WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 575

(By Mr. -----------)

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MERRITT

PASSED April 14, 1973

In Effect Ninety days from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/4/73
ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 545
(By Mr. Speaker, Mr. McManus, and Mrs. Merritt)

(Originating in the House Committee on the Judiciary)
[Passed April 14, 1973; in effect ninety days from passage.]

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-four, relating to hearing-aid dealers and fitters generally; providing for the definition of terms; creating a West Virginia board of hearing-aid dealers and providing for its members; providing for the qualifications, terms of office, oath, salary and expenses for such members; the powers and duties of the board generally; providing for the powers of the state department of health and the state director of health with respect to hearing-aid dealers and fitters; providing for the licensing and qualification of hearing-aid dealers and fitters; fees required to be paid by such licensees; requiring an examination to determine the qualification of such licensees and the scope and subject of such examination; providing for the posting and renewal of license; requiring all licensees to maintain a permanent place of business in this state and advising the board with respect to change thereof; providing for reciprocity for persons licensed in other states or jurisdictions; providing for temporary trainee
permits and the conditions under which such permits may be issued; the refusal to issue a license or the suspension or revocation of such license and the grounds therefor; defining false and deceptive advertising and practices; requiring licensees to ascertain certain matters prior to the sale or fitting of hearing aids and the duties of a hearing-aid dealer with respect to such sale; hearing procedures and judicial review thereof; certain prohibited acts and practices; offenses and penalties; injunctive powers of the board; and providing for the construction and severability of this article.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen 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-four, to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 24. HEARING-AID DEALERS AND FITTERS.

§16-24-1. Definitions.

1 Unless the context clearly requires otherwise, as used in this article:
2 (1) “Advertise,” and any of its variants, means and includes the use of a newspaper, magazine, or other publication, book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, tag, window display, store sign, radio, television announcement, or any other means or methods now or hereafter employed to bring to the attention of the public the practice of fitting or dealing in hearing aids.
3 (2) “Board” means the West Virginia board of hearing aid dealers.
4 (3) “Department” means the state department of health and, when appropriate, shall include the state director of health or the state board of health.
5 (4) “Hearing aid” means any wearable device or instrument or any combination thereof, designed for, represented as or offered for sale for the purpose of aiding, improving or compensating for defective or impaired human hearing and shall include earmold, parts, attachments or other accessories thereto, but excluding batteries and cords.
(5) "Hearing-air dealer" and "hearing-aid fitter" means any person engaged in the practice of dealing in or fitting of hearing aids.

(6) "License" means any license issued under the provisions of this article and shall include a temporary license.

(7) "Person" means and includes any individual, partnership, trust, association, corporation or other like organization, or any combination thereof.

(8) "Practice of dealing in or fitting of hearing aids" means and includes:

(a) The measurement or other testing of human hearing by means of an audiometer, or by any other means;

(b) The selection, adaptation, fitting or sale of hearing aids by a person for the use of another person; or

(c) The making of impressions for earmolds.

(9) "Sell" or "sale" or any variant thereof, means any transfer of title or of the right to use by lease, bailment or any other contract, but shall not include transactions between distributors, dealers or licensees where the item transferred is intended for sale.

(10) "Trainee" means any person training to become a licensed hearing-aid dealer or fitter.

§16-24-2. Engaging in practice of hearing-aid dealer or trainee without license prohibited; exceptions.

(a) Except as provided in subsections (b), (c) and (d) hereof, no person shall, on or after the effective date of this article, engage in the practice of dealing in or fitting of hearing aids, either as a hearing-aid dealer or fitter or as a trainee, nor shall any person advertise or assume any such practice, without first being licensed or otherwise qualified under the provisions of this article.

(b) If the applicant is a partnership, trust, association, corporation or other like organization, the application, in addition to such other information as the board may require, shall be accompanied by an application for a license for each person, whether owner or employee, of such applicant who serves in the capacity of a hearing-aid dealer or fitter, or shall contain a statement that such applications for all such persons...
are submitted separately. No partnership, trust, association, corporation or other like organization shall permit any unlic-
ensed person to sell hearing aids or to engage in the practice of dealing in or fitting of hearing aids.

