

**WEST VIRGINIA  
SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

Form #6

Do Not Mark In this Box

FILED

1992 MAY 11 AM 10:39

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 6

TITLE OF RULE BEING PROPOSED: Schedule of Fees

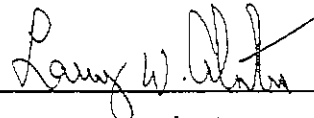
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) 64-9-5 (m)

SECTION \_\_\_\_\_, PASSED ON March 14, 1992

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON

THE FOLLOWING DATE: July 1, 1992



Larry W. Absten  
Director

2.30

TITLE 3  
LEGISLATIVE RULES  
BOARD OF BARBERS AND COSMETOLOGISTS

FILED

1992 MAY 11 AM 10:39

SERIES 6

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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.

1.2. Authority - W. Va. Code § 30-27-1 et seq. Related - W. Va. Code § 30-27-1 et seq.

1.3. Filing Date -

1.4. Effective Date -

1.5. Approval Date - This rule was approved by the West Virginia Board of Barbers and Cosmetologists on

§ 3-6-2. Schedule of Fees

2.1.	Application & Examination fee.....	\$ 25.00
2.2.	Issuance or License fee.....	\$ 25.00
2.3.	Reciprocity, application without exam fee.....	\$ 50.00
2.4.	License renewal fee.....	\$ 25.00
2.5.	Late renewal fee:.....	\$ 25.00
	Plus a penalty of \$5.00 for first 30 days late	
	\$5.00 penalty for each subsequent 30 day period	
2.6.	Student permit.....	\$ 5.00
2.7.	Initial license fee @ school of Barbering or school of Beauty Culture.....	\$500.00
2.8.	Renewal fee for @ school.....	\$250.00
2.9.	Licensed instructor fee.....	\$ 50.00
2.10.	Renewal of licensed instructor fee.....	\$ 50.00
2.11.	Registration fee for booth or chair rental.....	\$ 10.00
2.12.	Fee for relocation of rented booth or chair.....	\$ 2.50

2.13. Shop or school inspection fee.....\$ 25.00  
2.14. Duplicate license fee.....\$ 10.00

8704

Bill B&B, Fees 3-6

1  
2  
3  
4  
5  
6  
7  
8  
9

H. B. 4268

(By Delegate Grubb)

(Introduced January 27, 1992; referred to the

Committee on Finance then the Judiciary)

10 A BILL to amend and reenact section five, article nine, chapter  
11 sixty-four of the code of West Virginia, one thousand nine  
12 hundred thirty-one, as amended, relating to authorizing the  
13 board of barbers and beauticians to promulgate legislative  
14 rules relating to a fee schedule.

15 Be it enacted by the Legislature of West Virginia:

16 That section five, article nine, chapter sixty-four of the  
17 code of West Virginia, one thousand nine hundred thirty-one, as  
18 amended, be amended and reenacted, to read as follows:

19 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS  
20 TO PROMULGATE LEGISLATIVE RULES.

21 §64-9-5. Board of barbers and beauticians.

22 (a) The legislative rules filed in the state register on the  
23 tenth day of June, one thousand nine hundred eighty-eight,  
24 modified by the board of barbers and beauticians to meet the

1 objections of the legislative rule-making review committee and  
2 refiled in the state register on the eighth day of December, one  
3 thousand nine hundred eighty-eight, relating to the board of  
4 barbers and beauticians (minimum curriculum for schools of  
5 barbering), are authorized with the amendment set forth below:

6       On page 9, by inserting a new section, designated section  
7 3-6-14, to read as follows:

8       "**§3-6-14. Repeal of rule** -- This rule will automatically be  
9 repealed on July 1, 1991, unless extended prior to that date by  
10 an act of the Legislature."

11       (b) The legislative rules filed in the state Register on the  
12 tenth day of June, one thousand nine hundred eighty-eight,  
13 modified by the board of barbers and beauticians to meet the  
14 objections of the legislative rule-making review committee and  
15 refiled in the state register on the eighth day of December, one  
16 thousand nine hundred eighty-eight, relating to the board of  
17 barbers and beauticians (qualifications, training, examination  
18 and registration of instructors in barbering and beauty culture),  
19 are authorized with the amendment set forth below:

20       On page 6, by inserting a new section, designated section  
21 3-2-9, to read as follows:

22       "**§3-2-9. Repeal of rule** -- This rule will automatically be  
23 repealed on July 1, 1991, unless extended prior to that date by  
24 an act of the Legislature."

1 (c) The legislative rules filed in the state register on the  
2 tenth day of June, one thousand nine hundred eighty-eight,  
3 modified by the board of barbers and beauticians to meet the  
4 objections of the legislative rule-making review committee and  
5 refiled in the state register on the eighth day of December, one  
6 thousand nine hundred eighty-eight, relating to the board of  
7 barbers and beauticians (operation of barber shops and schools of  
8 barbering), are authorized with the amendment set forth below:

9 On page 5, by inserting a new section, designated section  
10 3-3-6, to read as follows:

11 "§3-3-6. Repeal of rule -- This rule will automatically be  
12 repealed on July 1, 1991, unless extended prior to that date by  
13 an act of the Legislature."

