CHAPTER VI

LICENSE SERVICES

A. DEFINITION

"License Service or Services" shall mean any person processing division documents for compensation, when such service or services are offered to the general public.

B. APPLICATION

No person shall engage in the "License Service" business without a license certificate. Application for a license certificate shall be made on a form prescribed by the commissioner and shall disclose such information the commissioner requires. Such application shall be verified by an oath or affirmation of the applicant, if an individual, or if the applicant is a co-partnership or corporation, by a partner or officer thereof.

C. SURETY BOND

All License Services must submit with their applications a surety bond in the penal sum of twenty-five thousand [$25,000] dollars. The bond must be duly signed and executed in every detail by both a representative of the bonding company and the applicant. The licensee shall keep the bond in full force and effect at all times.

D. FEE REQUIRED

INITIAL	RENEWAL
$25.00	$25.00

E. REFUSAL OF LICENSE CERTIFICATE

A license certificate may be denied if the commissioner finds the applicant:

1. Has failed to furnish the required bond;

2. Has knowingly made false statements in the application;

3. Has habitually defaulted on financial obligations;

4. Has been convicted of a felony within five [5] years immediately preceding receipt of the application by the commissioner;

5. Has not complied and will not comply with the registration and title laws of this state;

6. Has been guilty of any fraudulent act in connection with the business of License Service; or

7. Has done any act or has failed or refused to perform any duty for which the license certificate could be suspended or revoked if it were issued.

F. LICENSING PERIOD

All License Service licenses are issued for a maximum period of one [1] year and run concurrent with the calendar year. Even if a license is issued during the license year it will expire on the last day of the calendar year. A LICENSE CERTIFICATE IS NOT TRANSFERABLE.

G. **INVESTIGATION PRIOR TO ISSUANCE OF LICENSE**

Upon receipt of a completed application, the required bond, and the application fee, the commissioner may conduct such investigation, as necessary, to determine the accuracy of any statements contained in the application and the existence of any other facts relevant in considering such application. To facilitate such investigation, the commissioner may withhold issuance or refusal of the license certificate for a period not to exceed twenty [20] days.

H. **DISPLAY OF LICENSE CERTIFICATE**

A licensee shall keep his or her license certificate posted at their place of business. If they operate their business from more than one [1] location, then a certified copy of the license certificate shall be posted at each such location.

If a license certificate becomes lost or destroyed, the licensee shall immediately make application for a certified copy. A fee of one [$1.00] dollar shall be required.

I. **CHANGES IN BUSINESS**

Every License Service business shall notify the commissioner within sixty [60] days from the date on which any of the following changes in the business occur:

1. A change of the location of any place of business;

2. A change of the name or trade name under which the licensee engages or will engage in the business;

3. The death of the licensee or any partner or partners thereof;

4. A change in any partners, officers or directors;

5. A change in ownership of the business;

6. A change in the type of legal entity by and through which the licensee engages or will engage in the business; or

7. The appointment of any trustee in bankruptcy, trustee under an assignment for the benefit of creditors, master or receiver.

When any change specified in subdivision [1],[2], [3],[4],[5] or [6] occurs, an application for a new license certificate shall immediately be filed with the commissioner: Provided, that when a subdivision [3] change is involved, an application for a new license certificate need not be filed during the balance of the license year if a member of the family of such deceased person succeeds to the interest in the business. Upon receipt and review of the application, a new license certificate shall be issued incorporating the changes. No additional fee for the balance of the license year shall be required for the issuance of any new license certificate issued as a result of any change specified.

J. **REVOCATION OF LICENSE**

The commissioner may suspend or revoke a license certificate if it is found that the licensee:

1. Has failed or refused to comply with the laws of this state relating to the registration and titling of vehicles and the giving of notices of transfers;

2. Has failed or refused to comply with the provisions and requirements of §17A-6B of the code, and the promulgated rules and regulations authorized in §17A-2-9 of the code; or

The commissioner shall suspend or revoke a license certificate if the commissioner finds that the licensee:

1. Has knowingly made a false statement of a material fact in his or her application for the license certificate then issued and outstanding;

2. Has habitually defaulted on financial obligations;

3. Has been guilty of any fraudulent act in connection with the License Service business;

4. Has defrauded or is attempting to defraud the state or any political subdivision of the state of any taxes or fees in connection with the sale or transfer of any vehicle;

5. Has committed fraud in the registration of a vehicle;

6. Has knowingly purchased, sold or otherwise dealt in a stolen vehicle or vehicles;

7. Has advertised by any means, with intent to defraud, any material representation or statement of fact which is untrue, misleading or deceptive in any particular, relating to the conduct of the licensed business;

8. Has a license certificate to which he is not lawfully entitled; or

9. The existence of any other ground upon which the license certificate could have been refused, or any ground which would be cause for refusing a license certificate to such licensee were he then applying for the same.

Whenever a licensee fails or refuses to keep the bond required by §17A-6B-2 of the code in full force and effect, the license certificate of such licensee shall automatically be suspended unless and until the required bond is furnished to the commissioner, in which event the suspension shall be vacated.

Whenever the commissioner shall refuse to issue a license certificate, or shall suspend or revoke a license certificate, or shall suspend the right of a licensee to issue temporary plates, he or she shall make and enter an order to that effect and shall cause a copy of such order to be served in person or by certified mail, return receipt requested, on the applicant or licensee, as the case may be.

