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WEST VIRGINIA LEGISLATURE

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REGULAR SESSION, 1975

— ● —

# ENROLLED

HOUSE BILL No. 938

(By Mr. Speaker, Mr. McManus and  
Mr. Seibert)

— ● —

PASSED March 8, 1975

In Effect ninety days from Passage



*[Handwritten signature or initials]*

**ENROLLED**

# **H. B. 938**

(By MR. SPEAKER, MR. McMANUS, and MR. SEIBERT)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact article thirteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the practice of professional engineering and the registration of persons engaging in the practice of professional engineering; providing legislative findings, intent and declaration of public policy; defining terms; requiring registration of persons engaging in the practice of professional engineering; providing prohibitions and restrictions on certain activities; continuing the West Virginia state board of registration for professional engineers; providing for the appointment, qualifications, terms of office, oath, removal and payment of compensation and expenses of members of the board; relating to the election of officers, meetings and quorum of the board; specifying powers and duties of the board; relating to the receipt and disbursement of funds by the board; establishing qualifications of applicants for registration; providing for reciprocal registration of certain professional engineers; providing for applications and fees for examinations and certificates of registration; providing for the issuance of certificates of registration, renewal thereof and fees in connection therewith; relating to the certificate of registration and the requirement and use of a seal for professional engineers; providing for various exemptions from said article thirteen; relating to partnerships, corporations and other business entities and the practice of professional engineering; authorizing board to suspend or revoke certificate of registration and establishing the

grounds therefor; relating to resignation of registrant; authorizing said board to hold hearings; providing a time and place for such hearings; specifying that provisions of chapter twenty-nine-a of the code shall govern the hearings; authorizing the board to issue subpoenas and subpoenas duces tecum in connection with such hearings; providing automatic stay or suspension of certain orders of board pending such hearing; relating to the cost of such hearing; providing for judicial review of decisions of the board entered following such hearing; providing for appeals to the supreme court of appeals; providing legal representation for the board; providing for injunctive relief; and providing criminal offenses and penalties.

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

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

**ARTICLE 13. ENGINEERS.**

**§30-13-1. Legislative findings; intent.**

1 The Legislature of the state of West Virginia hereby deter-  
2 mines and finds that the advancing state of knowledge in  
3 mathematical, physical, and engineering sciences as applied in  
4 the practice of professional engineering has a critical impact on  
5 the lives, property, economy, security and the general health  
6 and welfare of our state and our citizens. Therefore, the Legis-  
7 lature declares that in order to protect public health, safety,  
8 welfare, property and the general public interest, the practice  
9 of professional engineering must be regulated and controlled  
10 in accordance with this article in order to insure that the  
11 privilege of practicing professional engineering shall only be  
12 entrusted to persons with necessary qualifications, good char-  
13 acter, education, training, and experience. In furtherance of  
14 such intent and purpose of the Legislature, the practice of en-  
15 gineering is hereby declared a learned profession to be prac-  
16 ticed and regulated as such and its practitioners in this state  
17 shall be held accountable to the state and members of the pub-  
18 lic by high professional standards in keeping with the ethics  
19 and practices of other learned professions in this state.

**§30-13-2. Definitions.**

1 (a) Unless the context in which used clearly requires a dif-  
2 ferent meaning as used in this article:

3 (1) "Applicant" means any person making application for  
4 registration, whether original or renewal, under the provisions  
5 of this article.

6 (2) "Board" means the West Virginia state board of regis-  
7 tration for professional engineers as provided for in this  
8 article.

9 (3) "Certificate of registration" means a license issued by  
10 the state granting its licensee the privilege of practicing pro-  
11 fessional engineering in accordance with the provisions of this  
12 article.

13 (4) "Current certificate of registration" means a certifi-  
14 cate of registration issued pursuant to the provisions of this  
15 article or under the prior provisions of this article which certi-  
16 ficate is and remains unexpired, unsuspended or unrevoked.

17 (5) "Practice of professional engineering" means performing  
18 or doing, or offering or attempting to do or perform any pro-  
19 fessional service or creative work such as consultation, investi-  
20 gation, evaluation, planning, design or inspection of construc-  
21 tion for the purpose of assuring compliance with drawings and  
22 specifications, in connection with any public or private utilities,  
23 structures, buildings, machines, equipment, processes, work  
24 or projects, wherein the public welfare, or the safeguarding of  
25 life, health or property is concerned or involved, when such  
26 professional service requires engineering education, training  
27 and experience in the application of special knowledge of the  
28 mathematical, physical, or engineering sciences to such ser-  
29 vices or creative work.

