

**WEST VIRGINIA
STATE TAX DEPARTMENT
INTERNAL AUDITING DIVISION
P. O. BOX 2666
CHARLESTON, WEST VIRGINIA 25330**

INFORMATION CONCERNING THE WEST VIRGINIA CONSUMER PROTECTION ACT (ARTICLE 7, CHAPTER 46A, EFFECTIVE JUNE 9, 1974).

WHO IS COVERED BY THE ACT?

Every person engaging in this State in making consumer credit sales or consumer loans and every person having an office or a place of business in this State who takes assignments of and undertakes direct collection of payments from or enforcement or rights against debtors arising from such sales or loans is required to file notification with the West Virginia State Tax Department within thirty (30) days after commencing business in the State, and annually thereafter, on or before January 31 of each year.

“CONSUMER CREDIT SALE”

Consumer Credit Sale is a sale of goods, services or an interest in land in which:

- (a) Credit is granted either by a seller who regularly engages as a seller in credit transactions of the same kind or pursuant to a seller credit card;
- (b) The buyer is a person other than an organization;
- (c) The goods, services or interest on land are purchased primarily for personal, family, household or agricultural purposes;
- (d) Either the debt is payable on installments or sales finance charges made;
- (e) With respect to a sale of goods or services the amount financed does not exceed \$25,000.00.

“CONSUMER LOAN”

Consumer Loan is a loan made by a person regularly engaged in the business of making loans in which:

- (a) The debtor is a person other than an organization;
- (b) The debt is incurred primarily for personal, family, household or agricultural purpose;
- (c) Either the debt is payable on installments or loan finance charges are made; and
- (d) Either the principal does not exceed \$25,000.00 or the debt is secured by an interest in land.



THE COMPLETION AND RETURN OF THIS PORTION IS REQUIRED



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NOTIFICATION OF CONSUMER CREDIT SALES OR LOANS**

WEST VIRGINIA IDENTIFICATION NUMBER & BUSINESS LOCATION ADDRESS	1. Do you make consumer loans? Yes <input type="checkbox"/> No <input type="checkbox"/>
WEST VIRGINIA IDENTIFICATION NUMBER & MAILING ADDRESS	2. Do you make supervised loans (loans pursuant to a revolving loan account or take assignments)? Yes <input type="checkbox"/> No <input type="checkbox"/>
	3. Give address of designated agent upon whom service of process may be made. _____
	4. If consumer credit sales or loans are made other than at a retail store or office, give a brief description of the manner in which they are made. _____ _____ _____

Generally speaking, all persons who make credit sales of real or personal property or services to private individuals and the amount financed is under \$25,000.00 must give notification to the West Virginia State Tax Department. This includes doctors and lawyers who impose a finance charge on their payment plans. It also includes government agencies and national banks.

“DESIGNATED AGENT”

Designated Agent means any person located within the State of West Virginia appointed, by a person who must register under the consumer protection act, to accept in his behalf service of any legal instrument such as a copy of a summons and complaint in a legal action. Such person may be an officer, director, trustee, employee or other agent of the business.

WHEN TO FILE

Persons who first start business on or after September 1, 1974 must give notification within thirty (30) days after commencing business in this State on form titled “Notification of Consumer Credit Sales or Loans.” If there is any change in the consumer protection act notification information previously submitted, the West Virginia State Tax Department must be notified immediately. The annual return (WV/BRT-813) will be mailed to you each year.

For additional information pertaining to the Notification, contact:

West Virginia State Tax Department
Internal Auditing Division
Post Office Box 2666
Charleston, West Virginia 25330

Telephone: (304) 558-3333
or toll-free at
1-800-982-8297

Attorney General's Office
Consumer Protection Division
812 Quarrier Street
Charleston, West Virginia 25301

Telephone: (304) 558-8986
or toll-free at
1-800-368-8808

For additional information pertaining to questions about the Consumer Protection Act, contact:

On March 5, 1974, the West Virginia Legislature passed the West Virginia Consumers Credit and Protection Act, effective ninety (90) days after passage.

Section 46A-7-115 of the Act requires every person engaging in this State in making consumers credit sales or consumers loans and every person having an office or place of business in the State who takes assignments of and undertakes direct collection of payments from or enforcement of rights against debtors arising from such sales or loans to file notification with the West Virginia Tax Department within thirty (30) days after commencing business in this State, and, annually thereafter.