WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
Com. Sub. for
HOUSE BILL No. 1461

(By Mr. Albright and Mr. Chambers)

Passed March 12, 1983
In Effect Ninety Days From Passage

No. 1461

RECEIVED
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OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-29-83
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.

No person, firm or corporation, whether public or private, and whether organized for profit or not, shall own or operate a school of barbering or beauty culture in this state without first obtaining a license so to do from the board. The application for such license shall be made in writing on forms prescribed and furnished by the board and shall be signed and verified by the applicant. The applicant shall, in addition to such other information as may be reasonably required by the board, furnish evidence that (a) the applicant is professionally competent and financially responsible, (b) adequate physical facilities will be available for the school, and (c) persons teaching or instructing therein are licensed by the board as fully qualified instructors. If an applicant desires to own or operate more than one school of barbering or beauty culture, a separate application shall be made and a separate license shall be issued for each.

All applicants for a license to own or operate a school of barbering or beauty culture shall permit an inspection of such proposed school by the inspectors appointed pursuant to subsection (d), section one, article fourteen, chapter sixteen of this code to determine whether it is properly fitted and equipped for instruction in barbering or beauty culture. The board of health shall promulgate reasonable rules and regulations to implement and make effective the powers, duties and responsibilities vested in such board in connection with the licensing of schools of barbering and beauty culture. If the applicant has met all of the standards and qualifications prescribed herein by the board of health and has complied with the rules and regulations pertaining to the issuance of the license applied for, the board shall issue such license to the applicant. Thereafter, the board may suspend, revoke or refuse to renew the license of a school whenever it fails to meet the minimum standards and qualifications required for the issuance of an
The initial license fee for each school of barbering and for each school of beauty culture shall be five hundred dollars and the annual renewal fee shall be two hundred fifty dollars to be paid in such manner as the board may prescribe, on or before January first of each year. The license shall be permanently displayed in the school, and a suitable sign shall be kept on the front of the school which shall plainly indicate that a school of barbering or beauty culture is operated therein.

The board of barbers and beauticians shall promulgate reasonable rules and regulations prescribing the standards and requirements to be met by applicants for licensure of duly qualified instructors in schools of barbering or beauty culture. Such rules and regulations may provide for the issuance of certificates for instructors, including temporary certificates, and shall prescribe minimum qualifications as to age, education and training for applicants for such certificates. Minimum qualifications to become applicants as student instructors shall include one year's experience as a licensed full-time practicing barber or beautician and two hundred fifty hours of advanced instruction beyond the normal licensure requirements.

Each licensed instructor in barbering and beauty culture shall pay an initial registration fee of fifty dollars, and shall renew his certificate annually and pay a renewal fee of fifty dollars on or before the first day of January of each year. An expired certificate may be reinstated only upon the payment of all lapsed renewal fees, unless such instructor shall have notified the board that he or she desires to be placed on an inactive status during which time he or she shall not be liable for any renewal fees. The applicant for reinstatement shall also be required to meet the qualifications for registration in effect at the time application for reinstatement is made. A licensed instructor shall not also be required to be licensed for active practice or service as provided for in section four of this article, unless such instructor is in fact acting as a barber, beautician, aesthetician or manicurist outside the scope of his employment as an instructor: Provided, That the term "aesthetician," used in this section, shall have no effect until and
unless the provisions of section one of this article are amended
to authorize issuance of rules and regulations relating to
aestheticians.

Recognizing that all of the provisions of chapter twenty-
nine-a of this code are fully applicable to any and all admini-
strative procedures, and the right of judicial review, in con-
nection with the provisions of this article, but also recognizing
that the question has been raised as to whether rules and
regulations adopted under the provisions of this section must
be promulgated in accordance with the provisions of said
chapter twenty-nine-a, it is hereby expressly provided that all
such rules and regulations shall be promulgated in compliance
with the provisions of said chapter twenty-nine-a.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ___________ approved this the ___________ day of ___________, 1983.

Governor