30 (6) "Professional engineer" means any person who by rea-  
31 son of his knowledge of mathematics, the physical sciences,  
32 and the principles of engineering, acquired by professional  
33 education and practical experience, is qualified to engage in  
34 the practice of professional engineering and holds a current  
35 certificate of registration.

36 (7) "Registrant" means any person registered under the  
37 provisions of this article.

**§30-13-3. Registration required to practice professional engineering; prohibitions and restrictions.**

1 (a) From and after the effective date of this article, no  
2 person in this state who does not hold a current certificate  
3 of registration shall:

4 (1) Practice, continue to practice, offer or attempt to prac-  
5 tice professional engineering or any branch or part thereof;

6 (2) Directly or indirectly, employ, use, cause to be used  
7 or make use of any of the following terms or any combinations,  
8 variations or abbreviations thereof as a professional, business  
9 or commercial identification, title, name, representation, claim,  
10 asset or means of advantage or benefit: "professional engi-  
11 neer," "licensed engineer," "registered professional engineer,"  
12 "licensed professional engineer";

13 (3) Directly or indirectly, employ, use, cause to be used or  
14 make use of any letter, abbreviation, word, symbol, slogan,  
15 sign or any combinations or variations thereof, which in any  
16 manner whatsoever tends or is likely to create any impression  
17 with the public or any member thereof that any person is quali-  
18 fied or authorized to practice professional engineering; or

19 (4) Receive any fee or compensation or the promise of any  
20 fee or compensation for performing, offering or attempting to  
21 perform any service, work, act or thing which is any part of  
22 the practice of professional engineering as defined by this  
23 article.

24 (b) Nothing contained in this article shall under any circum-  
25 stances whatever be construed as in any way affecting the  
26 laws relating to the practicing, licensing, certification or regis-  
27 tration of architects, landscape architects and land surveyors.

**§30-13-4. Continuation of board of registration for professional engineers; members, terms, meetings, officers, oath and expenses; general provisions.**

1 There is hereby continued the West Virginia state board of  
2 registration for professional engineers created under prior

3 provisions of this article. The board shall be composed of five  
4 professional engineers appointed by the governor by and with  
5 the advice and consent of the Senate. The members of the  
6 board as constituted under prior provisions of this article shall  
7 continue in office until the expiration of the term for which  
8 each was appointed, and as the terms of the present members  
9 shall expire appointments shall be made for terms of five  
10 years so as to have the term of one member expire each year.  
11 Each member shall hold office until the expiration of the term  
12 for which such member is appointed or until a successor shall  
13 have been duly appointed and shall have qualified. No person  
14 may serve on the board for more than three consecutive full  
15 terms. Before entering upon the performance of his duty, each  
16 member shall take and subscribe to the oath prescribed by  
17 section five, article four of the constitution of this state. Vac-  
18 ancies shall be filled by appointment by the governor for the  
19 unexpired term of the member whose office shall be vacant  
20 and such appointment shall be made within sixty days of the  
21 occurrence of such vacancy. Any member may be removed by  
22 the governor in case of incompetency, neglect of duty, gross  
23 immorality or malfeasance in office.

24 Each member of the board shall be a citizen of the United  
25 States and a resident of this state, and shall have been engaged  
26 in the practice of professional engineering for at least ten  
27 years, and shall have been in responsible charge of engineering  
28 work for at least five years. Each member of the board shall  
29 hold a current certificate of registration.

30 The board shall elect from its membership a president and  
31 a secretary who shall serve at the will and pleasure of the  
32 board. A majority of the board shall constitute a quorum and  
33 meetings shall be held at the call of the president or upon re-  
34 quest of two members at such time and place as designated in  
35 such call or request. In any event, the board shall meet at  
36 least once annually to conduct the examination hereinafter  
37 provided for and to transact such other business as may come  
38 before it. Members may be paid such reasonable compensa-  
39 tion as the board may from time to time determine, and in  
40 addition may be reimbursed for all reasonable and necessary  
41 expenses actually incurred in the performance of their duties,

42 which compensation and expenses shall be paid in accordance  
43 with the provisions of subsection (b), section five of this  
44 article.