14 (d) The legislative rules filed in the state register on the  
15 tenth day of June, one thousand nine hundred eighty-eight,  
16 modified by the board of barbers and beauticians to meet the  
17 objections of the legislative rule-making review committee and  
18 refiled in the state register on the eighth day of December, one  
19 thousand nine hundred eighty-eight, relating to the board of  
20 barbers and beauticians (curriculum and minimum requirements,  
21 subjects and hour schedule, rules and regulations for schools of  
22 beauty culture operation in West Virginia: joint barbers and  
23 beauticians license), are authorized with the amendments set  
24 forth below:

1 On page 7, by inserting a new section, designated section  
2 3-1-11, to read as follows:

3 "§3-1-11. Repeal of rule -- This rule will automatically be  
4 repealed on July 1, 1991, unless extended prior to that date by  
5 an act of the Legislature."

6 (e) The legislative rules filed in the state register on the  
7 tenth day of June, one thousand nine hundred eighty-eight,  
8 modified by the board of barbers and beauticians to meet the  
9 objections of the legislative rule-making review committee and  
10 refiled in the state register on the eighth day of December, one  
11 thousand nine hundred eighty-eight, relating to the board of  
12 barbers and beauticians (operation of beauty shops and schools of  
13 beauty culture), are authorized with the amendments set forth  
14 below:

15 On page 4, by inserting a new section, designated section  
16 3-4-6, to read as follows:

17 "§3-4-6. Repeal of rule -- This rule will automatically be  
18 repealed on July 1, 1991, unless extended prior to that date by  
19 an act of the Legislature."

20 On page 4, by inserting a new subsection, designated  
21 subsection 3.25, to read as follows:

22 "3.25 Notwithstanding any law to the contrary or  
23 interpretation of law to the contrary, any licensed beautician  
24 may trim beards or mustaches."

1 (f) The legislative rules filed in the state register on the  
2 tenth day of June, one thousand nine hundred eighty-eight,  
3 modified by the board of barbers and beauticians to meet the  
4 objections of the legislative rule-making review committee and  
5 refiled in the state register on the eighth day of December, one  
6 thousand nine hundred eighty-eight, relating to the board of  
7 barbers and beauticians (licensing schools of barbering or beauty  
8 culture), are authorized with the amendments set forth below:

9 On page 2, subsection 4.1, by deleting subdivision (b) and  
10 relettering the remaining subdivisions.

11 And,

12 On page 6, by inserting a new section, designated section  
13 3-5-8, to read as follows:

14 "§3-5-8. Repeal of rule -- This rule will automatically be  
15 repealed on July 1, 1991, unless extended prior to that date by  
16 an act of the Legislature."

17 (g) The legislative rules filed in the state register on the  
18 tenth day of August, one thousand nine hundred ninety, modified  
19 by the board of barbers and beauticians to meet the objections of  
20 the legislative rule-making review committee and refiled in the  
21 state register on the seventh day of December, one thousand nine  
22 hundred ninety, relating to the board of barbers and beauticians  
23 (licensing of schools of barbering and beauty culture), are  
24 authorized with the amendment set forth below:

1 On page 6, by inserting a new section, designated section  
2 3-5-8, to read as follows:

3 "§3-5-8. Repeal of rule -- This rule will automatically be  
4 repealed on July 1, 1992, unless extended prior to that date by  
5 an act of the Legislature."

6 (h) The legislative rules filed in the state register on the  
7 tenth day of August, one thousand nine hundred ninety, modified  
8 by the board of barbers and beauticians to meet the objections of  
9 the legislative rule-making review committee and refiled in the  
10 state register on the seventh day of December, one thousand nine  
11 hundred ninety, relating to the board of barbers and beauticians  
12 (qualifications, training, examination and registration of  
13 instructors in barbering and beauty culture), are authorized with  
14 the amendment set forth below:

15 On page 6, by inserting a new section, designated section  
16 3-2-9, to read as follows:

17 "§3-2-9. Repeal of rule -- This rule will automatically be  
18 repealed on July 1, 1992, unless extended prior to that date by  
19 an act of the Legislature."

20 (i) The legislative rules filed in the state register on the  
21 tenth day of August, one thousand nine hundred ninety, modified  
22 by the board of barbers and beauticians to meet the objections of  
23 the legislative rule-making review committee and refiled in the  
24 state register on the seventh day of December, one thousand nine  
25 hundred ninety, relating to the board of barbers and beauticians

1 (minimum curriculum for schools of barbering), are authorized  
2 with the amendment set forth below:

3 On page 7, by inserting a new section, designated section  
4 3-6-14, to read as follows:

5 "§3-6-14. Repeal of rule -- This rule will automatically be  
6 repealed on July 1, 1992, unless extended prior to that date by  
7 an act of the Legislature."

