board.

Be it enacted by the Legislature of West Virginia:

That section eighteen-a, 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 thereto a new section, designated section eighteen-b, all to read as follows:

**ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR
DISMANTLERS; SPECIAL PLATES; TEMPORARY
PLATES OR MARKERS, ETC.**

§17A-6-18a. Motor vehicle dealers advisory board.

FILED

APR 13 A 8 24

Enr. H. B. 2594]

2

OFFICE WEST VIRGINIA
SECRETARY OF STATE

1 (a) There is created a motor vehicle dealers advisory board
2 to assist and to advise the commissioner on the administration
3 of laws regulating the motor vehicle industry; to work with the
4 commissioner in developing new laws, rules or policies
5 regarding the motor vehicle industry; and to give the commis-
6 sioner such further advice and assistance as he or she may from
7 time to time require.

8 The board shall consist of nine members and the commis-
9 sioner of motor vehicles, or his or her representative, who shall
10 be an ex officio member. Two members shall represent new
11 motor vehicle dealers, with one of these two members repre-
12 senting dealers that sell less than one hundred new vehicles per
13 year; one member shall represent used motor vehicle dealers;
14 one member shall represent wrecker/dismantler/rebuilders; one
15 member shall represent automobile auctions; one member shall
16 represent recreational dealers; one member shall represent the
17 West Virginia attorney general's office; and two members shall
18 represent consumers. All of the representatives, except the
19 attorney general representative who shall be designated by the
20 attorney general, shall be appointed by the governor with the
21 advice and consent of the Senate, with no more than five
22 representatives being from the same political party. The
23 appointed members shall serve without compensation.

24 The terms of the board members shall be for three years
25 commencing the first day of July, one thousand nine hundred
26 ninety-six. Two members shall be appointed to serve one year,
27 two members shall be appointed to serve two years and five
28 members shall be appointed to serve three years. Successive
29 appointments shall be for the full three years. The attorney
30 general representative shall serve continuously.

31 The board shall meet at least four times annually and at the
32 call of the commissioner.

33 (b) The commissioner shall consult with the board before
34 he or she takes any disciplinary action against a dealer, an
35 automobile auction or a license service to revoke, or suspend a
36 license, place the licensee on probation or levy a civil penalty,
37 unless the commissioner determines that the consultation would
38 endanger a criminal investigation.

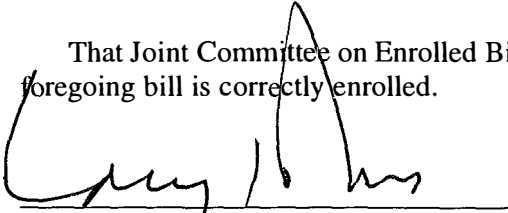
39 (c) The commissioner may consult with the board by mail,
40 by facsimile, by telephone or at a meeting of the board, but the
41 commissioner is not bound by the recommendations of the
42 board. The commissioner shall give members seven days from
43 the date of a mailing or other notification to respond to pro-
44 posed actions, except in those instances when the commissioner
45 determines that the delay in acting creates a serious danger to
46 the public's health or safety or would unduly compromise the
47 effectiveness of the action.

48 (d) No action taken by the commissioner shall be subject to
49 challenge or rendered invalid on account of his or her failure to
50 consult with the board.

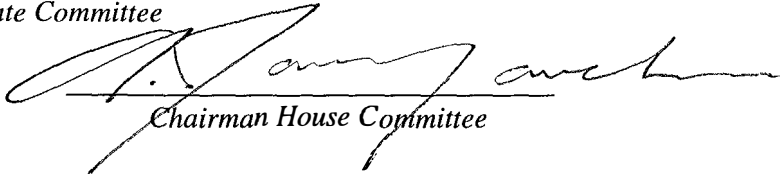
§17A-6-18b. Continuation of board

1 After having conducted a performance audit through its
2 joint committee on government operations, pursuant to article
3 ten, chapter four of this code, the Legislature hereby finds and
4 declares that the motor vehicle dealers advisory board should be
5 continued and reestablished. Accordingly, notwithstanding the
6 provisions of said article, the motor vehicle dealers advisory
7 board shall continue to exist until the first day of July, two
8 thousand four, unless sooner terminated, continued or reestab-
9 lished by act of the Legislature.

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.

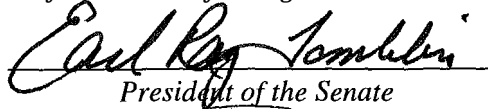
In effect July 1, 2001.



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 12th
day of April 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/01

Time 2:25 pm