

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 648

Short Title: Barber Amendments.

(Public)

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Sponsors: Senator Seymour.

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Referred to: Judiciary II.

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March 31, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND CHAPTER 86A REGULATING BARBERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 86A-3 reads as rewritten:

"§ 86A-3. **Qualifications for certificate as a registered barber.**

A certificate of registration as a registered barber shall be issued by the Board to any person who meets the following qualifications:

- (1) Has attended an approved barber school for at least 1528 hours;
- (2) Has completed a 12-month apprenticeship under the supervision of a licensed barber, as provided in G.S. 86A-24; and
- (3) Has passed a clinical examination conducted by the Board; and
- (4) Has submitted to the Board the ~~signatures of three barbers registered in North Carolina, one of whom has supervised the applicant,~~ affidavit or affidavit alternative required by G.S. 86A-24(c) certifying that the applicant has served the apprenticeship required by subsection (2)."

Sec. 2. G.S. 86A-5(b) reads as rewritten:

"(b) The Board shall adopt regulations:

- (1) ~~Prohibiting~~ Regulating the use of commercial chemicals of unknown content by persons registered under this Chapter. For purposes of this section, 'commercial chemicals' are those products sold only through beauty and barber supply houses and not available to the general public;
- (2) Instructing persons registered under this Chapter in the proper use and application of commercial chemicals where no manufacturer's

1 instructions are included. In the alternative, the Board shall prohibit  
2 the use of such commercial chemicals by persons registered under this  
3 Chapter."

4 Sec. 3. G.S. 86A-6 reads as rewritten:

5 **"§ 86A-6. Office; seal; officers and executive secretary; funds.**

6 The Board shall maintain a suitable office in Raleigh, and shall adopt and use a  
7 common seal for the authentication of its orders and records. The Board shall annually  
8 elect its own officers, and in addition, may elect or appoint a full-time executive  
9 secretary who shall not be a member of the Board, and whose salary shall be fixed by  
10 the Board. The executive secretary shall turn over to the State Treasurer to be credited  
11 to the State Board of Barber Examiners all funds collected or received by him under this  
12 Chapter, the funds to be held and expended under the supervision of the Director of the  
13 Budget, exclusively for the enforcement and administration of the provisions of this  
14 Chapter. Nothing herein shall be construed to authorize any expenditure in excess of the  
15 amount available from time to time in the hands of the State Treasurer derived from fees  
16 collected under the provisions of this Chapter and received by the State Treasurer  
17 pursuant to the provisions of this section."

18 Sec. 4. G.S. 86A-8 reads as rewritten:

19 **"§ 86A-8. Application for examinations; payment of fee.**

20 Each applicant for an examination shall:

21 (1) Make application to the Board on forms prepared and furnished by the  
22 Board, and the application shall contain proof under applicant's oath of  
23 the particular qualifications of the applicant. All applications for  
24 examination must be filed with the Board at least ~~30~~15 days prior to  
25 the actual taking of such examination by applicants;

26 (2) Pay to the Board the required fee."

27 Sec. 5. G.S. 86A-11(a) reads as rewritten:

28 "(a) The Board may grant a temporary permit to work to a graduate of a barber  
29 school in North Carolina provided application for examination has been filed and fee  
30 paid. The permit is valid only until the date of the next succeeding Board examination  
31 of applicants for apprenticeship registration except in cases of undue hardship as the  
32 Board may determine, unless it is revoked or suspended earlier by the Board. In no  
33 event shall any temporary permit be issued or remain valid after the holder has twice  
34 failed the apprentice examination required by G.S. 86A-24(a). The permittee may  
35 operate only under the supervision of a licensed ~~barber~~barber and may work only at the  
36 registered barber shop specified in the permit."

37 Sec. 6. G.S. 86A-13 reads as rewritten:

38 **"§ 86A-13. Barbershop and barber school permits.**

39 "(a) Any person, firm or corporation, before establishing or opening a barbershop  
40 or barber school not heretofore licensed by the State or the Board shall make application  
41 to the Board on forms to be furnished by the Board, for a permit to operate a  
42 barbershop or barber school, and the shop or school of the applicant shall be inspected  
43 and approved by the State Board of Barber Examiners or an agent designated for that  
44 purpose by the Board, before the barbershop or barber school may open for business. It

1 is unlawful to open a new or reopened barbershop or barber school until that shop or  
2 school has been inspected and determined by the Board to be in compliance with the  
3 requirements of G.S. 86A-15 in the case of shops and G.S. 86A-15 and 86A-22 in the  
4 case of schools. Upon compliance by the applicant with all requirements set forth in  
5 G.S. 86A-15, and the payment of the prescribed fee the Board shall issue to the  
6 applicant the permit applied for. Notwithstanding any other provision of this Chapter,  
7 no persons, firm, or corporation shall be issued a permit to operate a barbershop in a  
8 location registered as a barber school, nor shall any persons, firm, or corporation be  
9 issued a permit to operate a barber school in a location registered as a barbershop.

