

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

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2009 JUN 30 AM 11:35

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3

RULE TYPE: Legislative CITE AUTHORITY: 30-27-1

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Schedule of Fees

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

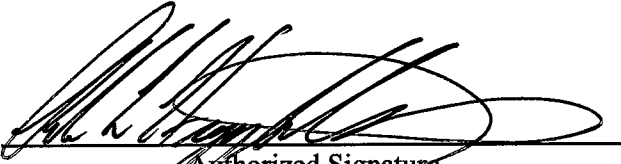
TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON 7/30/09 AT 8:30 ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

1716 Pennsylvania Ave. Suite 7  
Charleston, WV 25302

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

adam.l.higgins@wv.gov

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Schedule of Fees  
 Type of Rule:  Legislative  Interpretive  Procedural  
 Agency: Board of Barbers and Cosmetologists  
 Address: 1716 Pennsylvania Ave., Suite 7  
Charleston, WV 25302  
 Phone Number: 304-558-2924 Email: adam.l.biggin@homer.wv.gov

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This impact will help the Board implement continuing education requirements, purchase security protected licenses, move office to ADA compliant location, update office equipment, and other issues involving improvements.  
 Also will be used to hire 1-2 new employees for office work and inspectors. Will also be used to assist with additional Board Members assigned to the Board. Also, the separation from DHHR will result in additional expenses of \$10,000+.

**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.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs & Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	135,500	0	135,500

Rule Title:

Rule Title:

Schedule of Fees

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

The increase in fees would provide an estimated 135,500 <sup>The Fees impact:</sup>	
2.1 700 licensees x \$25 increase = \$17,500	2.21 100 licensees x \$10 NEW FEE = \$1,000
2.6 500 licensees x \$5 increase = \$2,500	2.22 100 licensees x \$15 NEW FEE = \$1,500
2.8 16 schools x \$250 increase = \$4,000	
2.9 50 licensees x \$25 increase = \$1,250	
2.10 50 licensees x \$25 increase = \$1,250	
2.11 2,700 licensees x \$15 NEW FEE = \$40,500	
2.14 100 inspection x \$25 increase = \$2,500	
2.16 100 new shops x \$20 increase = \$2,000	
2.17 2,800 shops x \$20 increase = \$56,000	
2.18 50 licensees x \$10 increase = \$500	
2.19 50 CEU Provider x \$100 NEW FEE = \$5,000	
2.20 NEW FEE IMPACT UNKNOWN	
	Total Revenue Increase
	135,500

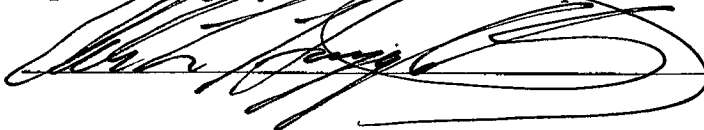
MEMORANDUM

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.

[Empty box for identifying 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.]

Date: 6/29/09

Signature of Agency Head or Authorized Representative



**TITLE 3  
LEGISLATIVE RULES  
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 § 30-27-1

1.3. **Filing Date** - ~~May 15, 1997~~

1.4. **Effective Date** - ~~January 1, 2009~~

**§ 3-6-2. Schedule of Fees**

2.1.	Application & Examination fee.....	<del>\$50.00</del> <u>\$75.00</u>
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:.....	\$ 35.00
	<del>Plus a penalty of \$5.00 for first 30 days late</del>	
	<del>\$5.00 penalty for each subsequent 30 day period</del>	
	<u>Plus a \$10.00 late fee for each 30 days late not to exceed \$205.00</u>	
2.6.	Student permit.....	<del>\$ 25.00</del> <u>\$30.00</u>
2.7.	Initial license fee for a school of Barbering or school of Beauty Culture .....	<del>\$500.00</del> <u>\$1,000.00</u>
2.8.	Annual renewal fee for a school .....	<del>\$250.00</del> <u>\$500.00</u>
2.9.	Initial licensed instructor fee .....	<del>\$ 50.00</del> <u>\$75.00</u>
2.10.	Annual renewal of licensed instructor fee .....	<del>\$ 50.00</del> <u>\$75.00</u>
2.11.	Registration fee for booth or chair rental.....	<del>\$ 10.00</del> <u>\$15.00</u>
2.12.	<u>Annual renewal for booth or chair rental.....</u>	<u>\$15.00</u>
2.13.	<u>Late renewal for booth or chair rental.....</u>	<u>\$15.00</u>

Plus \$10.00 late fee for each 30-days late not to exceed \$100.00

~~2.12. Fee for relocation of rented booth or chair.....\$ 2.50~~

~~2.13~~2.14. Shop or school inspection fee.....\$ ~~25.00~~ \$50.00

~~2.14~~2.15 Duplicate license fee.....\$ 10.00

~~2.15~~2.16 Initial license fee for beauty, barber,  
manicure and aesthetician shop.....\$ ~~25.00~~ \$45.00

~~2.16~~2.17 Annual renewal fee for beauty, barber,  
manicure and aesthetician shops.....\$ ~~25.00~~ \$45.00

~~2.17~~2.18 Fee for certification of licensure..... \$ ~~25.00~~ \$35.00

2.19 Continuing Education Provider Certificate.....\$100.00  
This is intended for approved providers of continuing education.

2.20 Online Sanitation and Law Continuing Education.....\$25.00

This is for individual licensees that take the Board's online continuing education classes for sanitation and law.

2.21 Place Individual License on Inactive Status..... \$10.00

2.22 Permit Fee.....\$15.00





Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

Adam L. Higginbotham  
Director

State of West Virginia  
**Board of Barbers and Cosmetologists**

1716 Pennsylvania Avenue, Suite 7  
Charleston, West Virginia 25302  
Telephone: 304-558-2924  
Fax: 304-558-3450

Date: June 29, 2009

To: Administrative Law Division of Secretary of State's Office

From: Adam L. Higginbotham, Director, Board of Barbers and Cosmetologists

Re: Schedule of Fees

**SUMMARY OF PROPOSAL**

This rule is to increase certain license fees to perform or achieve the following tasks that will incur additional expenses exceeding the Board's already volatile special fund.

The following are additional expenses the Board will incur in the next 2 years:

1. Relocate office to meet ADA compliance (\$24,000 [rent \$2,000 per month])
2. Implement, operate, and manage continuing education (\$15,000)
3. Create security protected licenses to eliminate fraudulent licenses (\$7,500)
4. Update outdated office equipment and software (\$20,000)
5. Hire 1-2 additional employees (\$28,000-\$60,000)
6. Set-up Board for more technological operations and procedures (\$10,000)
7. Per diems for additional board members established by new code 30-27 (\$6,000)
8. Increase in utilities, paper, and general office operating expenses.

Total estimated increase in expenses could reach \$142,500.

The fee increase would increase revenue to \$135,500.

X

  
Adam L. Higginbotham, M.B.A.  
Executive Director