Suspensions hereunder shall continue until the cause therefore has been eliminated or corrected. Whenever a license certificate and the right of a licensee to issue temporary registration plates is suspended or revoked, the commissioner shall, in the order of suspension or revocation, direct the licensee to return to the division his or her license certificate and any temporary registration plates still in the licensee's possession and issued in conjunction with the issuance of such License Service certificate.

Any applicant whose request for a license certificate is refused, and any licensee whose license certificate is suspended or revoked, may appeal such order in accordance with the procedures set by the commissioner.

Revocation of a license certificate shall not preclude application for a new license certificate, which application shall be processed in the same manner. The license certificate shall be issued or refused on the same grounds as any other application for a license certificate, except that any previous suspension and revocation may be considered in deciding whether to issue or refuse such license certificate.

K. **ISSUANCE OF TEMPORARY REGISTRATION PLATES**

All applications for temporary registration plates shall be submitted on form MV 126-F-TR. The cost of each plate is three dollars [$3.00]. No refund or credit of fees paid by License Services for temporary registration plates shall be allowed.

Every License Service who has made application for and received temporary registration plates shall maintain in permanent form a record of all temporary registration plates issued, and a record of any other information pertaining to the receipt or the issuance of temporary registration plates which the commissioner may require. Each such record shall be kept for a period of at least three [3] years from the date of the making thereof.

No License Service shall issue, assign or deliver a temporary registration plate to anyone unless and until the License Service has physical possession of the application and appropriate fees and taxes of the vehicle to be titled and registered. Such application, fees, and taxes shall be postmarked to the issuing agency or submitted to the division within forty-eight [48] hours after issuance of the temporary plate.

Every License Service who issues a temporary plate shall within five [5] working days after the issuance of said plate, send to the division a copy of the temporary registration certificate properly executed by the License Service and the purchaser. The temporary registration certificate should be sent to: **Division of Motor Vehicles, 1900 Kanawha Boulevard, East, Charleston, WV, 25317. Attention: Temporary Plate Clerk.**

No temporary registration plates will be delivered to any License Service until such License Service has fully accounted for all temporary registration plates last delivered to such License Service by showing the number issued to purchasers and any on hand.

A License Service shall not issue, assign, or deliver a temporary registration plate to anyone other than the bona fide applicant for title and registration of the vehicle to be registered. Not more than one temporary registration plate shall be issued to the same bona fide applicant for the same vehicle. A License Service shall not issue a temporary registration plate to anyone possessed of an annual registration plate for a vehicle which has been sold or exchanged, except a License Service may issue a temporary registration plate to the bona fide applicant of a vehicle to be registered who possesses an annual registration plate of a different class and makes application to the division to exchange such annual registration. A License Service shall not lend to anyone, or use on any vehicle which they may own, a temporary registration plate.

It is unlawful for any License Service to issue any temporary registration plate which contains a misstatement of fact.

Every License Service who issues temporary registration plates shall affix or insert clearly and indelibly on the face of each temporary registration plate the date of issuance and expiration thereof, and the make, model, and serial number of the vehicle for which issued.

If the commissioner finds that the provisions of §17A-6B of the code or his or her directions are not being complied with by a License Service, he or she may suspend the right of such License Service to issue temporary registration plates.

A temporary registration plate shall expire upon the receipt of the annual registration plate from the division, or upon the rescission of the contract to purchase the vehicle in question, or upon the expiration of sixty days from the date of issuance, depending upon which event occurs first.

A License Service may charge a fee not to exceed five dollars [$5.00] for issuing a temporary registration plate.

A License Service shall not issue a temporary registration plate for a vehicle which has been purchased from a licensed West Virginia dealer; however, a License Service may issue a temporary registration plate for a vehicle entering West Virginia from another state or jurisdiction irrespective of the place of purchase.

A License Service may issue a temporary registration plate to an individual coming into West Virginia from another state or jurisdiction so long as that individual gives to the License Service his or her title documents and fees and taxes for processing.

L. **RECORD KEEPING AND DOCUMENT PROCESSING**

In addition to such records as required by §17A-6B-10 of the code and legislative rules, each License Service shall maintain a record/log of all work accepted by the License Service for processing. Such record/log shall include the name and address of customer, vehicle identification information, type of transaction, the date of transaction and/or any activity relating to the transaction.

If an investigation of a License Service financial records reveals that any tax or fee is due the state, the License Service's license shall be immediately suspended. In addition to any administrative license suspension or revocation the division may pursue criminal or civil action to collect any taxes or fees due the division.

All License Service records shall be open for inspection by authorized representatives of the division and all law enforcement offices during regular posted business hours.

M. **NONCOMPLIANCE WITH STATUTES, RULES, OR REGULATIONS**

License Services, as a condition of licensing, agree to abide by all policies and procedures established by the division in order to provide for the most efficient processing of work.

The commissioner may suspend the processing of a License Service's documents due to noncompliance with any statute, rule, policy or procedure.

N. **INSPECTIONS**

The commissioner, and all law enforcement officers of the state acting at the commissioner's request, are authorized to inspect the place of business, pertinent records, and documents and papers of any person required to be licensed as a License Service to the extent deemed reasonably necessary to determine compliance with and violations of §17A-6B of the code. For the purpose of making such inspection, the commissioner and such law enforcement officers are authorized at reasonable times to enter in and upon any such place of business.

Any person who violates any provisions of §17A-6B of the code or any final order of the commissioner shall be guilty of a misdemeanor.