

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #6

OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

FILED

MAY 24 3 40 PM '99

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Technology-Related Assistance Revolving Loan Fund  
For Individuals with Disabilities Board TITLE NUMBER: 193

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 1

TITLE OF RULE BEING PROPOSED: Rules Governing Operation of Technology-Related  
Assistance Revolving Loan Fund

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) \_\_\_\_\_

SECTION \_\_\_\_\_, PASSED ON \_\_\_\_\_

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
THE FOLLOWING DATE: May 24, 1999



David R. Ice  
Secretary, Education & the Arts

\$3.40



WEST VIRGINIA DEPARTMENT OF EDUCATION AND THE ARTS  
**DIVISION OF REHABILITATION SERVICES**

JAMES S. JEFFERS, DIRECTOR

May 21, 1999

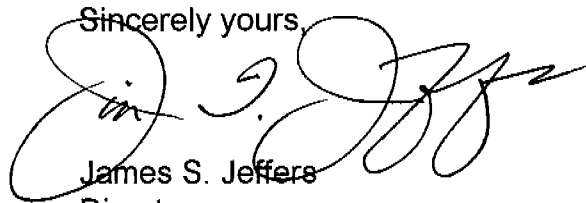
The Honorable Ken Hechler  
Secretary of State  
State Capitol Building  
Charleston, West Virginia 25305

Dear Secretary Hechler:

Per your request, enclosed is Title 193, Series 1, Rules Governing Operation of the Technology-Related Assistance Revolving Loan Fund.

Should you have any questions, please do not hesitate to contact Janice Holland, Assistant Director, Program and Administrative Support Services, at 766-4694.

Sincerely yours,



James S. Jeffers  
Director



David R. Ice  
Cabinet Secretary

Enclosure

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1-800-642-8207

**TITLE 193  
LEGISLATIVE RULES  
WEST VIRGINIA TECHNOLOGY-RELATED  
ASSISTANCE REVOLVING LOAN FUND FOR  
INDIVIDUALS WITH DISABILITIES BOARD**

**FILED**  
MAY 24 3 40 PM '99  
OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

**SERIES 1**

**RULES GOVERNING OPERATION OF  
TECHNOLOGY-RELATED ASSISTANCE  
REVOLVING LOAN FUND**

**193-1-1. General.**

**1.1. Scope.** This rule applies to the procedures and standards applicable to the West Virginia Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities, a statewide program for making loans from a revolving fund to qualified borrowers to improve the independence of or to otherwise assist West Virginia residents with disabilities in becoming more productive members of the community. The West Virginia Technology - Related Assistance Revolving Loan Fund For Individuals With Disabilities board may make loan funds available to qualified borrowers for approved purposes in accordance with this rule.

**1.2. Authority.** West Virginia Code 29-24-5(a)(3).

**1.3. Filing Date.**

**1.4. Effective Date.**

**193-1-2. Description of Program.**

**2.1.** The Legislature of West Virginia has created and established the West Virginia Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities from which the board shall make available loans ranging from a minimum of \$500.00 to a maximum of \$5,000.00 for the purchase of technology-related devices or directly related services that will assist the borrowers with disabilities to overcome barriers of daily living.

### **193-1-3. Terms of Program Loans.**

**3.1. Collateral.** The Board may require any collateral that is available, including, in appropriate cases, a security agreement in personal property, or personal guarantees. Except as specifically approved by the Board, collateral shall be located within the State of West Virginia.

**3.2. No Refinancing.** The Board may not enter into a loan agreement with an eligible borrower to refinance any existing indebtedness.

### **193-1-4. Eligibility.**

**4.1.** The borrower shall use the loan proceeds for the purchase of technology-related devices or services which will:

**4.1.a.** Assist him or her to be independent through the purchase; and

**4.1.b.** Assist him or her to become a more independent member of the community and improve his or her quality of life within the community.

**4.2.** An applicant who has previously been rejected for a loan under the Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities may not reapply unless the new application represents a significant change from the rejected application. The Board shall determine whether or not to accept a new application.

