

No: 1428

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

HOUSE BILL No. 1428

(By Mr. Del Schifano)



Passed March 10, 1984

In Effect Ninety Days From Passage



ENROLLED

H. B. 1428

(By DELEGATE SCHIFANO)

{Passed March 10, 1984; in effect ninety days from passage.}

AN ACT to amend and reenact sections six and thirteen, article six, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the examination, registration and renewal fees for funeral directors and embalmers; disposition of fees; report to governor; license to operate a funeral establishment; application and qualification for license; renewal; fees.

Be it enacted by the Legislature of West Virginia:

That sections six and thirteen, article six, 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 6. EMBALMERS AND FUNERAL DIRECTORS.

§30-6-6. Examination, registration and renewal fees; disposition of fees; report to governor.

1 The examination fee for a funeral director's license shall
2 be one hundred dollars and shall be remitted at the time the
3 application for a funeral director's license is submitted to the
4 board.

5 The examination fee for an embalmer's license shall be one
6 hundred dollars and shall be remitted at the time the appli-
7 cation for an embalmer's license is submitted to the board.

8 All the licenses and certificates of registration shall expire
9 on the thirtieth day of June of each calendar year and the

10 renewal date for all licenses and certificates shall be the first
11 day of July of each calendar year.

12 The annual renewal fee for embalmer's license, funeral di-
13 rector's license, assistant funeral director's license or appren-
14 tice registration shall be fifteen dollars and shall be paid on or
15 before the first day of July of each calendar year.

16 Any person who has been duly licensed as a funeral director
17 or as an embalmer under the laws of this state, but who fails
18 to renew his license within ninety days after the expiration
19 date for renewals, may file an application for a renewal of
20 his license, without examination, upon payment of a penalty
21 of ten dollars and the required renewal fee.

22 Any person who has been duly licensed as a funeral director
23 or as an embalmer under the laws of this state, but who fails
24 to renew his license within one year after the expiration date
25 for renewals, may file an application for a renewal of his
26 license, without examination, upon payment of a penalty of
27 twenty-five dollars and the required renewal fee.

28 A funeral director or an embalmer whose license has lapsed
29 one year or more shall make application to the board for a
30 new license in compliance with the provisions of this article
31 relating to unlicensed persons.

32 Any person who has been duly licensed as an assistant
33 funeral director and fails to renew his license within ninety days
34 after the expiration date for renewal may file an application
35 for renewals of his license upon payment of a penalty of ten
36 dollars and the required renewal fee. Otherwise, after the said
37 period of ninety days, his license will automatically be can-
38 celed.

39 Any person who has been duly registered as an apprentice
40 embalmer or apprentice funeral director and fails to renew
41 his registration within ninety days after the expiration date
42 for renewals may file an application for such renewal upon
43 payment of a penalty of two dollars and the required renewal
44 fee. Otherwise, after the said period of ninety days, his
45 registration will automatically be canceled.

46 All fees and other moneys received by the board pursuant

47 to the provisions of this article shall be kept in a separate
48 fund and expended solely for the purposes of this article.
49 After expenditures for the fiscal year, of the remaining moneys,
50 all sums in excess of ten thousand dollars in the separate fund
51 shall revert to the general fund of the state. The compensation
52 provided by this article and all expenses incurred the payment
53 of which is authorized under this article shall be paid from
54 this separate fund. No compensation or expense incurred
55 under this article shall be a charge against the general funds
56 of the state.

§30-6-13. License required to operate funeral establishment; application and qualifications for license; renewal; fee; manager.

1 On or before July one, one thousand nine hundred sixty-
2 nine, every funeral establishment operating in West Virginia
3 shall obtain a license for the succeeding fiscal year beginning
4 July one, one thousand nine hundred sixty-nine, as provided
5 for in this section.

6 An application for a license to operate a funeral establish-
7 ment shall be in writing and verified on a form provided by
8 the board and shall be accompanied by a fee as herein provid-
9 ed, and upon receipt of the same, the board shall forthwith
10 issue or renew a license to operate a funeral establishment.
11 Such application to operate a funeral establishment shall be
12 made by any person, partnership, association, corporation,
13 organization or fiduciary having controlling interest in such
14 funeral establishment.

15 Such application shall be signed by the applicant and by
16 the individual who is duly licensed as a funeral director,
17 and who shall be in charge and responsible for all transactions
18 conducted and services performed therein. If such funeral es-
19 tablishment is owned by a person who is not licensed as a
20 funeral director or by a partnership, association, corporation
21 or other organization, then such owner shall have in his or
22 its employ and place in charge of such establishment a per-
23 son who is duly licensed as a funeral director, who shall
24 manage, conduct and have supervision of the work or business
25 of such establishment and be responsible therefor.

26 A license to operate a funeral establishment shall expire on
27 the thirtieth day of June of each calendar year and the re-
28 newal date for any such license shall be the first day of July
29 of each calendar year.

30 Each funeral establishment license shall be valid only for one
31 funeral establishment to be located at a specific street address
32 or location; the fee to operate the principal establishment shall
33 be seventy-five dollars per year and the fee to operate each
34 additional funeral establishment by the same applicant shall
35 be fifty dollars per year. Each separate funeral establishment
36 shall have its own license, which license shall be prominently
37 displayed within the funeral establishment. No additional li-
38 cense fee shall be charged if during any given year it shall be
39 necessary to reapply for a license to operate a funeral estab-
40 lishment at the same or different location.

41 The holder of any funeral establishment license who ceases
42 to operate the funeral establishment at the location specified
43 in the application shall, within twenty days thereafter, sur-
44 render the funeral establishment license to the board and such
45 license shall be canceled by the board, except that in the
46 event of the death of an individual who was the holder of a
47 funeral establishment license, it shall be the duty of such
48 holder's personal representative to surrender such funeral
49 establishment license within thirty days of qualifying as such
50 personal representative. It shall be the duty of any holder of
51 a funeral establishment license, pursuant to this section, to
52 notify the board within thirty days if for any reason the
53 licensed funeral director whose name is signed to the appli-
54 cation for the issuance thereof, ceases to be employed by such
55 funeral establishment. Within thirty days after such notifi-
56 cation, such holder of a funeral establishment license may
57 execute a new application for a funeral establishment license
58 signed by the applicant and by the licensed funeral director
59 who shall be in charge of and responsible for all transactions
60 conducted and services performed within the funeral establish-
61 ment. Failure to comply with any of these provisions shall be
62 grounds for revocation of a funeral establishment license.

63 A licensee whose embalmer's license, funeral director's
64 license or license to operate a funeral establishment has been

65 revoked under this article shall not operate, either directly or
66 indirectly, or hold any interest in any funeral establishment.
67 Nothing herein contained shall prohibit a licensee whose license
68 has been revoked from leasing any property owned by him or
69 them for use as a funeral establishment so long as he or they
70 do not participate in the control or profit of such funeral es-
71 tablishment otherwise than as a lesser of the premises for a
72 fixed rental not dependent upon earnings.

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

James L. Davis

Chairman Senate Committee

Donald Anello

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Judd C. Wells

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates
Warren R. McHenry

President of the Senate

W. M. Lee, Jr.

Speaker House of Delegates

The within *is approved* this the *30*
day of *March*, 1984.

John R. Roper

Governor

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