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WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

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ENROLLED

HOUSE BILL No. 524

(By Mr. Donaghy and Mr. Nelson
(of Cabell))

—●—

PASSED Feb 11, 1970

In Effect Ninety days from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-18-70

524

ENROLLED

House Bill No. 524

(By MR. DAUGHERTY and MR. NELSON (of Cabell))

[Passed February 11, 1970; in effect ninety days from passage.]

AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-one, relating to the practice of psychology; providing for the licensing of persons engaging in the practice of psychology; providing a legislative finding, a declaration of public policy and definitions; relating to the circumstances under which a firm, association or corporation may engage in the practice of psychology; providing certain duties of licensees; providing for construction of article; creating the board of examiners of psychologists; relating to the qualifications, terms, oath and compensation of members of said board; providing for meetings of said board;

specifying the powers and duties of said board; relating to the receipt and disbursement of funds by said board; establishing qualifications for the issuance of a license or temporary permit to engage in the practice of psychology; providing exceptions; providing for applications for and the issuance of licenses and temporary permits, renewals thereof and fees therefor; authorizing the board to suspend or revoke a license or temporary permit and establishing the grounds therefor; authorizing said board to hold hearings; providing a time and place for such hearings; expressly providing that the provisions of chapter twenty-nine-a of the code shall govern such hearings; authorizing the board to issue subpoenas and subpoenas duces tecum in connection with such hearings; providing an automatic stay or suspension of certain orders of the board pending such hearings; relating to the costs for such hearings; providing for judicial review of decisions of the board entered following such hearings; providing for appeals to the supreme court of appeals; providing for legal counsel for the board; establishing criminal

penalties; providing for injunctive relief; and providing a severability clause.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-one, to read as follows:

ARTICLE 21. PSYCHOLOGISTS.

§30-21-1. Legislative findings and declaration of public policy.

1 The Legislature of the state of West Virginia hereby
2 determines and finds that in the public interest persons
3 should not engage in the practice of psychology in this
4 state without the requisite experience and training and
5 without adequate regulation and control; and that there
6 is presently no adequate means to protect the interests
7 of the citizens of this state from the unauthorized, un-
8 qualified and unregulated practice of psychology. It is
9 therefore declared to be the public policy of this state
10 that the practice of psychology affects the general
11 welfare and public interest of the state and its citizens;
12 that persons without the necessary qualifications, train-

13 ing and education, and persons not of good character
14 should not engage in the practice of psychology; and
15 that the evils of such unauthorized and unqualified prac-
16 tice may be best prevented and the interest of the public
17 best served by regulating and controlling such practice
18 as provided in this article.

§30-21-2. Definitions.

1 Unless the context in which used clearly requires
2 a different meaning, as used in this article:

3 (a) "Applicant" means any person making applica-
4 tion for an original or renewal license or a temporary
5 permit under the provisions of this article.

6 (b) "Licensee" means any person holding a license
7 or a temporary permit issued under the provisions of
8 this article.

9 (c) "Board" means the board of examiners of psy-
10 chologists created by this article.

11 (d) "Psychology" means the science involving the
12 principles, methods and procedures of understanding,
13 predicting and influencing behavior; the principles per-
14 taining to learning, perception, motivation, thinking,

15 emotions and interpersonal relationships; the methods
16 and procedures of interviewing and counseling; the
17 methods and procedures of psychotherapy, meaning the
18 use of learning, conditioning methods and emotional
19 reactions, in a professional relationship, to assist a person
20 or persons to modify feelings, attitudes and behavior,
21 which are intellectually, socially or emotionally mal-
22 adjustive or ineffectual; the constructing, administering
23 and interpreting of tests of intelligence, special abilities,
24 aptitudes, interests, attitudes, personality characteristics,
25 emotions and motivation; the psychological evaluation,
26 prevention and improvements of adjustment problems
27 of individuals and groups; and the resolution of inter-
28 personal and social conflicts.