**§30-13-5. Powers and duties of board; funds of board.**

1 (a) The board shall:

2 (1) Examine applicants and determine their eligibility to  
3 be registered as a professional engineer;

4 (2) Prepare or approve, administer, and grade appropriate  
5 written or written and oral examinations for applicants to as-  
6 certain whether an applicant is qualified as to the theory and  
7 practice of professional engineering;

8 (3) Determine the time and place for any examination and  
9 the passing score of such examination;

10 (4) Promulgate reasonable rules and regulations imple-  
11 menting the provisions of this article and the powers and dut-  
12 ies conferred upon the board hereby, all of which reasonable  
13 rules and regulations shall be promulgated in accordance with  
14 the provisions of article three, chapter twenty-nine-a of this  
15 code;

16 (5) Establish and promulgate, as a part of the rules and  
17 regulations, reasonable standards of conduct and ethics for  
18 professional engineers in keeping with the purposes and intent  
19 of this article;

20 (6) Issue, renew, deny, suspend or revoke a certificate of  
21 registration in accordance with the provisions of this article  
22 and, in accordance with the administrative procedures herein-  
23 after provided, may review, affirm, reverse or modify its order  
24 with respect to any such issuance, renewal, denial, suspension  
25 or revocation;

26 (7) Investigate alleged violations of the provisions of this  
27 article, reasonable rules and regulations promulgated here-  
28 under and final decisions of the board and take appropriate  
29 disciplinary action, including a written public or private reprimand,  
30 against any registrant for the violation thereof or insti-  
31 tute appropriate legal action for the enforcement of the pro-  
32 visions of this article, reasonable rules and regulations promul-

33 gated hereunder and orders and final decisions of the board  
34 or take such disciplinary action and institute such legal action;

35 (8) Purchase or rent necessary office space, equipment and  
36 supplies and employ, direct, discharge and define the duties  
37 of full-time or part-time professional, clerical or other per-  
38 sonnel as may be necessary to effectuate the provisions of this  
39 article;

40 (9) Keep accurate and complete records of its proceedings,  
41 certify the same as may be appropriate, prepare from time to  
42 time, a list showing the names and addresses of all registrants,  
43 and submit to the governor a report on the transactions of the  
44 board, including an accounting of all moneys received and  
45 disbursed;

46 (10) Take such other action as may be reasonably neces-  
47 sary or appropriate to effectuate the provisions of this article.

48 (b) All moneys paid to the board shall be accepted by a  
49 person designated by the board and deposited by him with the  
50 treasurer of the state and credited to an account to be known  
51 as the "board of professional engineers." The compensation of  
52 and the reimbursement of all reasonable and necessary expens-  
53 es actually incurred by the members of the board and all  
54 other costs and expenses incurred by the board in the ad-  
55 ministration of this article shall be paid from such fund, and  
56 no part of the state's general revenue fund shall be expended  
57 for this purpose.

**§30-13-6. Qualifications of applicants; reciprocity; applications;  
fees.**

1 (a) To be eligible for registration as a professional engineer,  
2 the applicant must:

3 (1) Be at least eighteen years of age;

4 (2) Be of good moral character;

5 (3) Not have been convicted of a felony in any court in this  
6 state or any federal court in this or any other state within ten  
7 years preceding the date of application for registration, which  
8 conviction remains unreversed; and not have been convicted of  
9 a felony in any court in this state or any federal court in this

10 or any other state at any time if the offense for which he was  
11 convicted related to the practice of professional engineering,  
12 which conviction remains unreversed;

13 (4) Either (i) be a graduate of a school or college in an  
14 engineering curriculum approved by the board and have a  
15 specific record of an additional four years or more of exper-  
16 ience in engineering work of a character satisfactory to the  
17 board indicating that the applicant is competent to practice  
18 engineering; or (ii) be a graduate of a school or college in a  
19 science curriculum approved by the board and have a specific  
20 record of an additional six years or more of experience in  
21 engineering work of a character satisfactory to the board in-  
22 dicating that the applicant is competent to practice engineer-  
23 ing; or (iii) have a record of at least ten years of education and  
24 experience in engineering which in the opinion of the board is  
25 substantially equivalent to (i) or (ii) as set forth hereinabove;  
26 and

27 (5) Have passed the examination prescribed and administ-  
28 ered by the board in accordance with the provisions of this  
29 article.

