

COMMITTEE SUBSTITUTE

FOR

H. B. 2503

(BY DELEGATES MORGAN, STEPHENS, HARTMAN,
HATFIELD AND SWARTZMILLER)

(Originating in the Committee on the Judiciary)
[February 1, 2011]

A BILL to amend and reenact §30-27-5 of the Code of West Virginia, 1931, as amended, relating to licensure requirements for barbers and cosmetologists; requiring licensees to present government identification; and authorizing the board to retain identification information.

Be it enacted by the Legislature of West Virginia:

That §30-27-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

§30-27-5. Powers and duties of the board.

1 (a) The board has all the powers and duties set forth in
2 this article, by rule, in article one of this chapter and
3 elsewhere in law.

4 (b) The board shall:

5 (1) Hold meetings, conduct hearings and administer
6 examinations;

7 (2) Establish requirements for licenses, permits,
8 certificates and registrations;

9 (3) Establish procedures for submitting, approving and
10 rejecting applications for licenses, permits, certificates and
11 registrations;

12 (4) Determine the qualifications of any applicant for
13 licenses, permits, certificates and registrations;

14 (5) Prepare, conduct, administer and grade
15 examinations for professional licenses and certificates;

16 (6) Determine the passing grade for the examinations;

17 (7) Maintain records of the examinations the board or
18 a third party administers, including the number of persons
19 taking the examinations and the pass and fail rate;

20 (8) Hire, discharge, establish the job requirements and
21 fix the compensation of the executive director;

22 (9) Maintain an office, and hire, discharge, establish the
23 job requirements and fix the compensation of employees,
24 investigators/inspectors and contracted employees
25 necessary to enforce the provisions of this article:
26 *Provided*, That any investigator/inspector employed by the
27 board on July 1, 2009, shall retain their coverage under the
28 classified service, including job classification, job tenure
29 and salary, until that person retires or is dismissed:
30 *Provided, however*, That nothing may prohibit the
31 disciplining or dismissal of any investigator/inspector for
32 cause;

33 (10) Investigate alleged violations of the provisions of
34 this article, legislative rules, orders and final decisions of
35 the board;

36 (11) Establish the criteria for the training of
37 investigators/inspectors;

38 (12) Set the requirements for investigations and
39 inspections;

40 (13) Conduct disciplinary hearings of persons regulated
41 by the board;

42 (14) Determine disciplinary action and issue orders;

43 (15) Institute appropriate legal action for the
44 enforcement of the provisions of this article;

45 (16) Maintain an accurate registry of names and
46 addresses of all persons regulated by the board;

47 (17) Keep accurate and complete records of its
48 proceedings, and certify the same as may be necessary and
49 appropriate;

50 (18) Establish the continuing education requirements
51 for professional licensees and certificate holders;

52 (19) Issue, renew, combine, deny, suspend, revoke or
53 reinstate licenses, permits, certificates and registrations;

54 (20) Establish a fee schedule;

55 (21) Propose rules in accordance with the provisions of
56 article three, chapter twenty-nine-a of this code to
57 implement the provisions of this article; and

58 (22) Take all other actions necessary and proper to
59 effectuate the purposes of this article.

60 (c) The board may:

61 (1) Establish joint licenses;

62 (2) Contract with third parties to administer the
63 examinations required under the provisions of this article;

64 (3) Sue and be sued in its official name as an agency of
65 this state; ~~and~~

66 (4) Confer with the Attorney General or his or her
67 assistant in connection with legal matters and questions;
68 and

69 (5) Require licensees to present a valid United States or
70 state government issued photo identification. The board
71 may retain a copy of the government issued identification
72 to verify licensee information.