10 (b) The owners of every registered barbershop and barber school shall annually,  
11 on or before May 31 of each year, renew the barbershop or barber school's certificate of  
12 registration and pay the required annual fee. Every certificate of registration for any  
13 barbershop or barber school shall expire on the 31st day of May of each year. Any  
14 certificate of registration issued under this Chapter shall be automatically suspended by  
15 operation of law after failure to renew the certificate of registration by the expiration  
16 date. The owner of any barbershop or barber school whose certificate of registration  
17 has expired may, after the barbershop or barber school has been inspected, as required  
18 in subsection (a) of this section, have the certificate restored immediately upon paying  
19 all lapsed renewal fees and the required late fee."

20 Sec. 7. G.S. 86A-15(a) reads as rewritten:

21 "(a) Each barber and each owner or manager of a barbershop, barber school or  
22 college, or any other place where barber service is rendered, shall comply with the  
23 following sanitary rules and regulations:

24 (1) Proper quarters. –

- 25 a. Every barbershop, or other place where barber service is  
26 rendered, shall be located in buildings or rooms of such  
27 construction that they may be easily cleaned, well lighted, well  
28 ventilated and kept in an orderly and sanitary condition.
- 29 b. Each area where barber service is rendered shall be separated  
30 by a substantial partition or wall from areas used for other  
31 purposes.
- 32 c. Walls, floor and fixtures where barber service is rendered are to  
33 be kept sanitary.
- 34 d. Running water, hot and cold, shall be provided, and lavatories  
35 shall be located at a convenient place in each barbershop so that  
36 each barber may wash his hands after each haircut. Tanks and  
37 lavatories shall be of such construction that they may be easily  
38 cleaned. The lavatory must have a drain pipe to drain all waste  
39 water out of the building.
- 40 e. Every barbershop or other place where barber service is  
41 rendered, and every building or structure used as part of a  
42 barber school, shall comply with applicable building and fire  
43 codes and regulations.

44 (2) Equipment and instruments. –

- 1 a. Each person serving as a barber shall, immediately before using  
2 razors, tweezers, combs, contact cup or pad, sterilize the  
3 instruments by immersing them in a solution of fifty percent  
4 (50%) alcohol, five percent (5%) carbolic acid, twenty percent  
5 (20%) formaldehyde, or ten percent (10%) lysol or other  
6 product or solution that the Board may approve. Every owner or  
7 manager of a barbershop shall supply a separate container for  
8 the use of each barber, adequate to provide for a sufficient  
9 supply of the above solutions.
- 10 b. Each barber shall maintain combs and hair brushes in a clean  
11 and sanitary condition at all times and shall thoroughly clean  
12 mug and lather brush before each separate use.
- 13 c. The headrest of every barber chair shall be protected with clean  
14 paper or clean laundered towel.
- 15 d. Every person serving as a barber shall use a clean towel for  
16 each patron. All clean towels shall be placed in closed cabinets  
17 until used. Receptacles composed of material that can be  
18 washed and cleansed shall be provided to receive used towels,  
19 and all used towels must be placed in receptacles until  
20 laundered. Towels shall not be placed in a sterilizer or tank or  
21 rinsed in the barbershop. All wet and used towels shall be  
22 removed from the workstand or lavatory after serving each  
23 patron.
- 24 e. Whenever a hair cloth is used in cutting the hair, shampooing,  
25 etc., a newly laundered towel or paper neckstrap shall be placed  
26 around the patron's neck so as to prevent the hair cloth from  
27 touching the skin. Hair cloths shall be replaced when soiled.
- 28 (3) Barbers. –
- 29 a. Every person serving as a barber shall thoroughly cleanse his  
30 hands immediately before serving each patron.
- 31 b. Each person working as a barber shall be clean both as to  
32 person and dress.
- 33 c. No barber shall serve any person who has an infectious or  
34 communicable disease, and no barber shall undertake to treat  
35 any patron's infectious or contagious disease. Each barber  
36 practicing the profession in North Carolina shall furnish the  
37 Board of Barber Examiners a satisfactory health certificate at  
38 such time as the Board may deem necessary.
- 39 (4) Any person, other than a registered barber, shall before undertaking to  
40 give shampoos in a barbershop furnish the Board with a health  
41 certificate on a form provided by the Board.
- 42 (5) The owner or manager of a barbershop or any other place where barber  
43 service is rendered shall post a copy of these rules and regulations in a

1 conspicuous place in the shop or other place where the services are  
2 rendered."

