

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 507**

(By Senators Snyder and Plymale)

---

[Originating in the Committee on the Judiciary;  
reported February 18, 2014.]

---

A BILL to amend and reenact §30-27-4 and §30-27-6 of the Code of West Virginia, 1931, as amended, all relating to the Board of Barbers and Cosmetologists; changing board membership; requiring the board to offer examinations in other languages if available and upon request; and removing outdated language.

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

That §30-27-4 and §30-27-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

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

**§30-27-4. Board of Barbers and Cosmetologists.**

1 (a) The West Virginia Board of Barbers and  
2 Cosmetologists is continued. The members of the board in  
3 office on July 1, ~~2009~~, 2014, shall, unless sooner removed,  
4 continue to serve until their respective terms expire and until  
5 their successors have been appointed and qualified.

6 ~~(b) To be effective on July 1, 2009, the Governor shall~~  
7 ~~appoint, by and with the advice and consent of the Senate:~~

8 ~~(1) One person who is a licensed cosmetologist for a term~~  
9 ~~of five years;~~

10 ~~(2) One person who is a licensed barber for a term of five~~  
11 ~~years;~~

12 ~~(3) One person who is a licensed barber crossover or a~~  
13 ~~licensed barber permanent waviest for a term of four years;~~

14 ~~(4) One person who is a licensed aesthetician for a term~~  
15 ~~of four years;~~

16 ~~(5) One person who is a licensed nail technician for a~~  
17 ~~term of four years;~~

18 ~~(6) One person who is a licensed cosmetologist for a term~~  
19 ~~of three years; and~~

20 ~~(7) One citizen member, who is not licensed under the~~  
21 ~~provisions of this article and who does not perform any~~  
22 ~~services related to the practice of the professions regulated~~  
23 ~~under the provisions of this article, for a term of three years.~~

24 (b) The Governor, by and with the advice and consent of  
25 the Senate, shall appoint:

26 (1) One licensed cosmetologist;

27 (2) One licensed barber;

28 (3) One licensed barber crossover or licensed barber  
29 permanent waviest;

30 (4) One licensed aesthetician;

31 (5) One licensed nail technician;

32 (6) One representative from a privately owned beauty  
33 school licensed by the West Virginia Council for Community  
34 and Technical College Education; and

35 (7) One citizen member.

36 (c) After the initial appointment term, the term shall be  
37 for five years. All appointments to the board shall be made  
38 by the Governor by and with the advice and consent of the  
39 Senate.

40 ~~(d) Commencing July 1, 2009, the board shall consist of~~  
41 ~~the following seven members:~~

42 ~~(1) Two licensed cosmetologists;~~

43 ~~(2) One licensed barber;~~

44 ~~(3) One licensed barber crossover or licensed barber~~  
45 ~~permanent waviest;~~

46 ~~(4) One licensed aesthetician;~~

47 ~~(5) One licensed nail technician; and~~

48 ~~(6) One citizen member.~~

49 ~~(e)~~ (d) Each licensed member of the board, at the time of  
50 his or her appointment, must have held a professional license  
51 in this state for a period of not less than three years  
52 immediately preceding the appointment.

53 (f) (e) Each member of the board must be a resident of  
54 this state during the appointment term.

55 (g) (f) A member may not serve more than two  
56 consecutive full terms. A member may continue to serve  
57 until a successor has been appointed and has qualified. A  
58 member serving on the board on June 30, ~~2009~~ 2014, may be  
59 reappointed in accordance with the provisions of this section.

60 (h) (g) A vacancy on the board shall be filled by  
61 appointment by the Governor for the unexpired term of the  
62 member whose office is vacant and the appointment shall be  
63 made within sixty days of the vacancy.

64 (i) (h) The Governor may remove any member from the  
65 board for neglect of duty, incompetency or official  
66 misconduct.

67 (j) (i) A member of the board immediately and  
68 automatically forfeits membership to the board if his or her  
69 license to practice is suspended or revoked, is convicted of a  
70 felony under the laws of any jurisdiction or becomes a  
71 nonresident of this state.

72       (κ) (j) The board shall elect annually one of its members  
73 as chairperson who serves at the will of the board.

74       (†) (k) Each member of the board is entitled to  
75 compensation and expense reimbursement in accordance with  
76 article one of this chapter.

77       (♠) (l) A majority of the members of the board  
78 constitutes a quorum.

79       (♣) (m) The board shall hold at least two annual meetings.  
80 Other meetings may be held at the call of the chairperson or  
81 upon the written request of two members, at the time and  
82 place as designated in the call or request.

83       (♣) (n) Prior to commencing his or her duties as a member  
84 of the board, each member shall take and subscribe to the  
85 oath required by section five, article four of the Constitution  
86 of this state.

**§30-27-6. Rulemaking.**

1       (♠) The board shall propose rules for legislative approval,  
2 in accordance with ~~the provisions of~~ article three, chapter

3 twenty-nine-a of this code, to implement the provisions of  
4 this article, including:

5 (1) Standards and requirements for licenses, permits,  
6 certificates and registrations;

7 (2) Procedures for examinations and reexaminations:

8 Provided, That the board shall offer examinations in all  
9 languages other than English if available to the board and  
10 requested by the applicant;

11 (3) Requirements for third parties to prepare and/or  
12 administer examinations and reexaminations;

13 (4) Educational and experience requirements;

14 (5) The passing grade on the examinations;

15 (6) Standards for approval of courses and curriculum;

16 (7) Procedures for the issuance and renewal of licenses,  
17 permits, certificates and registrations;

18 (8) A fee schedule;

19 (9) Continuing education requirements for professional  
20 licensees and certificate holders;

21 (10) The procedures for denying, suspending, revoking,  
22 reinstating or limiting the practice of licensees, permittees,  
23 certificate holders and registrants;

24 (11) Designating the regions for  
25 investigators/inspectors;

26 (12) Criteria for the training of investigators/inspectors;

27 (13) Requirements for investigations and inspections;

28 (14) Requirements for inactive or revoked licenses,  
29 permits, certificates and registrations;

30 (15) Establishing the training program and requirements  
31 for instructors for schools licensed under this article;

32 (16) Establishing operating procedures for salons; and

33 (17) Any other rules necessary to effectuate the  
34 provisions of this article.

35 ~~(b) All of the board's rules in effect on July 1, 2009,~~  
36 ~~shall remain in effect until they are amended or repealed;~~  
37 ~~and references to provisions of former enactments of this~~  
38 ~~article are interpreted to mean provisions of this article.~~



39 ~~(c) The board is authorized to file an emergency rule for~~  
40 ~~the implementation of its fee schedule in 2009.~~

---

(NOTE: The purpose of this bill is to change the membership of the Board of Barbers and Cosmetologists. The bill requires the board to offer examinations in other languages if available and upon request. The bill also removes outdated language.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)