(c) This article is not intended to prevent any person who is not licensed under this article from engaging in the practice of measuring human hearing for the purpose of selection of hearing aids provided such person or organization employing such person does not sell hearing aids or accessories thereto, except in the case of earmolds to be used only for the purpose of audiologic evaluation.

(d) Any person who is licensed to practice medicine in this state or any person holding a degree in audiology may sell hearing aids or accessories thereto without obtaining a license under this article.

§16-24-3. West Virginia board of hearing-aid dealers created; members; qualifications; term; oath; salary and expenses; powers and duties.

There is hereby created the West Virginia board of hearing-aid dealers, which shall be composed of five members to be appointed by the governor, by and with the advice and consent of the Senate. The members of the board shall be residents of this state. One member shall be a person licensed to practice medicine in this state and one member shall hold a degree in audiology from an accredited college or university. The remaining three members shall be persons having no less than five years experience as hearing-aid dealers or fitters and shall hold a valid license under the provisions of this article, except that the hearing-aid dealers or fitters to be first appoint-
ed to the board shall obtain a license under the provisions of this article within six months following their appointment to the board.

The term of office of each member of the board shall be four years, excepting that as to the members first appointed to the board, one shall be appointed for two years; two shall be appointed for three years; and two shall be appointed for four years. A board member shall serve until his successor has been duly appointed and qualified and any vacancy in the office of a member shall be filled by appointment for the unexpired term of such member. Any member of the board shall
be eligible for reappointment. Three members of the board
shall constitute a quorum.

The board shall, annually at its meeting first succeeding
July one, elect from its own members a chairman and
vice-chairman. The state director of health or his designee
shall serve as ex officio secretary of the board.

Each member of the board shall receive for each day
actually engaged in the duties of his office, a per diem
salary of fifty dollars and shall be reimbursed for all rea-
sonable and necessary expenses actually incurred in the
performance of his duties as a member of such board.

All fees and other moneys collected by the board, pur-
suant to the provisions of this article, shall be kept in a
separate fund and shall be expended solely for the pur-
poses of this article. The compensation for the members
of the board and all expenses incurred under this article
shall be paid from this special fund and no such compensation
or expenses shall be paid from the general revenue fund of this
state. All disbursements of funds necessary to carry out the
provisions of this article shall be so disbursed only upon
the authority of the board.

The board is hereby empowered, with the assistance of the
department and the state director of health, to generally sup-
ervise, regulate and control the practice of dealing in or fitting
of hearing aids in this state, and in so doing, shall administer
qualifying examinations in accordance with the provisions of
this article to test the knowledge and proficiency of all pro-
spective licensees or trainees.

The board may purchase and maintain or rent audio-
metric equipment and other facilities necessary to carry
out the examination of applicants as provided in this article
and may purchase such other equipment and supplies and
employ such persons as it deems appropriate to carry out
the provisions of this article.

The board shall promulgate reasonable rules and regulations
in accordance with and subject to the provisions of chapter
twenty-nine-a of this code:

(a) For the proper performance of its duties;

(b) To define and prescribe the ethical practice of dealing
in or fitting of hearing aids for the safety, protection and
welfare of the public;
(c) To govern the time, place and manner of conducting the examinations required by this article and the standard, scope and subject of such examinations, which examinations shall, as a minimum, conform with the standards, scope and subjects set forth in section six of this article and the manner and form in which applications for such examinations shall be filed;

(d) To establish procedures for determining whether persons holding similar valid licenses from other states or jurisdictions shall be required to take and successfully pass the appropriate qualifying examination as a condition for such licensing in this state.

§16-24-4. Powers and duties of the state department of health.

1 The administrative work of the board shall be performed by the state director of health or his designee. The director shall keep full and complete records of all of the proceedings of the board and of its accounts, which said records and accounts shall be open to the public inspection at all reasonable times. The department is hereby authorized to assist in the supervision and administration of the qualifying examinations authorized and required by this article, to maintain for the board a register or record of persons who apply for a license or a temporary trainee permit as well as a register or record of the name and last known business address of all persons to whom a license or trainee permit is issued pursuant to this article.

2 At the direction and request of the board the department shall conduct periodic inspections of the establishment and facilities of persons who are licensed to engage in the practice of dealing in or fitting of hearing aids and shall report its findings and the results of such inspections to the board.

