

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2503**

4 (By Delegates Morgan, Stephens, Hartman,
5 Hatfield and Swartzmiller)

6 (Originating in the House Committee on the Judiciary)

7
8 [February 1, 2011]

9
10 A BILL to amend and reenact §30-27-5 of the Code of West Virginia,
11 1931, as amended, relating to licensure requirements for
12 barbers and cosmetologists; requiring licensees to present
13 government identification; and authorizing the board to
14 retain identification information.

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

16 That §30-27-5 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.**

19 **§30-27-5. Powers and duties of the board.**

20 (a) The board has all the powers and duties set forth in this
21 article, by rule, in article one of this chapter and elsewhere in
22 law.

23 (b) The board shall:

24 (1) Hold meetings, conduct hearings and administer

1 examinations;

2 (2) Establish requirements for licenses, permits, certificates
3 and registrations;

4 (3) Establish procedures for submitting, approving and
5 rejecting applications for licenses, permits, certificates and
6 registrations;

7 (4) Determine the qualifications of any applicant for
8 licenses, permits, certificates and registrations;

9 (5) Prepare, conduct, administer and grade examinations for
10 professional licenses and certificates;

11 (6) Determine the passing grade for the examinations;

12 (7) Maintain records of the examinations the board or a third
13 party administers, including the number of persons taking the
14 examinations and the pass and fail rate;

15 (8) Hire, discharge, establish the job requirements and fix
16 the compensation of the executive director;

17 (9) Maintain an office, and hire, discharge, establish the job
18 requirements and fix the compensation of employees,
19 investigators/inspectors and contracted employees necessary to
20 enforce the provisions of this article: *Provided*, That any
21 investigator/inspector employed by the board on July 1, 2009, shall
22 retain their coverage under the classified service, including job
23 classification, job tenure and salary, until that person retires or
24 is dismissed: *Provided, however*, That nothing may prohibit the
25 disciplining or dismissal of any investigator/inspector for cause;

1 (10) Investigate alleged violations of the provisions of this
2 article, legislative rules, orders and final decisions of the
3 board;

4 (11) Establish the criteria for the training of
5 investigators/inspectors;

6 (12) Set the requirements for investigations and inspections;

7 (13) Conduct disciplinary hearings of persons regulated by the
8 board;

9 (14) Determine disciplinary action and issue orders;

10 (15) Institute appropriate legal action for the enforcement of
11 the provisions of this article;

12 (16) Maintain an accurate registry of names and addresses of
13 all persons regulated by the board;

14 (17) Keep accurate and complete records of its proceedings,
15 and certify the same as may be necessary and appropriate;

16 (18) Establish the continuing education requirements for
17 professional licensees and certificate holders;

18 (19) Issue, renew, combine, deny, suspend, revoke or reinstate
19 licenses, permits, certificates and registrations;

20 (20) Establish a fee schedule;

21 (21) Propose rules in accordance with the provisions of
22 article three, chapter twenty-nine-a of this code to implement the
23 provisions of this article; and

24 (22) Take all other actions necessary and proper to effectuate
25 the purposes of this article.

1 (c) The board may:

2 (1) Establish joint licenses;

3 (2) Contract with third parties to administer the examinations
4 required under the provisions of this article;

5 (3) Sue and be sued in its official name as an agency of this
6 state; ~~and~~

7 (4) Confer with the Attorney General or his or her assistant
8 in connection with legal matters and questions; and

9 (5) Require licensees to present a valid United States or
10 state government issued photo identification. The board may retain
11 a copy of the government issued identification to verify licensee
12 information.