3 Sec. 8. G.S. 86A-16 reads as rewritten:

4 **"§ 86A-16. Certificates to be displayed.**

5 Every holder of a certificate of registration as a registered barber, registered  
6 apprentice, shop permit, ~~school permit or school permit~~, instructor's certificate or  
7 temporary permit issued pursuant to G.S. 86A-11 shall display it in a conspicuous place  
8 adjacent to or near his work chair."

9 Sec. 9. G.S. 86A-17 reads as rewritten:

10 **"§ 86A-17. Renewal or restoration of certificate.**

11 (a) Every registered barber who continues in practice shall annually, on or before  
12 May 31 of each year, renew his certificate of registration ~~and furnish such health~~  
13 ~~certificate as the Board may require~~ and pay the required renewal fee. Every certificate of  
14 registration shall expire on the 31st day of May in each year. Any certificate of  
15 registration issued under this Chapter shall be automatically suspended by operation of  
16 law after failure to renew the certificate of registration by the expiration date. Every  
17 certificate of registration shall expire on the 31st day of May in each year.

18 (b) A registered barber whose certificate of registration has expired may have his  
19 certificate restored immediately upon paying ~~the required registration fee and furnishing a~~  
20 ~~health certificate if required by the Board;~~ all lapsed renewal fees and the required late fee;  
21 provided, however, a registered barber whose certificate has expired for a period of five  
22 years shall be required to take the clinical examination prescribed by the State Board of  
23 Barber Examiners and otherwise comply with the provisions of this Chapter before  
24 engaging in the practice of barbering. No registered barber who is reissued a certificate  
25 under this subsection shall be required to serve an apprenticeship as a prerequisite to  
26 reissuance of his certificate.

27 (c) All persons serving in the United States armed forces and any person whose  
28 certificate of registration as a registered barber was in force one year prior to entering  
29 service may, without taking the required examination, renew his certificate within 90  
30 days after receiving an honorable or general discharge, by paying the current annual  
31 license fee and furnishing the State Board of Barber Examiners with a satisfactory  
32 health certificate if required by the Board."

33 Sec. 10. G.S. 86A-18 reads as rewritten:

34 **"§ 86A-18. Disqualifications for certificate.**

35 The Board may either refuse to issue or to renew, or may suspend or revoke any  
36 certificate of registration or barbershop permit or barber school permit for any one or  
37 combination of the following causes:

- 38 (1) Conviction of the applicant or certificate holder of a felony proved by  
39 certified copy of the record of the court conviction;
- 40 (2) Gross malpractice or gross incompetence;
- 41 (3) Continued practice by a person knowingly having an infectious or  
42 contagious disease after being warned in writing by the Board to cease  
43 practice;

- 1 (4) Habitual drunkenness or habitual addiction to the use of morphine,  
2 cocaine or other habit forming drugs;
- 3 (5) The commission of any of the offenses described in subdivisions (3),  
4 (5), and (6) of G.S. 86A-20;
- 5 (6) The violation of any one or more of the sanitary rules and regulations  
6 established by statute or rule or regulation of the Board, ~~provided that~~  
7 ~~the Board has previously given two written warnings to the individual~~  
8 ~~committing the violation;~~ Board.
- 9 (7) The violation of the rules and regulations pertaining to barber ~~schools,~~  
10 ~~provided that the Board has previously given two written warnings to~~  
11 ~~the school.~~ schools."

12 Sec. 11. G.S. 86A-20 reads as rewritten:

13 **"§ 86A-20. Misdemeanors.**

14 Each of the following acts constitutes a misdemeanor, punishable upon conviction  
15 by a fine of not less than ~~ten dollars (\$10.00), twenty-five dollars (\$25.00), nor more than~~  
16 ~~fifty dollars (\$50.00), one hundred dollars (\$100.00),~~ imprisonment for 30 days in jail, or  
17 both fine and imprisonment:

- 18 (1) Violation of any of the provisions of G.S. 86A-1;
- 19 (2) Obtaining or attempting to obtain a certificate of registration for  
20 money other than the required fee or any other thing of value, or by  
21 fraudulent misrepresentations;
- 22 (3) Practicing or attempting to practice by fraudulent misrepresentations;
- 23 (4) Willful failure to display a certificate of registration as required by  
24 G.S. 86A-16;
- 25 (5) Practicing or attempting to practice barbering during the period of  
26 suspension or revocation of any certificate of registration granted  
27 under this Chapter. Each day's operation during a period of suspension  
28 or revocation shall be deemed a separate offense;
- 29 (6) Permitting any person in one's employ, supervision or control to  
30 practice as a barber unless that person holds a certificate as a registered  
31 barber or registered apprentice."