29 (e) "Practice of psychology" means the rendering or
30 offering to render for a fee, salary or other compensation,
31 monetary or otherwise, any psychological service in-
32 volving: (i) The application of the principles, methods
33 and procedures of understanding, predicting and influ-
34 encing behavior; (ii) the application of the principles
35 pertaining to learning, perception, motivation, thinking,

36 emotions and interpersonal relationships; (iii) the ap-
37 plication of the methods and procedures of interviewing
38 and counseling; (iv) the application of the methods and
39 procedures of psychotherapy, meaning the use of learn-
40 ing, conditioning methods and emotional reactions, in
41 a professional relationship, to assist a person or persons
42 to modify feelings, attitudes and behavior, which are
43 intellectually, socially or emotionally maladjustive or
44 ineffectual; (v) the constructing, administering and in-
45 terpreting of tests of intelligence, special abilities, apti-
46 tudes, interests, attitudes, personality characteristics,
47 emotions and motivation; (vi) the psychological evalu-
48 ation, prevention and improvement of adjustment prob-
49 lems of individuals and groups; and (vii) the resolution
50 of interpersonal and social conflicts.

51 However, for the purpose of this article, the term
52 "practice of psychology" shall not include:

53 (1) Teaching, lecturing or engaging in research in
54 psychology as part of salaried employment at an insti-
55 tution of higher learning;

56 (2) The official duties of a person employed as a

57 psychologist by the state of West Virginia or any of its
58 departments, agencies, divisions or bureaus or by county
59 boards of education or local governments, which duties
60 are performed under the direct and regular supervision
61 of a licensee;

62 (3) The official duties of a person employed as a
63 psychologist by any department, agency, division or
64 bureau of the United States of America;

65 (4) The official duties of a person working under
66 the direct and regular supervision of a licensee for the
67 purpose of gaining the experience required for a license
68 hereunder by the provisions of subdivision (4), sub-
69 section (a), section seven of this article, which experi-
70 ence is of a type approved by the board;

71 (5) The use, in good faith, of certain psychological
72 techniques, procedures, methods and principles as an
73 incident to engaging in a recognized occupation or pro-
74 fession, other than the practice of psychology, including,
75 but not limited to, the occupation or profession of a
76 physician, lawyer, dentist, social worker, sociologist,
77 political scientist, economist, probation or parole officer,

78 rehabilitation or marriage counselor, clergyman, audi-
79 ologist, speech pathologist, teacher, educational or
80 guidance counselor and a placement or personnel direc-
81 tor;

82 (6) The activities of a student of psychology, psy-
83 chological intern or psychological resident, which activi-
84 ties are a part of and are engaged in pursuant to a course
85 of study at an institution of higher learning; or

86 (7) The activities of an assistant or technician which
87 are performed under the direct and regular supervision
88 of a licensee.

89 (f) "Examination" means the examination in psy-
90 chology required by subdivision (5), subsection (a),
91 section seven of this article.

**§30-21-3. License required; firms, associations and corporations
engaging in the practice of psychology.**

1 (a) No person shall engage in, offer to engage in,
2 or hold himself out to the public as being engaged in,
3 the practice of psychology in this state, nor shall any
4 person use in connection with any trade, business, pro-
5 fession or occupation, except in those instances specifi-

6 cally excluded from the definition of the practice of
7 psychology by subparagraphs (1), (2), (3), (4) and
8 (6), subdivision (e), section two of this article, the
9 word "psychologist," "psychology," "psychological" or
10 any other title, word or abbreviation which induces or
11 tends to induce the belief that such person is qualified
12 to engage or is engaged in the practice of psychology,
13 unless and until he shall first obtain a license or tempo-
14 rary permit to engage in the practice of psychology in
15 accordance with the provisions of this article, which
16 license or temporary permit remains unexpired, un-
17 suspended and unrevoked: *Provided*, That no such license
18 or temporary permit shall be required for a psycholo-
19 gist who is not a resident of this state, who is the
20 holder of a license or certificate to engage in the prac-
21 tice of psychology issued by a state with licensing or
22 certification requirements determined by the board to
23 be at least as great as those provided in this article, who
24 has no regular place of practice in this state and who
25 engages in the practice of psychology in this state for

26 a period of not more than ten days in any calendar
27 year.

28 (b) No firm, association or corporation shall, except
29 through a licensee or licensees, render any service or
30 engage in any activity which if rendered or engaged in
31 by any individual would constitute the practice of psy-
32 chology.

§30-21-4. Duties of licensee; construction of article.

1 (a) It shall be the duty of a licensee when entering
2 into any psychologist-client relationship to assist his
3 client in obtaining professional help for all aspects of
4 his problem which fall outside the boundaries of the
5 licensee's competence. It shall also be the duty of a
6 licensee to encourage his client to make provision for
7 the medical diagnosis and treatment of relevant medical
8 problems and, whenever indicated, to make referral to
9 or seek consultation with medical specialists.

10 (b) Nothing in this article shall be construed as per-
11 mitting the administering or prescribing of drugs or as
12 infringing upon the practice of medicine and surgery.

