



STATE OF WEST VIRGINIA
 OFFICE OF THE SECRETARY OF STATE
 CHARLESTON 25305

A. JAMES MANCHIN
 SECRETARY OF STATE

STATE REGISTER FILING

I, Gus R. Douglass, Agriculture Commissioner,
 Title or Position

West Virginia Department of Agriculture, hereby submit to record in
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- () proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- () proposed rules and regulations superseding rules and regulations already on file;
- (xx) notice of hearing;
- () findings and determinations;
- () rules and regulations; or
- () other - specify () .

This filing pertains to

Chapter 19
 Article 2C
 Series XI
 Section 1.00 through 3.10
 Page No. 1, 2, 3

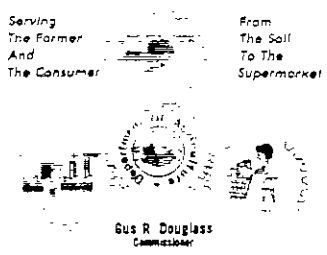
- () proposed rules and regulations are required to go to Legislative Rule Making Committee;
- () proposed rules and regulations are excluded from Legislative Rule Making Committee;

FILED IN THE OFFICE OF
A. JAMES MANCHIN
 SECRETARY OF STATE

THIS DATE June 17, 1983
 Administrative Law Division

June 16, 1983
 Date Submitted

William H. Gillespie
 Signature of Person Authorizing
 this Filing
 William H. Gillespie
 Assistant Commissioner



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NEWS RELEASE

WEST VIRGINIA DEPARTMENT OF AGRICULTURE

Information Division
Charleston, WV 25305
Phone: 348-3708

For Immediate Release

June 15, 1983

PUBLIC HEARING SCHEDULED ON AUCTIONEER REGULATIONS

CHARLESTON, W.VA.--Agriculture Commissioner Gus R. Douglass announced that a public hearing has been scheduled for 11 a.m. Monday, July 18, 1983, to receive comments on proposed regulations to implement the amended West Virginia Auctioneer Law. The hearing will be held in the John T. Johnson Conference Room, West Virginia Department of Agriculture, Administration Building, Guthrie Agricultural Center, Charleston, WV 25312.

Copies of the proposed regulations may be obtained by writing to the Rural Resources Division, W.Va. Department of Agriculture, Capitol Building, Charleston, WV 25305, or by calling (304) 348-2270.

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A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE June 17, 1983
Administrative Law Division

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

STATE DEPARTMENT OF AGRICULTURE

Chapter 19-2C

Series XI
1983

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE June 17, 1983
Administrative Law Division

SUBJECT: Regulations Governing Auctioneers - Proposed

Section 1 - General

1.01 Scope. These regulations establish general procedures for the licensing of auctioneers.

1.02 Authority. These regulations are issued under authority of Chapter 19, Article 2C of the Official Code of West Virginia, 1931, as amended.

1.03 Effective Date. These regulations are promulgated and become effective on _____, 1983.

1.04 Filing Date. These regulations were filed in the Office of the Secretary of State on _____, 1983.

Section 2 - Declaration of Policy

2.01 These regulations are for the purpose of implementing Article 2C, Chapter 19 of the State Code of West Virginia pertaining to the licensing of auctioneers.

Section 3 - Regulations

3.01 Applications. Applications submitted for an auctioneer's license or an apprentice auctioneer's license will not be considered unless all questions have been answered.

If additional information is required from the applicant, the thirty (30) day period for action by the commissioner shall not commence until all such information has been received.

3.02 Bond Requirements. All property bonds shall be accompanied by a justification of surety showing that said real estate is free from all encumbrances and has an 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.

PROPOSED

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.

3.03 Records. Each auctioneer shall keep a record of all sales held at public auction. The record shall include:

- (a) an inventory prepared prior to the start of the sale including the name and address of auctioneer holding the sale, date, place and time of auction, description of each item or lot, lot number assigned to each item, and name and address of each item put up for sale;
- (b) the price received for each item or lot;
- (c) the amount paid over to the owner or consignor of goods sold, and
- (d) date of payment to owner and type of financial transaction such as cash, check or money order.

3.04 Receipts. Each auctioneer shall be responsible for providing each buyer or purchaser at any auction, upon demand, a receipt with each purchase, setting forth:

- (a) the name and permanent address of the auctioneer;
- (b) the date on which the purchase was made;
- (c) the price paid for the item or lot purchased, and
- (d) a description of the item or lot.

Each receipt shall be in writing, made in duplicate, one copy given to the buyer at time of purchase and one copy to be retained in the possession of the auctioneer.

3.05 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

PROPOSED

oral examination shall test the auctioneer's competency in conducting an auction.

3.06 Accredited Auctioneering Schools. The commissioner shall annually issue a list of accredited schools

3.07 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 the request for the transfer is made in writing.

3.08 Reciprocity. A person 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 which reciprocity is recognized.

3.09 Fictitious Bids. It shall be a violation of these regulations for any auctioneer or apprentice auctioneer to procure any person to make any fictitious bid, or to pretend to bid for, or pretend to buy, any article sold or offered for sale, or for any auctioneer or apprentice auctioneer to fictitiously raise any bid himself.

3.10 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. There shall be no restrictions upon the time of day or night, or day of week during which an auction may be held, except as stipulated, required, controlled, or regulated by ordinance or rule of the city or town in which the auction is to be held.

PROPOSED