8 (j) The legislative rules filed in the state register on the  
9 tenth day of August, one thousand nine hundred ninety, modified  
10 by the board of barbers and beauticians to meet the objections of  
11 the legislative rule-making review committee and refiled in the  
12 state register on the seventh day of December, one thousand nine  
13 hundred ninety, relating to the board of barbers and beauticians  
14 (curriculum and minimum requirements, subjects and hour schedule,  
15 rules and regulations for schools of beauty culture operation in  
16 West Virginia; joint barbers and beauticians license), are  
17 authorized with the amendment set forth below:

18 On page 7, by inserting a new section, designated section  
19 3-1-11, to read as follows:

20 "§3-1-11. Repeal of rule -- This rule will automatically be  
21 repealed on July 1, 1992, unless extended prior to that date by  
22 an act of the Legislature."

23 (k) The legislative rules filed in the state register on the  
24 tenth day of August, one thousand nine hundred ninety, modified  
25 by the board of barbers and beauticians to meet the objections of

1 the legislative rule-making review committee and refiled in the  
2 state register on the seventh day of December, one thousand nine  
3 hundred ninety, relating to the board of barbers and beauticians  
4 (operation of barber and beauty shops and schools of barbering  
5 and beauty culture), are authorized with the amendment set forth  
6 below:

7 On page 4, by inserting a new section, designated section  
8 3-3-6, to read as follows:

9 "§3-3-6. Repeal of rule -- This rule will automatically be  
10 repealed on July 1, 1992, unless extended prior to that date by  
11 an act of the Legislature."

12 (1) The legislative rules filed in the state register on the  
13 thirteenth day of August, one thousand nine hundred ninety-one,  
14 modified by the board of barbers and beauticians to meet the  
15 objections of the legislative rule-making review committee and  
16 refiled in the state register on the twenty-sixth day of  
17 December, one thousand nine hundred ninety-one, relating to the  
18 board of barbers and beauticians (fee schedule), are authorized.

19

20 NOTE: The purpose of this bill is to authorize the Board of  
21 Barbers and Beauticians to promulgate legislative rules relating  
22 to a fee schedule.

23

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



STATE OF WEST VIRGINIA  
OFFICE OF THE ATTORNEY GENERAL  
CHARLESTON 25305

MARIO J. PALUMBO  
ATTORNEY GENERAL

RICHARD L. GOTTLIEB  
CHIEF DEPUTY ATTORNEY GENERAL

(304) 348-2522

FAX (304) 348-0140

December 27, 1991

Debra A. Graham  
Counsel, LRMRC  
Capitol Complex  
Charleston, West Virginia 25305

Dear Debra,

This letter is being prepared in order to chronologically track the procedure by which the West Virginia Board of Barbers and Beauticians has utilized in order to have the Legislative Rule-Making Review Committee approve the Board's proposed rules, series 1 through 6.

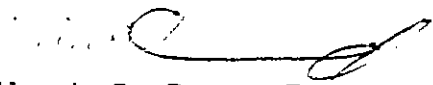
The Board filed the proposed legislative rules for public comment on June 17, 1991. The public comment period ended July 22, 1991, with no comments having been received by the Board. The comment period ended on July 22, 1991.

The Proposed rules, series 1 through 6 were then filed by the Board with the Secretary of State's Office on July 22, 1991, and subsequently filed with your office on August 12, 1991 for review. At your request, the Board proceeded to revise the rules, series 1 through 6, in order to create a more organized set of rules. The rules that were reorganized were intended to be "modified" versions of the proposed rules and not offered as new proposed rules. There were no substantive changes to the rules, only a reorganization of the subject matter in order to make the rules more easily understandable and to allow the general public the opportunity to find information within the rules in an logical order.

These rules which were intended to modify the proposed rules were filed with the LRMRC on August 12, 1991. Due to the mass reorganization of the rules, the titles of the rules had changed. (thereby creating possible confusion for persons wanting to receive a copy of the rules from the Secretary of State's Office and prompting the preparation of this letter) The rules that were submitted for public comment contained the exact same subject matter as the revised or modified rules.

These revised or modified rules were reviewed by the LRMRC on December 9, 1991 and were approved pending very minor modifications relating to grammar. These changes were made and the final rule was submitted on the date of this letter, December 1991.

Very truly yours,



Albert C. Dunn, Jr.  
Assistant Attorney General

cc: Judy Cooper  
Larry Absten



KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

A. RENEE COE  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 558-6000  
Corporations: (304) 558-8000

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

(Plus all the volunteer  
help we can get)

**STATE OF WEST VIRGINIA**

**SECRETARY OF STATE**

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

TO: Larry W. Absten

AGENCY: Board of Barbers & Cosmetologists

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 15, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 6 TITLE: 3 Board of Barbers & Cosmetologists

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *Larry W. Absten*

TITLE OF PERSON SIGNING: Director

DATE: 10/22/92

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.