§30-21-5. Creation of board of examiners of psychologists; members, terms, meetings, officers, oath and compensation; general provisions.

1 (a) There is hereby created the state board of ex-
2 aminers of psychologists which shall be composed of
3 five members appointed by the governor by and with
4 the advice and consent of the Senate. Each member
5 shall have been actively engaged in the practice of psy-
6 chology or in the teaching of psychology in the state
7 of West Virginia for at least two years immediately pre-
8 ceding his appointment and shall be the holder of a
9 license under the provisions of this article, or, in the
10 case of the members first appointed, shall be eligible
11 for such a license.

12 (b) The members of the board shall be appointed
13 for overlapping terms of three years each and until their
14 respective successors have been appointed and have quali-
15 fied, except of the original appointments. For the purpose
16 of original appointments, two members shall be appointed
17 for a term of three years and until their successors have
18 been appointed and have qualified, two members shall be
19 appointed for a term of two years and until their succes-

20 sors have been appointed and have qualified and one mem-
21 ber shall be appointed for a term of one year and until
22 his successor has been appointed and has qualified. Mem-
23 bers may be reappointed for any number of terms. Before
24 entering upon the performance of his duties, each mem-
25 ber shall take and subscribe to the oath required by sec-
26 tion five, article four of the constitution of this state.
27 Vacancies shall be filled by appointment by the governor
28 for the unexpired term of the member whose office shall
29 be vacant and such appointment shall be made within
30 sixty days of the occurrence of such vacancy. Any member
31 may be removed by the governor in case of incompetency,
32 neglect of duty, gross immorality or malfeasance in office.

33 (c) The board shall elect from its membership a
34 chairman and secretary who shall serve at the will and
35 pleasure of the board. A majority of the members of
36 the board shall constitute a quorum and meetings shall
37 be held at the call of the chairman or upon the written
38 request of three members at such time and place as
39 designated in such call or request, and, in any event,
40 the board shall meet at least once annually to conduct

41 the examination hereinafter provided for and to trans-
42 act such other business as may come before it. Mem-
43 bers may be paid such reasonable compensation as the
44 board may from time to time determine, and in addi-
45 tion may be reimbursed for all reasonable and neces-
46 sary expenses actually incurred in the performance of
47 their duties, which compensation and expenses shall be
48 paid in accordance with the provisions of subsection (b),
49 section six of this article.

§30-21-6. Powers and duties of board; funds of board.

1 (a) The board shall:

2 (1) Examine applicants and determine their eligi-
3 bility for a license or temporary permit to engage in
4 the practice of psychology;

5 (2) Prepare, conduct and grade an apt and proper
6 written, oral or written and oral examination of appli-
7 cants for a license and determine the satisfactory passing
8 score thereon;

9 (3) Promulgate reasonable rules and regulations
10 implementing the provisions of this article and the pow-
11 ers and duties conferred upon the board hereby,

12 including, but not limited to, reasonable rules and reg-
13 ulations establishing standards to insure the proper
14 supervision of all persons working under the direct and
15 regular supervision of a licensee under the provisions
16 of this article, all of which reasonable rules and regula-
17 tions shall be promulgated in accordance with the
18 provisions of article three, chapter twenty-nine-a of this
19 code;

20 (4) Issue, renew, deny, suspend or revoke licenses
21 and temporary permits to engage in the practice of psy-
22 chology in accordance with the provisions of this article
23 and, in accordance with the administrative procedures
24 hereinafter provided, may review, affirm, reverse, vacate
25 or modify its order with respect to any such denial,
26 suspension or revocation;

27 (5) Investigate alleged violations of the provisions of
28 this article, reasonable rules and regulations promulgated
29 hereunder and orders and final decisions of the board
30 and take appropriate disciplinary action against any
31 licensee for the violation thereof or institute appropriate
32 legal action for the enforcement of the provisions of

33 this article, reasonable rules and regulations promulgated
34 hereunder and orders and final decisions of the board
35 or take such disciplinary action and institute such legal
36 action;

37 (6) Employ, direct, discharge and define the duties
38 of full or part-time professional, clerical or other per-
39 sonnel necessary to effectuate the provisions of this
40 article;

41 (7) Keep accurate and complete records of its pro-
42 ceedings, certify the same as may be appropriate, and
43 prepare, from time to time, a list showing the names
44 and addresses of all licensees;

45 (8) Whenever it deems it appropriate, confer with
46 the attorney general or his assistants in connection with
47 all legal matters and questions; and

48 (9) Take such other action as may be reasonably
49 necessary or appropriate to effectuate the provisions of
50 this article.