**4.3.** The Board shall not issue loans committing more than 20% of all available loan funds to nonprofit entities in a single year.

### **193-1-5. Application Procedure and Contents.**

**5.1.** An individual may obtain an application form from the Board and shall submit the completed application to the Board. The Board shall assist or otherwise provide for assistance to any applicant who requires assistance in completing the loan application documents. The application shall include the following information:

**5.1.a.** Certification from the applicant that the applicant meets all eligibility requirements;

**5.1.b.** Satisfactory evidence of the applicant's net income and net worth;

**5.1.c.** A statement including the cost, description and intended use of the technology-related device or service that the applicant proposes to purchase;

**5.1.d.** A statement of contributing sources of financing for the device or service if required by the Board; and

**5.1.e.** Proof of disability of the applicant or the intended user if required by the Board. The proof may include a statement from a physician indicating how the applicant's disability affects one or more major life activities. The Board may also require an assistive technology evaluation prior to consideration of the loan application.

**5.1.f.** The Board shall refer all applications received, together with any supporting documentation, to its Application Committee. The Application Committee shall consist of four members of the Board who are appointed by the chairperson. At least one of the members of the Application Committee shall be an individual with a disability or have a family member who has a disability. The Application Committee shall consider the following in recommending approval or rejection of an application for a loan:

**5.1.f.1.** Whether an applicant is eligible for a loan;

**5.1.f.2.** Whether the loan proceeds will be put to an eligible use;

**5.1.f.3.** Whether the proposed loan is an efficient use of loan funds;

**5.1.f.4.** Whether any other financing sources may be used to supplement the loan;

**5.1.f.5.** Whether there are sufficient assets to provide adequate collateral for the loan;

**5.1.f.6.** Whether the application is complete and the applicant has supplied all information necessary for financial review and analysis of the application;

**5.1.f.7.** The applicant's ability to repay the loan; and

**5.1.f.8.** The adequacy of security provided for the loan.

**5.1.g.** In considering the factors set forth in Subdivision 5.1.f. of this section, the Board shall determine the appropriate weight to give to each factor in each case.

**5.1.h.** The Board's Application Committee shall determine whether and when an application is complete and its decision is final. When the Application Committee determines that a loan application is complete and ready for review, it shall then request a credit report from the appropriate credit bureau. The Application Committee shall not

consider the absence of a credit history a negative factor in its evaluation of an application nor is the absence grounds, in and of itself, for the Board to deny an application for a loan.

#### **193-1-6. Action by the Application Committee.**

**6.1.** After the application is complete and the applicant has had an opportunity to support the application with any further information requested by the Application Committee or which the applicant determines will further support the loan request, the Application Committee shall prepare an analysis of each application. The analysis shall be presented to the Board within fifteen business days of the Board's receipt of the applicant's credit check. The analysis shall contain the following:

**6.1.a.** A loan summary;

**6.1.b.** A statement of the strengths and weaknesses of the proposed loan;  
and

**6.1.c.** Any other information the Board may require.

**6.2.** Based on the analysis, the Application Committee shall recommend approval or denial of the loan application, then forward that recommendation as follows:

**6.2.a.** If the Application Committee recommends approval of the loan, the Application Committee shall forward to the Board the complete loan application. The Application Committee shall include a certification that it has reviewed the loan and considered each of the criteria in this rule, and shall include the basis for its recommendation;

**6.2.b.** If the Application Committee recommends denial of the loan, it shall forward the complete loan application and statement of its basis for the recommendation directly to the Board for a final determination;

#### **193-1-7. Board Action.**

**7.1.** A quorum of at least four active Board members is necessary for Board action. No Board member may participate in a vote on an application where that member has a direct or indirect pecuniary interest in the outcome of the vote. The Application Committee is responsible for insuring that the action of the Board is carried out.

7.2. No loan commitment is effective until the applicant and any co-applicants or guarantors have signed it and agreed to its terms.