30 (b) The board may issue a certificate of registration as a  
31 professional engineer to any person who holds an unrevoked  
32 license or a certificate of registration issued to him by any  
33 state, territory, or possession of the United States: *Provided,*  
34 That the applicant's qualifications are in the opinion of the  
35 board equal to or greater than the requirements of this article  
36 and the rules and regulations established by the board.

37 (c) Any applicant for registration under the provisions of  
38 subsection (a) or (b) of this section shall submit an appli-  
39 cation therefor at such time, in such manner, on such forms  
40 and containing such information as the board may from time  
41 to time by reasonable rule and regulation prescribe. The regis-  
42 tration fee for professional engineers shall be fifty dollars,  
43 twenty-five dollars of which shall accompany the application,  
44 the remaining twenty-five dollars to be paid upon issuance of  
45 certificate. Should the board deny the issuance of a certificate  
46 to any applicant, the initial fee deposited shall be retained.  
47 Applicants failing any portion of the examinations will be re-

48 quired to pay a fee not to exceed twenty-five dollars for each  
49 subsequent examination period for which he must appear.

**§30-13-7. Registration; certificate of registration; renewal; renewal fee; expiration; seal.**

1 Whenever the board finds that an applicant is eligible  
2 for registration under the requirements of this article, it  
3 shall forthwith issue to him a certificate of registration; and  
4 otherwise the board shall deny the same. The board shall  
5 prescribe the form of the certificate of registration. Certifi-  
6 cates of registration shall expire on the thirtieth day of June  
7 of each year, but shall be renewable each year without  
8 examination upon application for renewal on a form prescribed  
9 by and filed with the board and payment to the board of an  
10 annual renewal fee in such amount as may be prescribed  
11 by the board not to exceed thirty dollars. The secretary of  
12 the board shall notify every registrant of the expiration  
13 date and the amount of the renewal fee for one year.

14 All certificates of registration not renewed are null and  
15 void but may be renewed within two years after expiration  
16 date for a maximum fee of fifty dollars. Any person who  
17 does not renew his certificate of registration during the two  
18 years after its expiration date shall not be eligible for renewal  
19 as provided in this section but may submit an original appli-  
20 cation to the board as provided in this article.

21 Each registrant shall obtain a seal or stamp of a design  
22 authorized by the board, bearing his name and the legend  
23 "registered professional engineer, state of West Virginia,"  
24 and such other words or figures as the board may prescribe.  
25 Plans, specifications, plats and reports issued by a registrant  
26 shall be stamped or sealed. It shall be unlawful for anyone to  
27 stamp or seal any document unless the registrant named  
28 thereon holds a current certificate of registration.

**§30-13-8. Exemptions.**

1 (a) The following persons shall be exempt from registra-  
2 tion under the provisions of this article:

3 (1) Any employee of a person, partnership, corporation  
4 or other business entity which is engaged in the practice of pro-

5 fessional engineering in conformity with the provisions of this  
6 article and any employee of a person exempted from registra-  
7 tion by subsection (b) of this section: *Provided*, That such em-  
8 ployee does not have final authority for the approval of, and the  
9 ultimate responsibility for, engineering designs, plans or  
10 specifications.

11 (2) Any regular full-time employee of a person, partner-  
12 ship, corporation or other business entity who is engaged  
13 solely and exclusively in performing services for such person,  
14 partnership, corporation, or other business entity, who is  
15 not required by any provision of law other than this article  
16 thirteen to be a registered professional engineer and whose  
17 services are performed on, or in connection with, property  
18 owned or leased by such person, partnership, corporation or  
19 other business entity, or in which such person, partnership,  
20 corporation or other business entity has an interest, estate or  
21 possessory right, and are not offered or made available to  
22 the public. This exemption includes the use of job title and  
23 personnel classifications by such persons, but no name, title  
24 or words may be used which tend to convey the impression  
25 that an unlicensed person is offering professional engineering  
26 services to the public.

27 (3) Officers and employees of the government of the  
28 United States while engaged within this state in the practice  
29 of professional engineering for such government.

30 (4) Any regular full-time employee of any investor-owned  
31 public utility, its affiliates or associated companies, while  
32 engaged solely in performing services which are not offered  
33 directly to the public, and which are performed in connection  
34 with or incidental to the products, systems or services of such  
35 investor-owned public utility, its affiliates or associated com-  
36 panies.