51 (b) All moneys paid to the board shall be accepted
52 by a person designated by the board and deposited by
53 him with the treasurer of the state and credited to an

54 account to be known as the "board of examiners of psy-
55 chologists fund." All of the reasonable compensation of
56 the members of the board, the reimbursement of all
57 reasonable and necessary expenses actually incurred by
58 such members and all other costs and expenses incurred
59 by the board in the administration of this article shall
60 be paid from such fund, and no part of the state's general
61 revenue fund shall be expended for this purpose.

**§30-21-7. Qualifications of applicants; exceptions; applications;
fee.**

- 1 (a) To be eligible for a license to engage in the prac-
2 tice of psychology, the applicant must:
 - 3 (1) Be at least twenty-one years of age;
 - 4 (2) Be of good moral character;
 - 5 (3) Be a holder of a doctor of philosophy degree or
6 its equivalent or a master's degree in psychology from an
7 accredited institution of higher learning, with adequate
8 course study at such institution in psychology, the ade-
9 quacy of any such course study to be determined by the
10 board;
 - 11 (4) When the degree held is a doctor of philosophy

12 degree or its equivalent, have at least two-years' experi-
13 ence subsequent to receiving said degree in the perform-
14 ance of any of the psychological services described in
15 subdivision (e), section two of this article, including those
16 activities excluded from the definition of the term "prac-
17 tice of psychology" in said subdivision (e), and, when
18 the degree held is a master's degree, have at least eight-
19 years' experience subsequent to receiving said degree in
20 the performance of any of the psychological services de-
21 scribed in said subdivision (e), including those activities
22 excluded from the definition of the term "practice of
23 psychology" in said subdivision (e);

24 (5) Have passed the examination prescribed by the
25 board, which examination shall cover the basic subject
26 matter of psychology and psychological skills and tech-
27 niques;

28 (6) Not have been convicted of a felony or crime
29 involving moral turpitude; and

30 (7) Not, within the next preceding six months, have
31 taken and failed to pass the examination required by
32 subdivision (5), subsection (a) of this section.

33 (b) The following persons shall be eligible for a
34 license to engage in the practice of psychology without
35 examination:

36 (1) Any applicant who holds a doctor of philosophy
37 degree or its equivalent from an institution of higher
38 learning, with adequate course study at such institution
39 in psychology and who is a diplomate of the "American
40 Board of Examiners in Professional Psychology"; and

41 (2) Any person who holds a license or certificate to
42 engage in the practice of psychology issued by any other
43 state, the requirements for which license or certificates
44 are found by the board to be at least as great as those
45 provided in this article.

46 (c) Any person who is engaged in the practice of
47 psychology in this state, or is engaged in any of the
48 activities described in subparagraph (1), (2), or (3),
49 subdivision (e), section two of this article, in this state,
50 on the effective date of this article and has been so
51 engaged for a period of two consecutive years immedi-
52 ately prior thereto shall be eligible for a license to
53 engage in the practice of psychology without exami-

54 nation and without meeting the requirements of sub-
55 division (4), subsection (a) of this section, if applica-
56 tion for such license is made within six months after
57 the effective date of this article and if such person meets
58 the requirements of subdivision (1), (2), (3) and (6),
59 subsection (a) of this section.

60 (d) Any applicant for any such license shall submit
61 an application therefor at such time (subject to the
62 time limitation set forth in subsection (c) of this sec-
63 tion), in such manner, on such forms and containing
64 such information as the board may from time to time
65 by reasonable rule and regulation prescribe, and pay to
66 the board a license fee of fifteen dollars, which fee shall
67 be returned to the applicant if he is denied a license.

**§30-21-8. Issuance of license; renewal of license; renewal fee;
display of license.**

1 Whenever the board finds that an applicant meets all
2 of the requirements of this article for a license to engage
3 in the practice of psychology, it shall forthwith issue
4 to him such license; and otherwise the board shall deny
5 the same. The license shall be valid for a period of two
6 years from the date issued and may be renewed for a

7 period of two years without examination upon applica-
8 tion for renewal on a form prescribed by the board and
9 payment to the board of a renewal fee of ten dollars:
10 *Provided*, That the board may deny an application for
11 renewal for any reason which would justify the denial
12 of an original application for a license. The board shall
13 prescribe the form of licenses and each license shall be
14 conspicuously displayed by the licensee at his principal
15 place of practice.

