

**TITLE 61  
LEGISLATIVE RULES  
DEPARTMENT OF AGRICULTURE**

**SERIES 11B  
REGULATIONS GOVERNING AUCTIONEERS**

**§61-11B-1. General.**

1.1. Scope. -- These legislative regulations establish general procedures for the licensing of auctioneers.

1.2. Authority. -- W. Va. Code §19-2C

1.3. Filing Date. -- August 3, 1983

1.4. Effective Date. -- January 1, 1984

**§61-11B-2. Declaration of policy.**

2.1. These regulations are for the purpose of implementing article two-c, chapter nineteen of the State Code of West Virginia pertaining to the licensing of auctioneers.

**§61-11B-3. Regulations.**

3.1. Applications. -- The thirty (30) day period for action by the commissioner shall not commence until all necessary information has been submitted by the applicant.

3.2. Bond requirements. -- All property bonds shall be accompanied by a justification of surety showing that said real estate has an unencumbered assessed value of at least ten thousand dollars (\$10,000) for an auctioneer's license and five thousand dollars (\$5,000) for an apprentice auctioneer's license. Said property shall be located within the State of West Virginia and said bond shall be recorded in the office of the Clerk of the County Commission of the county wherein the property is located. All corporate surety bonds shall be executed by a company authorized to do business in West Virginia.

3.3. License. -- The license numbers issued under this Act shall be permanent, subject to annual renewal.

3.4. Receipts. -- Upon demand, each auctioneer shall provide a buyer or purchaser with a receipt that includes:

3.4.1. The date on which the purchase was made;

3.4.2. A description of the item or lot;

3.4.3. The price paid for the item or lot purchased; and

3.4.4. The name, license number and permanent address of the auctioneer. The auctioneer shall retain a copy of receipts so issued for his records.

3.5. Examination of applicants. -- The written examination shall test the applicant's knowledge of the West Virginia Auctioneer Law, rules and regulations promulgated thereunder and other fundamentals of the auctioneering profession. The oral examination shall test the auctioneer's competency in conducting an auction.

3.6. Accredited auctioneering schools. -- The commissioner shall annually issue a list of accredited schools.

3.7. Suspension, revocation, expiration or termination of supervising auctioneer's license. -- The suspension, revocation, expiration or termination of a supervising auctioneer's license shall automatically suspend the license of any apprentice auctioneer sponsored or employed by the suspended auctioneer. However, apprentice auctioneers may retain apprentice licenses by transferring to the employment or sponsorship of another licensed auctioneer: Provided, That the request for the transfer is made in writing.

3.8. Reciprocity. -- Any out-of-state resident who holds a valid auctioneer's license in another state may be granted a West Virginia license: Provided, That

the state in which he is licensed provides similar recognition to a licensee of this State, and that the licensing requirements of the other state are at least equal to those of the State of West Virginia. The commissioner shall annually issue a list of states with whom reciprocity has been formally approved.

3.9. Advertising. -- Any circular or other printed material advertising a sale shall contain the name and license number of the auctioneer conducting the sale, and the date, place and exact time of the auction.