WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED

HOUSE BILL No. 167

(By Mr. Myles)

PASSED March 4th, 1961

In Effect ninety days from Passage

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

House Bill No. 162
(By Mr. Myles)

[Passed March 9, 1961; in effect ninety days from passage.]

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 practice, or assume to practice, or in any manner to hold itself out to the public as being entitled to practice the profession of optometry, or advertise the title of optometrist in such manner as to convey the impression to the public that it is entitled to practice optometry, or furnish
optometric advice and services, or advertise that, either
alone or together with or by or through any person,
whether a duly registered and licensed optometrist or not,
it has, owns, conducts or maintains an office or place for
practice of optometry. Any duly registered and licensed
optometrist shall not associate himself with any corpora-
tion or voluntary association for the practice of optom-
etry, or in any manner practice such profession, on a
salary or commission basis, for any such corporation or
voluntary association. Any corporation or voluntary asso-
ciation violating any of the provisions of this section,
or any officer, trustee, director, agent, or employee of such
corporation or voluntary association who, either directly
or indirectly, engages in any of the acts herein prohibited,
or assists such corporation or voluntary association to do
such prohibited acts, shall be guilty of a misdemeanor,
and upon conviction thereof shall be fined not less than
one hundred nor more than one thousand dollars. The
fact that any such officer, trustee, director, agent or em-
ployee shall be a duly registered and licensed optometrist
shall not be held to permit or allow any such corporation
or voluntary association to do the acts prohibited herein,
nor shall such fact be a defense upon the trial of any of
the persons hereinbefore mentioned for a violation of this
section. Any duly registered and licensed optometrist
who shall violate the provisions of this section shall be
guilty of a misdemeanor, and upon conviction thereof
shall be fined not less than ten dollars nor more than
twenty-five dollars, and each and every day such violation
continues shall constitute a separate offense; and in addi-
tion to the foregoing penalties, such offending optometrist
shall have his license to practice suspended for a period
of one year, by the court in which such conviction is had:
Provided, That this section shall not apply to a partner-
ship of two or more duly registered and licensed optom-
etrists who practice under their own names.

It shall be unlawful for any registered optometrist to
practice his profession as an employee, lessee, or sub-lessee
of any commercial or mercantile establishment or to prac-
tice his profession in connection therewith, or to advertise
either in person or through any commercial or mercantile
establishment that he is a duly registered practitioner,
and is practicing or will practice optometry as an employee, lessee, or sub-lessee of any such commercial or mercantile establishment or in connection therewith. But nothing herein shall be construed to prohibit or prevent the rendering of professional services to the officers and employees of any person, firm or corporation by an optometrist, whether or not the compensation for such services is paid by the officers and employees, or by the employer, or jointly by all or any of them. Any person violating this provision shall be guilty of a misdemeanor, and, upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and each and every day such violation continues shall constitute a separate offense.

The circuit court of any county in which the violation occurred shall have jurisdiction to restrain by injunction 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.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within............................................................this the...........................................

day of........................................, 1961.

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Governor

Filed in Office of the Secretary of State
of West Virginia MAR 17 1961

JOE F. BURDETT
SECRETARY OF STATE