7.3. The Board shall notify the applicant within three business days of its decision regarding the application and provide a statement of the basis of its findings by either:

7.3.a. Issuing a loan commitment, including terms and conditions of the loan; or

7.3.b. Issuing a letter of rejection, which shall include an explanation for the rejection and a notification of the right to appeal as provided in this rule.

#### **193-1-8. Default.**

8.1. A loan is in default when any payment is 30 days past due or upon the occurrence of any event of default as defined in the loan documents. When a loan is in default, the Board shall notify the borrower that the borrower has 30 days in which to cure the default. If the borrower fails to cure the default within 30 days, the Board shall take all appropriate action provided under law and the loan documents. In determining the appropriate action, the Board shall consider:

8.1.a. The impact of enforcement and collection on the borrower; and

8.1.b. The likelihood that the loan will be repaid if a waiver or extension is granted.

8.2. If the Board determines that the loan should be enforced and collected, it shall give final notice of the default or defaults and acceleration of the loan and an additional grace period of 30 days in which to pay the amount outstanding, and the Board shall give the borrower notification that if he or she fails to make payment in full, the Board will proceed to enforce its rights under the loan documents. In the event that a borrower defaults on a loan, the Board may repossess the assistive device financed. The Board may utilize or otherwise dispose of any repossessed assistive devices.

8.3. The Board may apply payments or other monies received on loans which are in default first to expenses of collection and preservation of collateral, second to accrued interest, and third to outstanding principal.

#### **193-1-9. Requests for Reconsideration.**

9.1. In the event that the application is rejected by the Board, the applicant may make a request for reconsideration of the application to the Board. An applicant shall

direct requests to the chairperson of the Board, or his or her designee, stating why the decision should be modified or reversed. An applicant shall submit a request for reconsideration within 20 calendar days of the date of the rejection letter. A reconsideration shall be heard at a meeting of the Board. The Board shall base its reconsideration on the record before the Board on the date of rejection. The decision of the Board is final.

193-1

SLST

1 Bill-Techno

H. B. 2575

2

(By Delegates Hunt, Linch, Compton, Faircloth,  
Jenkins and Riggs)

3

4

[Introduced February 1, 1999; referred to the  
Committee on Finance then the Judiciary.]

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10 A BILL to amend article nine, chapter sixty-four of the  
11 code of West Virginia, one thousand nine hundred  
12 thirty-one, as amended, by adding thereto a new  
13 section, designated section twenty-nine, relating to  
14 authorizing the technology-related assistance  
15 revolving loan fund for individuals with disabilities  
16 board to promulgate a legislative rule relating to the  
17 technology-related assistance revolving loan fund for  
18 individuals with disabilities.

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

20 That article nine, chapter sixty-four of the code of  
21 West Virginia, one thousand nine hundred thirty-one, as  
22 amended, be amended by adding thereto a new section,  
23 designated section twenty-nine, to read as follows:

1 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND  
2 BOARDS TO PROMULGATE LEGISLATIVE RULES.

3 §64-9-29. Technology-related assistance revolving loan  
4 fund for individuals with disabilities board.

5 The legislative rule filed in the state register on  
6 the ninth day of February, one thousand nine hundred  
7 ninety-eight, under the authority of section five, article  
8 twenty-four, chapter twenty-nine, of this code, modified by  
9 the technology-related assistance revolving loan fund for  
10 individuals with disabilities board to meet the objections  
11 of the legislative rule-making review committee and refiled  
12 in the state register on the twenty-ninth day of July, one  
13 thousand nine hundred ninety-eight, relating to the  
14 technology-related assistance revolving loan fund for  
15 individuals with disabilities board technology-related  
16 assistance revolving loan fund for individuals with  
17 disabilities , 193 CSR 1), is authorized.

18

19 NOTE: The purpose of this bill is to authorize the  
20 Technology-related Assistance Revolving Loan Fund For  
21 Individuals With Disabilities Board to promulgate a  
22 legislative rule relating to the Technology-related  
23 Assistance Revolving Loan Fund For Individuals With  
24 Disabilities.

25

26 This section is new; therefore, strike-throughs and  
27 underscoring have been omitted.