



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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8/24/2016 2:36:43 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-06**

RULE NAME **Schedule of Fees**

CITE AUTHORITY **30-27-6**

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 3-06



Rule Id: 10144



Document: 28862



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

AGENCY **Barbers And Cosmetologists**

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CITE AUTHORITY **30-27-6**

PRIMARY CONTACT

Greg Foster

512 Quarrier St., 2nd Floor

Charleston, STATE ZIP

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AUTHORIZING STATUTE(S) CITATION
30-27-6

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD
Wednesday, July 06, 2016

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?
n/a

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED
Monday, August 08, 2016

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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 2)

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RULE NAME **Schedule of Fees**

CITE AUTHORITY **30-27-6**

ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.

Attached

DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)

Wednesday, August 24, 2016

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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CITE AUTHORITY **30-27-6**

IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. GIVE THE DATE UPON WHICH YOU FILED IN THE STATE REGISTER A NOTICE OF THE TIME AND PLACE OF A HEARING FOR THE TAKING OF EVIDENCE AND A GENERAL DESCRIPTION OF THE ISSUES TO BE DECIDED.

Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 4)

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CITE AUTHORITY **30-27-6**

DATE OF HEARING OR COMMENT PERIOD

ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS
REQUIRED TOGETHER WITH THE REASONS THEREFOR?

ATTACH FINDINGS AND DETERMINATIONS AND REASONS
Attached

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

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RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-06**
RULE NAME **Schedule of Fees**

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PRIMARY CONTACT

Greg Foster
S12 Quarrier St., 2nd Floor

Charleston, STATE ZIP

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CITE AUTHORITY **30-27-6**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

Other than the new license fee for waxing specialists, which is included in the fiscal note for Series 14, this measure will have no impact on costs and revenues of state government.

Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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CITE AUTHORITY **30-27-6**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES	0	0	0

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CITE AUTHORITY **30-27-6**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The additional revenue for the waxing specialist license fee and annual renewal is included in the fiscal note for the new proposed Rule set forth in Series 14. it was not included here to avoid double counting.

Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

The additional revenue for the waxing specialist license fee and annual renewal is included in the fiscal note for the new proposed Rule in Series 14. It was not included here to avoid double counting. Further, the increase in examination fees will not go to WV as the testing fees are paid to a third-party company (that is out of state) who administers the tests. Thus, the increase in examination fees are not additional revenue for the Board.

Further, the board has already been collecting fees for the shampoo assistant, so there is no additional revenue.

The fees that are removed are obsolete and not collected by the board, so there is no decrease in revenue.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

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RULE NAME **Schedule of Fees**

CITE AUTHORITY **30-27-6**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

The schedule of fines need updated to include the fees for waxing specialists and shampoo assistants. The increase in examination costs is necessary to be consistent with the examination fees charged by the third-party company who administers the examinations. Certain fees that are obsolete also need removed.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
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3CSR6

TITLE 3
LEGISLATIVE RULE
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 6
SCHEDULE OF FEES

§ 3-6-1. General.

1.1. Scope. -- This legislative rule establishes the various fees that are to be submitted to the Board of Barbers and Cosmetologists by students, instructors and owners and operators of schools of barbering and/or beauty culture and owners of barber, beauty, manicure and aesthetic shops.

1.2. Authority. -- W. Va. Code § 30-27-6.

1.3. Filing Date. ~~June 16, 2011.~~

1.4. Effective Date. ~~July 1, 2011.~~

1.5. Sunset Date . -- Ten (10) years after effective date.

§ 3-6-2. Schedule of Fees.

2.1	Examination and re-examination fee (to be paid to the National Interstate Council [NIC] sponsored third-party examiner) (Cost of exams are based on NIC rates not to exceed \$107.00 <u>\$190.00</u>) Current Rates [National Written, National Practical, & State Law - \$99.00 <u>\$187.00</u>] [National Written and National Practical or National Practical and State Law or National Practical - \$99.00] [National Written and State Law or National Written - \$75.00] [State Law - \$50.00] [First time & Retake Practical examination - \$99.00] [First time & Retake Written & State Law Examination via Computer Based Testing - \$88.00] [Retake Written Only Examination via Computer Based Testing - \$78.00] [Retake WV State Law Only Examination via Computer Based Testing - \$68.00]	
2.2	Issuance or License fee	\$35.00
2.3	Reciprocity, application without exam fee	\$100.00
2.4	Annual license renewal fee	\$35.00
2.5	Late renewal fee <u>for license renewal</u> : <i>Plus a \$10.00 late fee for each 30 days late not to exceed \$205.00</i>	\$35.00
2.6	Student permit	\$25.00
2.7	Initial license fee for a school of Barbering or school of Beauty Culture	\$1,000.00 0
2.8	Annual renewal fee for a school	\$250.00
2.97	Initial licensed instructor fee	\$50.00
2.108	Annual renewal of licensed instructor fee	\$50.00

3CSR6

<u>2.9</u>	<u>Late Renewal Fee for instructor license:</u> <i>Plus a \$10.00 late fee for each 30 days late not to exceed \$205.00</i>	<u>\$50.00</u>
2.140	Registration fee for booth or chair rental	\$15.00
2.141	Annual renewal for booth or chair rental	\$15.00
2.142	Late renewal for booth or chair rental: <i>Plus \$10.00 late fee for each 30 days late not to exceed \$100.00</i>	\$15.00
<u>2.143</u>	Shop or school opening inspection fee	\$50.00
<u>2.154</u>	Duplicate license fee	\$10.00
<u>2.165</u>	Initial license fee for beauty, barber, manicure, and aesthetician shop	\$40.00
<u>2.176</u>	Annual renewal fee for beauty, barber, manicure, and aesthetician shop	\$40.00
<u>2.17</u>	<u>Late Renewal Fee for shop license:</u> <i>Plus a \$10.00 late fee for each 30 days late</i>	<u>\$40.00</u>
2.18	Fee for certification of licensure	\$35.00
2.19	Continuing Education Provide Annual Certificate <i>This is intended for approved providers of continuing education.</i>	\$100.00
2.20	Online Sanitation and Law Continuing Education <i>This is for individual licensees that take the Board's online continuing education classes for sanitation and law.</i>	\$25.00
2.21	Place individual license on inactive status	\$10.00
2.22	Work permit fee	\$15.00
<u>2.23</u>	<u>Initial certification fee for waxing specialist</u>	<u>\$35.00</u>
<u>2.24</u>	<u>Annual renewal certification fee for waxing specialist</u>	<u>\$35.00</u>
<u>2.25</u>	<u>Late renewal fee for waxing specialist certification</u> <i>Plus a \$10 late fee for each 30 days late not to exceed \$205.00</i>	<u>\$35.00</u>
<u>2.26</u>	<u>Initial permit fee for shampoo assistant</u>	<u>\$35.00</u>
<u>2.27</u>	<u>Annual renewal permit fee for shampoo assistant</u>	<u>\$35.00</u>
<u>2.28</u>	<u>Late renewal fee for shampoo assistant:</u> <i>Plus a \$10 late fee for each 30 days late not to exceed \$100.00</i>	<u>\$35.00</u>