3 When requested by the board, the department may assist the board generally in carrying out any of the powers and duties granted to the board, but none of the cost incidental to such assistance, powers, functions and duties given to the department pursuant to this article shall be borne from any of the appropriations made to the department, but shall be borne by the board and to this extent the department shall be entitled to reimbursement from the funds of the board.
§16-24-5. Application for licenses; qualifications of applicants; fees; duties of the board with respect thereto.

Each person desiring to obtain a license from the board to engage in the practice of dealing in or fitting of hearing aids shall make application to the board. The application shall be made in such manner and form as prescribed by the board and shall be accompanied by a fee of fifty dollars. The application shall state under oath that the applicant:

1. Intends to maintain a permanent office or place of business in this state or that the applicant has at the time of application a permanent office or place of business in another state within a reasonable commuting distance from this state. The board shall determine and prescribe by regulation the term "reasonable distance" as used herein;
2. Is a person of good moral character and that he has never been convicted of nor is presently under indictment for a crime involving moral turpitude;
3. Is eighteen years of age or older;
4. Has an education equivalent to a four-year course in an accredited high school; and
5. Is free of chronic infectious or contagious diseases.

Any person who fails to meet any of the standards set forth in the next-preceding paragraph shall not be eligible or qualified to take the examination nor shall any such person be eligible or qualified to engage in the practice of dealing in or fitting of hearing aids.

The board, after first determining that the applicant is qualified and eligible in every respect to take the examination, shall notify the applicant that he has fulfilled all of the qualifications and eligibility requirements as required by this section and shall advise him of the date, time and place for him to appear to be examined as required by the provisions of this article and the regulations promulgated by the board pursuant to this article.

The board, with the aid and assistance of the department, shall give at least one annual examination of the type required by this article and may give such additional examinations, at such times and places, as the board and the department may deem proper, giving consideration to the number of applications.
§16-24-6. Standards, scope and subject of examination.

1 The board by rules and regulations shall determine and set minimum standards to be met in the qualifying examination provided for in this article, which examination shall be designed to demonstrate the applicant's technical competency and other qualifications by:

2 (1) A test of knowledge in the following areas as they pertain to the fitting and sale of hearing aids:

3 (a) Basic physics of sound;

4 (b) The anatomy and physiology of the ear; and

5 (c) The function of hearing aids.

6 (2) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

7 (a) Pure tone audiometry, including air conduction testing;

8 (b) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;

9 (c) Masking when indicated and effective masking.

10 (3) Evidence of:

11 (a) Ability to counsel the person or family who will receive the hearing aid relative to the care and use of the instrument;

12 (b) Knowledge regarding the medical and rehabilitative facilities for hearing-handicapped children and adults in the area being served;

13 (c) Knowledge and understanding of the grounds for revocation, suspension, or probation of a license as outlined in this article;

14 (d) Knowledge and understanding of criminal offenses as outlined in this article.

§16-24-7. Results of examination disclosed to applicant; issuance of license; fees.

1 (a) Any person who has taken the examination shall be notified by the board within thirty days following such examination as to whether he has satisfactorily passed the examination. If such person has failed to pass the examination, he shall be notified of the reasons for such failure and the particular portions of the examination which he failed to
pass. Such person shall also be advised of his right to take
the examination in the future.
If such applicant has satisfactorily passed the examina-
tion, he shall be advised of that fact by the board and,
upon payment of twenty dollars, the board shall register
the applicant as a licensee and shall issue a license to such
applicant. Such license shall remain in effect for a period of
one year from the date of its issuance.
(b) Within six months following the effective date of
this article, any applicant for license who has been engaged
in the practice of dealing in or fitting of hearing aids in this
state for a period of three years immediately prior to such
effective date, shall be so registered and issued a license
without being required to undergo or take the examination
required by this article providing such person meets all other
requirements of this article and the rules and regulations
promulgated pursuant thereto. All of the fees which such
prospective licensee would be otherwise required to pay shall
be paid by such prospective licensee in the same manner and
to the same extent as if such prospective licensee had not so
engaged in such practice in this state for such three-year
period.
(c) The issuance of a license by the board must have
the concurrence of a majority of its members.

§16-24-8. Posting of license required; duplicate copies.

