

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961



ENROLLED

HOUSE BILL No. 162

(By Mr. Myles)



PASSED March 9th, 1961

In Effect ninety days from passage

Filed in Office of the Secretary of State of West Virginia MAR 17 1961 JOE F. BURDETT SECRETARY OF STATE

162

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AN ACT to amend and reenact section ten, article eight, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the unlawful practice of optometry and providing penalties therefor.

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

That section ten, article eight, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 10. *Unlawful Practice of Optometry; Penalties.*

2 —Any corporation or voluntary association shall not prac-  
3 tice, or assume to practice, or in any manner to hold  
4 itself out to the public as being entitled to practice the  
5 profession of optometry, or advertise the title of optom-  
6 etrist in such manner as to convey the impression to the  
7 public that it is entitled to practice optometry, or furnish

8 optometric advice and services, or advertise that, either  
9 alone or together with or by or through any person,  
10 whether a duly registered and licensed optometrist or not,  
11 it has, owns, conducts or maintains an office or place for  
12 practice of optometry. Any duly registered and licensed  
13 optometrist shall not associate himself with any corpora-  
14 tion or voluntary association for the practice of optom-  
15 etry, or in any manner practice such profession, on a  
16 salary or commission basis, for any such corporation or  
17 voluntary association. Any corporation or voluntary asso-  
18 ciation violating any of the provisions of this section,  
19 or any officer, trustee, director, agent, or employee of such  
20 corporation or voluntary association who, either directly  
21 or indirectly, engages in any of the acts herein prohibited,  
22 or assists such corporation or voluntary association to do  
23 such prohibited acts, shall be guilty of a misdemeanor,  
24 and upon conviction thereof shall be fined not less than  
25 one hundred nor more than one thousand dollars. The  
26 fact that any such officer, trustee, director, agent or em-  
27 ployee shall be a duly registered and licensed optometrist  
28 shall not be held to permit or allow any such corporation

29 or voluntary association to do the acts prohibited herein,  
30 nor shall such fact be a defense upon the trial of any of  
31 the persons hereinbefore mentioned for a violation of this  
32 section. Any duly registered and licensed optometrist  
33 who shall violate the provisions of this section shall be  
34 guilty of a misdemeanor, and upon conviction thereof  
35 shall be fined not less than ten dollars nor more than  
36 twenty-five dollars, and each and every day such violation  
37 continues shall constitute a separate offense; and in addi-  
38 tion to the foregoing penalties, such offending optometrist  
39 shall have his license to practice suspended for a period  
40 of one year, by the court in which such conviction is had:  
41 *Provided*, That this section shall not apply to a partner-  
42 ship of two or more duly registered and licensed optom-  
43 etrists who practice under their own names.

44 It shall be unlawful for any registered optometrist to  
45 practice his profession as an employee, lessee, or sub-lessee  
46 of any commercial or mercantile establishment or to prac-  
47 tice his profession in connection therewith, or to advertise  
48 either in person or through any commercial or mercantile  
49 establishment that he is a duly registered practitioner,

50 and is practicing or will practice optometry as an em-  
51 ployee, lessee, or sub-lessee of any such commercial or  
52 mercantile establishment or in connection therewith. But  
53 nothing herein shall be construed to prohibit or prevent  
54 the rendering of professional services to the officers and  
55 employees of any person, firm or corporation by an op-  
56 tometrist, whether or not the compensation for such serv-  
57 ices is paid by the officers and employees, or by the em-  
58 ployer, or jointly by all or any of them. Any person  
59 violating this provision shall be guilty of a misdemeanor,  
60 and, upon conviction thereof shall be fined not less than  
61 fifty nor more than five hundred dollars, and each and  
62 every day such violation continues shall constitute a sepa-  
63 rate offense.

64 The circuit court of any county in which the violation  
65 occurred shall have jurisdiction to restrain by injunction  
66 the violation of any of the provisions of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Robert Davis, Jr.*  
Chairman Senate Committee

*Mrs. H. H. Withers*  
Chairman House Committee

Originated in the House.

Takes effect *scinty deep from* passage.

*William Myles*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard W. Carson*  
President of the Senate

*Julius W. Singleton, Jr.*  
Speaker House of Delegates

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 1961.

\_\_\_\_\_  
Governor



Filed in Office of the Secretary of State  
of West Virginia **MAR 17 1961**  
**JOE F. BURDETT**  
SECRETARY OF STATE