37 (b) A person who is not a resident of this state or who  
38 does not have an established place of business in this state  
39 and is currently registered or licensed as a professional  
40 engineer in his state of residency or in the state of his principal  
41 place of practice, may, without registration in this state, be  
42 granted permission by the board to practice professional

43 engineering in this state on a specific project for the dura-  
 44 tion of such specific project. Such person seeking per-  
 45 mission shall apply to the board in writing and pay a  
 46 fee of fifty dollars: *Provided*, That such privilege to practice  
 47 professional engineering in this state shall be confined to  
 48 the terms of the written permit granted by the board and no  
 49 other practice of professional engineering shall be allowed.

**§30-13-9. Application of article to partnerships, corporations and other business entities.**

1 Partnerships, corporations or other business entities may  
 2 engage in the practice of professional engineering in this state  
 3 provided such practice is carried on by professional engineers  
 4 registered in accordance with this article.

**§30-13-10. Suspension or revocation of certificate of registration; resignation.**

1 (a) The board may at any time upon its own motion, and  
 2 shall upon the verified written complaint of any person filed  
 3 with the board, conduct an investigation to determine whether  
 4 there are any grounds for the suspension or revocation of a  
 5 certificate of registration issued under the provisions of this  
 6 article or under the prior provisions of this article.

7 (b) The board may suspend or revoke any certificate of  
 8 registration when it finds that the registrant has:

9 (1) Been convicted of a felony in any court in this state or  
 10 any federal court in this or any other state within ten years pre-  
 11 ceding the effective date of such suspension or revocation,  
 12 which conviction remains unreversed; or been convicted of a  
 13 felony in any court in this state or any federal court in this or  
 14 any other state at any time if the offense for which he was con-  
 15 victed related to the practice of professional engineering, which  
 16 conviction remains unreversed;

17 (2) Obtained such certificate of registration by means of  
 18 fraud or deceit;

19 (3) Been incompetent, grossly negligent or guilty of other  
 20 malpractice or misconduct as defined by the board by reason-  
 21 able rules and regulations;

22 (4) Failed or refused to comply with any provision of this  
23 article or any reasonable rule or regulation promulgated by the  
24 board hereunder or any order or final decision of the board;  
25 or

26 (5) Affixed his seal or stamp to any plans, plats, drawings,  
27 specifications, reports or other instruments of service which  
28 were not prepared by him or under his immediate and re-  
29 sponsible supervision, or permitted his name to be used for the  
30 purpose of assisting any person to evade the provisions of  
31 this article.

32 (c) The board may also suspend or revoke any certificate  
33 of registration if it finds the existence of any grounds which  
34 would have justified the denial of the application for such  
35 certificate of registration at the time the original certificate  
36 of registration was granted.

37 (d) Any such suspension or revocation of a certificate of  
38 registration shall be for the period prescribed by the board in  
39 a written order of suspension or revocation.

40 (e) A person holding a certificate of registration issued by  
41 the board may voluntarily resign his registration by filing a  
42 verified petition with the board stating his desire to do so, and  
43 by surrendering therewith his certificate of registration; where-  
44 upon his name shall be deleted from the official roster.

**§30-13-11. Procedures for hearing.**

1 (a) Whenever the board shall deny an application for any  
2 original or renewal certificate of registration or shall suspend  
3 or revoke any such certificate of registration, it shall make and  
4 enter an order to that effect and serve a copy thereof on the  
5 applicant or registrant, as the case may be, by certified mail,  
6 return receipt requested. Such order shall state the grounds for  
7 the action taken and shall require that any certificate of regis-  
8 tration suspended or revoked thereby shall be returned to the  
9 board by the holder thereof within twenty days after receipt  
10 of said copy of said order.

11 (b) Any person adversely affected by any such order shall  
12 be entitled to a hearing thereon (as to all issues not excluded  
13 from the definition of a "contested case" as set forth in article

14 one, chapter twenty-nine-a of this code) if, within twenty days  
15 after receipt of a copy thereof, he files with the board a written  
16 demand for such hearing. A demand for hearing shall operate  
17 automatically to stay or suspend the execution of any order  
18 suspending or revoking a certificate of registration or denying  
19 an application for a renewal certificate of registration. The  
20 board may require the person demanding such hearing to give  
21 reasonable security for the costs thereof and if such person  
22 does not substantially prevail at such hearing such costs shall  
23 be assessed against him and may be collected by a civil action  
24 or other proper remedy.