1 Each person who holds a hearing aid dealer's or fitter's
license and engages in the practice of dealing in the fitting
of hearing aids shall display such license in a conspicuous
place in his office or place of business at all times. Each
person who maintains more than one office or place of
business shall post a duplicate copy of the license at each
location. The board shall issue duplicate copies of a license
upon receipt of a properly completed application and payment
of one dollar for each copy requested.

§16-24-9. Renewal of license.

1 A person who is engaged in the practice of dealing in or
fitting of hearing aids shall annually pay to the board a
fee of forty dollars for a renewal of his license. A thirty-
day period shall be allowed after expiration of a license
during which any such license may be renewed on payment
of a fee of forty-five dollars to the board. After the expiration
of such thirty-day period, the board may renew such a license
upon the payment of fifty dollars to the board. No person who
applies for renewal, whose license was suspended for failure to
renew shall be required to submit to any examination as a con-
dition of renewal if application for renewal is made within
two years and following the date such license was so suspended.

§16-24-10. Notification of change of address of licensee required.
Every licensee under the provisions of this article shall
notify the board in writing of the address of each place where
he is, or intends to be, engaged in the practice of dealing in or
fitting of hearing aids. The board shall cause to be kept a
record of each place of business of every such licensee. Any
notice required to be given by the board or the department
to any such licensee shall be given by mailing the same to him
at the address shown upon such records.

§16-24-11. Reciprocity.
Whenever the board determines that another state or juris-
diction has requirements for the licensing of persons to engage
in the practice of dealing in or fitting of hearing aids, which
requirements meet the minimum requirements and standards
set forth in this article and the rules and regulations promul-
gated pursuant to this article, the board may, in the manner
prescribed by its rules and regulations, issue a license without
the examination required by this article, to any person hold-
ing license in such other state or jurisdiction, upon ap-
lication, providing such prospective licensee meets all of
the requirements set forth in this article and the rules and
regulations of the board with respect thereto. All of the
fees which such prospective licensee would be otherwise
required to pay, shall be paid by such prospective licensee
in the same manner and to the same extent as if such
prospective licensee was not qualified to engage in such
other state or jurisdiction.

§16-24-12. Temporary trainee permits.
A person who meets all of the qualifications and require-
ments set forth in subdivision (2), section five of this
article may obtain a temporary trainee permit upon appli-
cation to the board. All such applications for a temporary
trainee permit shall be made in the manner and form
prescribed in the rules and regulations of the board.

Upon receiving an application for a temporary trainee
permit as prescribed in this section, accompanied by a fee
of twenty-five dollars, the board shall issue such permit
which shall entitle the applicant trainee to engage in the
practice of dealing in or fitting of hearing aids for a period
of one year under the supervision and control of a licensee,
such licensee to be responsible for the supervision, training
and control of such trainee.

If a person holding a temporary trainee permit under
this section has not successfully passed the licensing examina-
tion within one year from the date of issuance of such permit,
the permit may be renewed or reissued under such conditions
as the board may require in its rules and regulations for
an additional one-year period upon the payment of a fee
of fifty dollars. No such temporary trainee permit shall be
reissued, renewed or extended more than once.

§16-24-13. Refusal to issue, suspension or revocation of license
or trainee permit; false and deceptive advertising.

(a) The board may either refuse to issue, or may refuse
to renew, or may suspend or revoke any license or trainee per-
mit for any one, or any combination, of the following causes:
Violation of a rule or regulation governing the ethical practice
of dealing in or fitting of hearing aids promulgated by the board
under the authority granted by this article; conviction of a
felony, as shown by a certified copy of the record of the
court wherein such conviction was had when such conviction
is final; the obtaining of or the attempt to obtain a license,
money or any other thing of value, by fraudulent misrepre-
sentation; malpractice; continued practice of dealing in or
fitting of hearing aids by a person knowingly having a chronic
infectious or contagious disease; habitual drunkenness or
addiction to the use of a controlled substance as defined
in chapter sixty-a of this code; advertising, practicing or
attempting to practice under a name other than one's own;
advertising by means of or selling by the use of knowingly false or deceptive statements.

(b) False and deceptive advertisement shall constitute un-
ethical practice and the board, by rule and regulation may
regulate and prescribe acts considered by it to be false and
deceptive advertisement.

