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OFFICE OF THE GOVERNOR

No: 1461

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

— ● —

# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1461

(By Mr. Allright + Mr. Chambers)

— ● —

Passed March 12, 1983

In Effect Ninety Days From Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1461**

(By MR. ALBRIGHT and MR. CHAMBERS)

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[Passed March 12, 1983; in effect ninety days from passage.]

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AN ACT to amend and reenact section eight, article twenty-seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to barbers and beauticians generally; providing for obtaining a license to operate a school of barbering or beauty culture; prescribing the method of application and the qualifications for applicants; providing for the inspection of proposed schools; authorizing the board of health to promulgate rules and regulations; empowering the board of health to suspend, revoke or refuse to renew licenses of the schools; establishing fees for initial license and renewal; authorizing the board of barbers and beauticians to promulgate rules and regulations governing the licensure of instructors; establishing minimum qualifications for instructors; prescribing license fees for instructors; and providing that all rules and regulations promulgated in compliance with the provisions of chapter twenty-nine-a of said code of West Virginia.

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

That section eight, article twenty-seven, 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 27. BOARD OF BARBERS AND BEAUTICIANS.**

**§30-27-8. License to own or operate schools of barbering or beauty culture; application for license; qualifications; inspection; license fee; rules and regulations; suspension, etc., of license; qualifications and registration of instructors; registration fees; administrative procedures.**

1 No person, firm or corporation, whether public or private,  
2 and whether organized for profit or not, shall own or operate a  
3 school of barbering or beauty culture in this state without first  
4 obtaining a license so to do from the board. The application for  
5 such license shall be made in writing on forms prescribed and  
6 furnished by the board and shall be signed and verified by the  
7 applicant. The applicant shall, in addition to such other in-  
8 formation as may be reasonably required by the board, furnish  
9 evidence that (a) the applicant is professionally competent and  
10 financially responsible, (b) adequate physical facilities will be  
11 available for the school, and (c) persons teaching or in-  
12 structing therein are licensed by the board as fully qualified  
13 instructors. If an applicant desires to own or operate more than  
14 one school of barbering or beauty culture, a separate applica-  
15 tion shall be made and a separate license shall be issued for  
16 each.

17 All applicants for a license to own or operate a school of  
18 barbering or beauty culture shall permit an inspection of such  
19 proposed school by the inspectors appointed pursuant to sub-  
20 section (d), section one, article fourteen, chapter sixteen of  
21 this code to determine whether it is properly fitted and equipped  
22 for instruction in barbering or beauty culture. The board of  
23 health shall promulgate reasonable rules and regulations to  
24 implement and make effective the powers, duties and respon-  
25 sibilities vested in such board in connection with the licensing  
26 of schools of barbering and beauty culture. If the applicant  
27 has met all of the standards and qualifications prescribed  
28 herein by the board of health and has complied with the rules  
29 and regulations pertaining to the issuance of the license applied  
30 for, the board shall issue such license to the applicant. There-  
31 after, the board may suspend, revoke or refuse to renew the  
32 license of a school whenever it fails to meet the minimum  
33 standards and qualifications required for the issuance of an

34 original license. The director of health or his designees shall  
35 administer and enforce such actions of the board.

36 The initial license fee for each school of barbering and for  
37 each school of beauty culture shall be five hundred dollars and  
38 the annual renewal fee shall be two hundred fifty dollars to be  
39 paid in such manner as the board may prescribe, on or before  
40 January first of each year. The license shall be permanently  
41 displayed in the school, and a suitable sign shall be kept on  
42 the front of the school which shall plainly indicate that a school  
43 of barbering or beauty culture is operated therein.

44 The board of barbers and beauticians shall promulgate rea-  
45 sonable rules and regulations prescribing the standards and  
46 requirements to be met by applicants for licensure of duly  
47 qualified instructors in schools of barbering or beauty culture.  
48 Such rules and regulations may provide for the issuance of cer-  
49 tificates for instructors, including temporary certificates, and  
50 shall prescribe minimum qualifications as to age, education and  
51 training for applicants for such certificates. Minimum qualifi-  
52 cations to become applicants as student instructors shall in-  
53 clude one year's experience as a licensed full-time practicing  
54 barber or beautician and two hundred fifty hours of ad-  
55 vanced instruction beyond the normal licensure requirements.  
56 Each licensed instructor in barbering and beauty culture shall  
57 pay an initial registration fee of fifty dollars, and shall renew  
58 his certificate annually and pay a renewal fee of fifty dollars  
59 on or before the first day of January of each year. An expired  
60 certificate may be reinstated only upon the payment of all  
61 lapsed renewal fees, unless such instructor shall have notified  
62 the board that he or she desires to be placed on an inactive  
63 status during which time he or she shall not be liable for any  
64 renewal fees. The applicant for reinstatement shall also be  
65 required to meet the qualifications for registration in effect at  
66 the time application for reinstatement is made. A licensed  
67 instructor shall not also be required to be licensed for active  
68 practice or service as provided for in section four of this  
69 article, unless such instructor is in fact acting as a barber,  
70 beautician, aesthetician or manicurist outside the scope of his  
71 employment as an instructor: *Provided*, That the term "aesthe-  
72 tician," used in this section, shall have no effect until and

73 unless the provisions of section one of this article are amended  
74 to authorize issuance of rules and regulations relating to  
75 aestheticians.

76 Recognizing that all of the provisions of chapter twenty-  
77 nine-a of this code are fully applicable to any and all admini-  
78 strative procedures, and the right of judicial review, in con-  
79 nection with the provisions of this article, but also recognizing  
80 that the question has been raised as to whether rules and  
81 regulations adopted under the provisions of this section must  
82 be promulgated in accordance with the provisions of said  
83 chapter twenty-nine-a, it is hereby expressly provided that all  
84 such rules and regulations shall be promulgated in compliance  
85 with the provisions of said chapter twenty-nine-a.

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

*[Handwritten Signature]*  
Chairman Senate Committee

*[Handwritten Signature]*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*[Handwritten Signature]*  
Clerk of the Senate

*[Handwritten Signature]*  
Clerk of the House of Delegates

*[Handwritten Signature]*  
President of the Senate

*[Handwritten Signature]*  
Speaker House of Delegates

The within is approved this the 29  
day of March, 1983.

*[Handwritten Signature]*  
Governor

83 MAR 31 All: 22

OFFICE  
SECY. OF STATE