§30-21-9. Temporary permits.

1 (a) Upon proper application the board may issue,
2 without examination, a temporary permit to engage in
3 the practice of psychology in this state:

4 (1) Pending examination, to an applicant who meets
5 the qualifications of subdivisions (1), (2), (3), (4), (6)
6 and (7), subsection (a), section seven of this article,
7 which temporary permit shall expire thirty days after
8 the board gives written notice of the results of the
9 examination held next following the issuance of such
10 temporary permit, and such permit may not be renewed
11 nor another thereof issued to the same person; and

12 (2) To a psychologist who is not a resident of this
13 state and who meets the requirements of subdivisions
14 (1), (2), (3), (4), (6) and (7), subsection (a), section
15 seven of this article, which temporary permit shall be
16 valid only for a period of ninety days in the calendar
17 year in which issued, and such permit may not be re-
18 newed nor another thereof issued to the same person
19 in the same calendar year.

20 (b) The fee for any temporary permit shall be
21 fifteen dollars.

**§30-21-10. Suspension or revocation of license or temporary
permit.**

1 (a) The board may at any time upon its own motion
2 and shall upon the verified written complaint of any
3 person conduct an investigation to determine whether
4 there are any grounds for the suspension or revocation
5 of a license or temporary permit issued under the pro-
6 visions of this article.

7 (b) The board shall suspend or revoke any license
8 or temporary permit when it finds the holder thereof
9 has:

10 (1) Been convicted of a felony or other crime in-
11 volving moral turpitude;

12 (2) Obtained a license or temporary permit by means
13 of fraud or deceit;

14 (3) Been incompetent, grossly negligent, or guilty
15 of other malpractice as defined by the board by reason-
16 able rules and regulations; or

17 (4) Failed or refused to comply with the provisions
18 of this article or any reasonable rule and regulation
19 promulgated by the board hereunder or any order or
20 final decision of the board.

21 (c) The board shall also suspend or revoke any
22 license or temporary permit if it finds the existence of
23 any grounds which would justify the denial of an appli-
24 cation for such license or temporary permit if application
25 were then being made for it.

§30-21-11. Procedures for hearing.

1 (a) Whenever the board shall deny an application
2 for any original or renewal license or deny an appli-
3 cation for a temporary permit or shall suspend or revoke
4 any license or temporary permit, it shall make and

5 enter an order to that effect and serve a copy thereof
6 on the applicant or licensee, as the case may be, by
7 certified mail, return receipt requested. Such order shall
8 state the grounds for the action taken and shall require
9 that any license or temporary permit suspended or
10 revoked thereby shall be returned to the board by the
11 holder within twenty days after receipt of said copy of
12 said order.

13 (b) Any person adversely affected by any such order
14 shall be entitled to a hearing thereon (as to all issues
15 not excluded from the definition of a "contested case"
16 as set forth in article one, chapter twenty-nine-a of this
17 code) if, within twenty days after receipt of a copy
18 thereof, he files with the board a written demand for
19 such hearing. A demand for hearing shall operate auto-
20 matically to stay or suspend the execution of any order
21 suspending or revoking a license or temporary permit
22 or denying an application for a renewal license. The
23 board may require the person demanding such hearing
24 to give reasonable security for the costs thereof and if
25 such person does not substantially prevail at such

26 hearing such costs shall be assessed against him
27 and may be collected by an action at law or other proper
28 remedy.

29 (c) Upon receipt of a written demand for such hear-
30 ing, the board shall set a time and place therefor not
31 less than ten and not more than thirty days thereafter.
32 Any scheduled hearing may be continued by the board
33 upon its own motion or for good cause shown by the
34 person demanding the hearing.

35 (d) All of the pertinent provisions of article five,
36 chapter twenty-nine-a of this code shall apply to and
37 govern the hearing and the administrative procedures
38 in connection with and following such hearing, with
39 like effect as if the provisions of said article five were
40 set forth in this subsection.

41 (e) Any such hearing shall be conducted by a quorum
42 of the board. For the purpose of conducting any such
43 hearing any member of the board shall have the power
44 and authority to issue subpoenas and subpoenas duces
45 tecum which shall be issued and served within the time,
46 for the fees and shall be enforced, as specified in section

47 one, article five of said chapter twenty-nine-a, and all
48 of the said section one provisions dealing with subpoenas
49 and subpoenas duces tecum shall apply to subpoenas
50 and subpoenas duces tecum issued for the purpose of a
51 hearing hereunder.