The rules and regulations promulgated pursuant to this
subsection shall include prohibitions against advertising a
particular model or type of hearing aid for sale when pur-
chasers or prospective purchasers responding to the advertise-
ment cannot purchase the advertised model or type, where
it is established, that the purpose of the advertisement is to
obtain prospects for the sale of a different model or type
than that advertised, representing that the service or advice
of a person licensed to practice medicine will be used or
made available in the selection, fitting, adjustment, mainten-
ance or repair of hearing aids when that is not true, or using
the words “doctor,” “clinic” or similar words, abbreviations or
symbols which tend to connote the medical profession when
such use is not accurate, advertising a manufacturer’s product
or using a manufacturer’s name or trademark which implies
a relationship with the manufacturer that does not exist or
using the words “audiologist,” “state licensed clinic,” “state
registered,” “state certified,” or “state approved” or any other
term, abbreviation or symbol when it would falsely give the
impression that service is being provided by persons holding
a degree in audiology or trained in clinical audiology, or that
licensee’s service has been recommended by the state when
such is not the case.

(c) The refusal to issue or renew a license or trainee permit
or the suspension or revocation of a license or trainee permit
by the board must have the concurrence of a majority of the
members of the board.

§16-24-14. Matters to be ascertained by licensee prior to the sale or
fitting of hearing aids.

(a) Every licensee engaged in the practice of dealing in or
fitting of hearing aids shall, prior to the sale or the fitting of a
hearing aid intended to be worn or used by a child sixteen
years of age or under, first ascertain whether such child has,
within the next preceding ninety days, been examined by an otolaryngologist, or other duly licensed physician or person holding a degree in audiology or an audiologist holding a certificate of clinical competence. If such child has been so examined, the licensee shall, prior to the sale or fitting of such hearing aid, determine the recommendations of such otolaryngologist, physician or person holding a degree in audiology or audiologist. If such child has not been so examined, the licensee shall recommend that such examination be made and his recommendation must be made in writing to the parent or guardian of such child in the manner and form prescribed by the board.

(b) Prior to the sale of a hearing aid, every licensee shall be required to advise in writing, in the manner and form prescribed by the board, the person to whom he intends to sell or fit with such hearing aid that such person's best interest would be served by consulting an otolaryngologist or other physician specializing in diseases of the ear, or any other physician duly licensed to practice medicine in this state, if any of the following conditions is found upon examination of such person:

(1) Visible congenital or traumatic deformity of the ear;
(2) History of active ear discharge within the previous ninety days;
(3) History of a sudden or rapidly progressive hearing loss within the previous ninety days;
(4) Acute or chronic dizziness;
(5) Unilateral hearing loss of sudden or recent onset within the previous ninety days;
(6) Significant air-bone gap.

(c) A copy of any writing or form required to be given to a prospective purchaser or other person by the terms of this section shall be retained in the records of the licensee for a period of seven years following the issuance of each writing.

§16-24-15. Receipt required to be furnished to a person qualified with hearing aid; information required.

Any person who practices the fitting and sale of hearing aids shall deliver to each person supplied with a hearing aid a receipt which shall contain his signature and show
his business address and the number of his license, to-
gether with specifications as to the make and model of
the hearing aid furnished, and shall contain the full terms
of the sale. If a hearing aid which has been previously sold
at retail is sold, the receipt shall be clearly marked as “used”
or “reconditioned” whichever is applicable, with terms of
of guarantee, if any.

Such receipt shall be in the manner and form as prescribed
by the board in its rules and regulations. Such rules and
regulations shall prescribe the type and size of print to be
used in such receipt and the receipt shall set forth such addi-
tional information as the board may prescribe. A copy of such
receipt shall be retained in the records of the licensee for a
period of seven years following the issuance of such receipt.

§16-24-16. Hearing procedures; judicial review.

Any person, including a person who brings a complaint
against a licensee or trainee before the board, adversely
affected by any decision ruling or order of the board shall be
entitled to a hearing before the board. The hearing may
be held by the board or a majority thereof either in the
county wherein the licensee, trainee, prospective licensee
or prospective trainee resides or may be held in the county
wherein the person adversely affected resides or may be
so held in some other county as the board may direct.

