



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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5/8/2024 9:41:40 AM

Office of West Virginia
Secretary Of State

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

AGENCY: Barbers And Cosmetologists TITLE-SERIES: 3-15
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: APPLICATION FOR WAIVER OF INITIAL
LICENSING FEES FOR CERTAIN INDIVIDUALS
CITE STATUTORY AUTHORITY: W. Va. Code § 30-1-23 and W. Va. Code § 30-27

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4110

Section HOUSE Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 8, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2034

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Danielle J Cordle -- 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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**TITLE 3
LEGISLATIVE RULE
BOARD OF BARBERS AND COSMETOLOGISTS**

**SERIES 15
APPLICATION FOR WAIVER OF INITIAL LICENSING FEES
FOR CERTAIN INDIVIDUALS**

§3-15-1. General.

1.1. Scope. -- This rule establishes procedures for waiving the initial licensing fee for low-income individuals and military personnel and their spouses.

1.2. Authority. -- W. Va. Code § 30-1-23, and W. Va. Code § 30-27.

1.3. Filing Date. -- May 8, 2024

1.4. Effective Date. -- May 8, 2024

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2034.

§3-15-2. Definitions.

2.1. "Board" means the West Virginia Board of Barbers and Cosmetologists.

2.2. "Initial" means obtaining a license or certification in West Virginia for the practice of barbering, cosmetology, aesthetics, nail technology, hair styling, or waxing for the first time.

2.3. "Local labor market" means every county in West Virginia, and any county outside of West Virginia if any portion of that county is within fifty miles of the border of West Virginia, pursuant to W.Va. Code §21-1C-2.

2.4. "Low-income individual" means an individual in the local labor market as defined in W. Va. Code §21-1C-2, whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes any person enrolled in a state or federal public assistance program including, but not limited to, the Temporary Assistance for Needy Families Program (TANF), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP).

2.5. "Military families" means any person who serves as an active member of the armed forces of the United States, the National Guard, or a reserve component as described in 38 U. S. C. §101, honorably discharged veterans of those forces, and their spouses. This term also includes surviving spouses of deceased service members who have not remarried.

§3-15-3. Application for Waiver of Initial Licensure Fees.

3.1. The Board may issue a license to an applicant who meets the requirements of W. Va. Code §30-27-1 *et seq.* and the rules promulgated by the Board, and the Board shall waive the initial licensure fee if

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the applicant qualifies as a “low-income individual” or as a member of one or more “military families” as defined in this rule.

3.2. Low-income individuals, as defined in this rule, may seek a waiver of the initial licensure or certification fee for licensure or certification as a professional barber, cosmetologist, aesthetician, nail technician, hair stylist, or waxing specialist by submitting with their complete application a low-income waiver of initial licensure fee form, provided by the Board, and all required verification documents as prescribed by the Board. The Board shall review the application and issue a decision within 30 days of receipt of the complete application.

3.3. Military families, as defined in this rule, may seek a waiver of the initial licensure or certification fee for licensure as a professional barber, cosmetologist, aesthetician, nail technician, hair stylist, or waxing specialist by submitting with their complete application a military service verification form, provided by the Board, and all required verification documents as prescribed by the Board. The Board shall review the application and issue a decision within 30 days of receipt of the complete application.

§3-15-4. Required Documentation for Waiver of Initial Licensure Fees

4.1. Individuals requesting a waiver of initial licensing fees for low income or military service personnel and their spouses, an applicant shall submit to the Board with the application for initial licensure waiver MTLB-LIW or MTLB-MFW form and the appropriate documentation as specified in this section.

4.2. To establish low income eligibility for an initial licensing fee waiver, an applicant shall submit to the Board evidence that the adjusted gross income of the household of the applicant is below 130% of the federal poverty level by submitting documentation of eligibility for:

- 4.2.1. Temporary Assistance for Needy Families Program;
- 4.2.2. Medicaid;
- 4.2.3. Supplemental Nutrition Assistance Program; or
- 4.2.4. A Federal Tax Return.

4.3. To establish military family eligibility for the initial licensing fee waiver, an applicant shall submit to the Board proof of qualifying military service and proof of eligibility as a qualifying spouse or surviving spouse, as follows:

- 4.3.1. A service members DD-214 form;
- 4.3.2. A service members NGB-22 form;
- 4.3.3. A service members DD-1300 form; or
- 4.3.4. A copy of their current military orders; or

4.3.5. Other official military documentation, determined to be appropriate by the Board, demonstrating the service member’s qualifying past or current military service; and

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4.3.6. A copy of the marriage certificate with the qualifying service member and where applicable, the death certificate of the service member if the surviving spouse is applying for the military family waiver and where applicable a notarized affidavit from the surviving spouse verifying the surviving spouse has not remarried.

4.4. Honorably discharged applicants shall submit to the Board a completed application and a DD-214 form or an NGB-22 form showing the applicant has been honorably discharged from military service.

§3-15-5. Administrative Due Process.

5.1. Those persons adversely affected by the enforcement of this rule shall have the right to request a hearing in a manner pursuant to the provisions of W. Va. Code § 30-27-1 *et seq.*