25 (c) Upon receipt of a written demand for such hearing,  
26 the board shall set a time and place therefor not less than  
27 ten and not more than thirty days thereafter. Any scheduled  
28 hearing may be continued by the board upon its own motion or  
29 for good cause shown by the person demanding the hearing.

30 (d) All of the pertinent provisions of article five, chapter  
31 twenty-nine-a of this code shall apply to and govern the hearing  
32 and the administrative procedures in connection with and fol-  
33 lowing such hearing, with like effect as if the provisions of  
34 said article five were set forth in this subsection.

35 (e) Any such hearing shall be conducted by a quorum of the  
36 board. For the purpose of conducting any such hearing, any  
37 member of the board shall have the power and authority to  
38 issue subpoenas and subpoenas duces tecum which shall be  
39 issued and served within the time, for the fees and shall be  
40 enforced, as specified in section one, article five of said chap-  
41 ter twenty-nine-a, and all of the said section one provisions  
42 dealing with subpoenas and subpoenas duces tecum shall ap-  
43 ply to subpoenas and subpoenas duces tecum issued for the  
44 purpose of a hearing hereunder.

45 (f) At any such hearing the person who demanded the same  
46 may represent himself or be represented by an attorney at law  
47 admitted to practice before any circuit court of this state.  
48 Upon request by the board, it shall be represented at any such  
49 hearing by the attorney general or his assistants without addi-  
50 tional compensation.

51 (g) After any such hearing and consideration of all of the

52 testimony, evidence and record in the case, the board shall  
53 render its decision in writing. The written decision of the  
54 board shall be accompanied by findings of fact and conclusions  
55 of law as specified in section three, article five, chapter twenty-  
56 nine-a of this code, and a copy of such decision and accom-  
57 panying findings and conclusions shall be served by certified  
58 mail, return receipt requested, upon the person demanding such  
59 hearing, and his attorney of record, if any.

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

**§30-13-12. Judicial review; appeal to supreme court of appeals;  
legal representation for board.**

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

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

13 Legal counsel and services for the board in all appeal pro-  
14 ceedings in any circuit court and the supreme court of appeals  
15 shall be provided by the attorney general or his assistants  
16 and in any circuit court by the prosecuting attorney of the  
17 county as well, all without additional compensation.

**§30-13-13. 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 of  
3 this article, any reasonable rule and regulation promulgated  
4 hereunder or any order or final decision of the board, the  
5 board may apply in the name of the state to the circuit

6 court of the county in which the violation or violations or  
7 any part thereof has occurred, is occurring or is about to  
8 occur, or the judge thereof in vacation, for an injunction  
9 against such person and any other persons who have been, are  
10 or are about to be, involved in any practices, acts or  
11 omissions, so in violation, enjoining such person or persons  
12 from any such violation or violations. Such application may  
13 be made and prosecuted to conclusion whether or not any  
14 such violation or violations have resulted or shall result in  
15 prosecution or conviction under the provisions of section  
16 fourteen of this article.

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

24 The judgment of the circuit court upon any application  
25 permitted by the provisions of this section shall be final  
26 unless reversed, vacated or modified on appeal to the supreme  
27 court of appeals. Any such appeal shall be sought in the  
28 manner and within the time provided by law for appeals  
29 from circuit courts in other civil actions.

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

**§30-13-14. Offenses and penalties.**

1 Any person who violates any provision of this article, any  
2 of the reasonable rules and regulations promulgated hereunder  
3 or any order or any final decision of the board shall be  
4 guilty of a misdemeanor, and, upon conviction thereof, shall  
5 be fined not less than one hundred nor more than five  
6 hundred dollars, or imprisoned in the county jail not more  
7 than three months, or both fined and imprisoned.

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

*James L. Davis*

Chairman Senate Committee

*Clarence C. Christian Jr.*

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*James L. Davis*

Clerk of the Senate

*W. B. Blankenship*

Clerk of the House of Delegates

*H. B. B. B. B.*

President of the Senate

*Lewis T. McMane*

Speaker House of Delegates

The within *approved* this the *25th*  
*March*, 1975.

*Arva Prange*

Governor

PRESENTED TO THE  
GOVERNOR

Date 3/19/75

Time 4:10 p.m.