52 (f) At any such hearing the person who demanded
53 the same may represent himself or be represented by
54 an attorney at law admitted to practice before any
55 circuit court of this state. Upon request by the board,
56 it shall be represented at any such hearing by the at-
57 torney general or his assistants without additional com-
58 pensation.

59 (g) After any such hearing and consideration of all
60 of the testimony, evidence and record in the case, the
61 board shall render its decision in writing. The written
62 decision of the board shall be accompanied by findings
63 of fact and conclusions of law as specified in section
64 three, article five, chapter twenty-nine-a of this code,
65 and a copy of such decision and accompanying findings
66 and conclusions shall be served by certified mail, return
67 receipt requested, upon the person demanding such hear-
68 ing, and his attorney of record, if any.

69 (h) The decision of the board shall be final unless
70 reversed, vacated or modified upon judicial review
71 thereof in accordance with the provisions of section
72 twelve of this article.

**§30-21-12. Judicial review; appeal to supreme court of appeals;
legal representation for board.**

1 Any person adversely affected by a decision of the
2 board rendered after a hearing held in accordance with
3 the provisions of section eleven of this article shall be
4 entitled to judicial review thereof. All of the pertinent
5 provisions of section four, article five, chapter twenty-
6 nine-a of this code shall apply to and govern such judi-
7 cial review with like effect as if the provisions of said
8 section four were set forth in this section.

9 The judgment of the circuit court shall be final unless
10 reversed, vacated or modified on appeal to the supreme
11 court of appeals in accordance with the provisions of
12 section one, article six, chapter twenty-nine-a of this
13 code.

14 Legal counsel and services for the board in all appeal
15 proceedings in any circuit court and the supreme court of

16 appeals shall be provided by the attorney general or
17 his assistants and in any circuit court by the prosecuting
18 attorney of the county as well, all without additional
19 compensation.

§30-21-13. Penalties.

1 Any person who violates any of the provisions of this
2 article, any of the reasonable rules and regulations
3 promulgated hereunder or any order or any final decision
4 of the board shall be guilty of a misdemeanor, and, upon
5 conviction thereof, shall be fined not more than five hun-
6 dred dollars, or imprisoned in the county jail not more
7 than six months, or both fined and imprisoned.

§30-21-14. Actions to enjoin violations.

1 Whenever it appears to the board that any person has
2 been or is violating or is about to violate any provision
3 of this article, any reasonable rule and regulation promul-
4 gated hereunder or any order or final decision of the board,
5 the board may apply in the name of the state to the circuit
6 court of the county in which the violation or violations
7 or any part thereof has occurred, is occurring or is about
8 to occur, or the judge thereof in vacation, for an injunc-

9 tion against such person and any other persons who have
10 been, are or are about to be, involved in any practices,
11 acts or omissions, so in violation, enjoining such person
12 or persons from any such violation or violations. Such
13 application may be made and prosecuted to conclusion
14 whether or not any such violation or violations have re-
15 sulted or shall result in prosecution or conviction under
16 the provisions of section thirteen of this article.

17 Upon application by the board, the circuit courts of
18 this state may by mandatory or prohibitory injunction
19 compel compliance with the provisions of this article,
20 the reasonable rules and regulations promulgated here-
21 under and all orders and final decisions of the board.
22 The court may issue a temporary injunction in any case
23 pending a decision on the merits of any application
24 filed.

25 The judgment of the circuit court upon any applica-
26 tion permitted by the provisions of this section shall
27 be final unless reversed, vacated or modified on appeal
28 to the supreme court of appeals. Any such appeal shall
29 be sought in the manner and within the time provided

30 by law for appeals from circuit courts in other civil
31 actions.

32 The board shall be represented in all such proceedings
33 by the attorney general or his assistants and in such pro-
34 ceedings in the circuit court by the prosecuting attorneys
35 of the several counties as well, all without additional
36 compensation.

§30-21-15. Severability.

1 If any provision of this article or the application thereof
2 to any person or circumstance is held unconstitutional or
3 invalid, such unconstitutionality or invalidity shall not
4 affect other provisions or applications of the article, and
5 to this end the provisions of this article are declared to
6 be severable.

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

William Tompa
Chairman Senate Committee

Chapton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Heger
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ray B. Jackson
President of the Senate

Sam F. Brantley
Speaker House of Delegates

The within approved this the 17th
day of February, 1970.

Arch A. Shaver, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/14/70

Time 2:47 p.m.