All of the pertinent provisions of article five, chapter twenty-
nine-a of this code shall apply to any hearing held by the
board and the administrative procedures in connection with
and following such hearing shall apply with like effect
as if the provisions of said article five were set forth in
extenso in this section. For the purpose of conducting such
hearing the board shall have the power and authority to issue
subpoenas and subpoenas duces tecum in accordance with the
provisions of section one, article five, chapter twenty-nine-a.

Any such hearing shall be held within thirty days after the date
upon which a request therefor was made. All requests for
hearings shall be made in writing to the board by certified or
registered mail, return receipt requested. The board may
postpone or continue any hearing on its own motion or
upon application for good cause shown.

Any person, including a person who brings a complaint
against a licensee or trainee before the board, who may be
adversely affected by any ruling or order made or entered by
the board following a hearing, shall be entitled to judicial
review of such order, in accordance with the provisions
of section four, article five, chapter twenty-nine-a of this
code and the provisions of said section four shall apply
to and govern such appeal with like effect as if the pro-
visions of said section four were set forth in extenso in
this section and the provisions of article six of said chap-
ter twenty-nine-a shall apply with respect to appeals
to the supreme court of appeals in the same manner.

§16-24-17. Prohibited acts and practices.

Any of the following acts is hereby prohibited and shall be
punishable under section eighteen of this article and shall also
constitute unethical practice and no person shall:
1. Sell, barter or offer to sell or barter a license issued
   pursuant to this article.
2. Purchase or procure by barter any such license with
   intent to use it as evidence of the holder's qualifications to
   engage in the practice of dealing in or fitting of hearing aids.
3. Alter materially a license issued pursuant to this article.
4. Use or attempt to use as a valid license any license
   which has been purchased, fraudulently obtained, counterfeite-
   d or materially altered.
5. Willfully make any false statement in an application
   for license or for renewal thereof.
6. Advertise for the mail-order sale of hearing aids in any
   advertising medium or sell hearing aids by mail to any person
   other than distributors, dealers or those excluded from the
   provisions of this article.

§16-24-18. Offenses and penalties.

Any person who shall engage in the practice of dealing in
or fitting of hearing aids without qualifying to do so under
the provisions of this article or any person who commits any
of the acts prohibited under the provisions of section seven-
teen of this article shall be guilty of a misdemeanor, and,
upon conviction for the first offense, shall be fined not less
than one hundred dollars nor more than five hundred dollars
or imprisoned in the county jail for not more than six months,
or be subject to both such fine and imprisonment, and for
the second or any subsequent offense, shall be fined not
less than five hundred dollars nor more than one thousand
dollars or imprisoned in the county jail for not less than thirty
days nor more than one year or be subject to both such
fine and imprisonment. Each sale made in violation of this
article shall constitute a separate offense. Justices of the
peace shall have concurrent jurisdiction with circuit courts or
inferior courts of record with criminal jurisdiction for the
enforcement of this article.


Notwithstanding the existence of any other remedy, the
board may, in the manner provided by law, maintain an action
for an injunction against any person to restrain or prevent the
practice of dealing in or fitting of hearing aids when such per-
son repeatedly refuses to obtain a license therefor and con-
tinues such practice without first obtaining a license there-
fore in the manner hereinbefore provided, and an action
for an injunction may be maintained for any continued and
repeated violation of any of the provisions of this article and
the rules and regulations promulgated pursuant thereto.

§16-24-20. Construction and severability.

The provisions of this article and the regulations pro-
mulgated thereunder shall be liberally construed so as to
carry into effect its purposes and to protect the health,
safety and welfare of the public.

If any provision of this article or the application thereof
to any person or circumstance shall be held invalid, the
remainder of the article and the application of such pro-
vision to other persons or circumstances shall not be affected
thereby.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

N. Daniel Party  
Chairman Senate Committee

Clarence I. Schuster Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Cannon  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

W. M. Boothy  
President of the Senate

Lewis F. Within  
Speaker House of Delegates

The within __________________________ this the __________________________ day of April __________________________, 1973.

Aubrey L. Shannon  
Governor
PRESENTED TO THE
GOVERNOR

Date 4/24/73
Time 2:34 p.m.