32 Sec. 12. G.S. 86A-22 reads as rewritten:

33 **"§ 86A-22. Licensing and regulating barber schools and colleges.**

34 The North Carolina State Board of Barber Examiners may approve barber schools or  
35 colleges in the State, and may prescribe rules and regulations for their operation. No  
36 barber school or college shall be approved by the Board unless the school or college  
37 meets all of the following requirements:

- 38 (1) Each school shall provide a course of instruction of at least 1528  
39 hours.
- 40 (2) Each school shall have at least two full-time instructors. Each  
41 instructor must hold a valid instructor's certificate issued by the ~~Board.~~  
42 Board, and must be on the premises of the barber school during regular  
43 business hours.

- 1 (3) An application for a student's permit ~~and a doctor's certificate,~~ on forms  
2 a form prescribed by the Board, must be filed with the Board before  
3 the student enters school. No student may enroll without having  
4 obtained a student's permit.
- 5 (4) Each student enrolled shall be given a complete course of instruction  
6 on the following subjects: hair cutting; shaving; shampooing, and the  
7 application of creams and lotions; care and preparation of tools and  
8 implements; scientific massaging and manipulating the muscles of the  
9 scalp, face, and neck; sanitation and hygiene; shedding and regrowth  
10 of hair; elementary chemistry relating to sterilization and antiseptics;  
11 instruction on common skin and scalp diseases to the extent that they  
12 may be recognized; pharmacology as it relates to preparations  
13 commonly used in barbershops; instruction in the use of electrical  
14 appliances and the effects of the use of these on the human skin;  
15 structure of the skin and hair; nerve points of the face; the application  
16 of hair dyes and bleaches; permanent waving; marcelling or hair  
17 pressing; frosting and streaking; and the statutes and regulations  
18 relating to the practice of barbering in North Carolina. The Board shall  
19 specify the minimum number of hours of instruction for each subject  
20 required by this subsection.
- 21 (5) Each school shall file an up-to-date list of its students with the Board  
22 at least once a month. If a student withdraws or transfers, the school  
23 shall file a report with the Board stating the courses and hours  
24 completed by the withdrawing or transferring student. The school shall  
25 also file with the Board a list of students who have completed the  
26 amount of work necessary to meet the licensing requirements.
- 27 (6) Each school shall comply with the sanitary requirements of G.S. 86A-  
28 15.
- 29 (7) a. Each school shall provide a guaranty bond unless the school has  
30 already provided a bond or an alternative to a bond under G.S. 115D-  
31 95.

32 The North Carolina State Board of Barber Examiners may  
33 revoke the approval of a school that fails to maintain a bond or  
34 an alternative to a bond pursuant to this subdivision or G.S.  
35 115D-95.

- 36 b. When application is made for approval or renewal of approval,  
37 the applicant shall file a guaranty bond with the clerk of the  
38 superior court of the county in which the school will be located.  
39 The bond shall be in favor of the students. The bond shall be  
40 executed by the applicant as principal and by a bonding  
41 company authorized to do business in this State. The bond shall  
42 be conditioned to provide indemnification to any student, or his  
43 parent or guardian, who has suffered a loss of tuition or any fees  
44 by reason of the failure of the school to offer or complete

1 student instruction, academic services, or other goods and  
2 services related to course enrollment for any reason, including  
3 the suspension, revocation, or nonrenewal of a school's  
4 approval, bankruptcy, foreclosure, or the school ceasing to  
5 operate.

6 The bond shall be in an amount determined by the Board to  
7 be adequate to provide indemnification to any student, or his  
8 parent or guardian, under the terms of the bond. The bond  
9 amount for a school shall be at least equal to the maximum  
10 amount of prepaid tuition held at any time during the last fiscal  
11 year by the school. The bond amount shall also be at least ten  
12 thousand dollars (\$10,000).

13 Each application for approval shall include a letter signed by  
14 an authorized representative of the school showing in detail the  
15 calculations made and the method of computing the amount of  
16 the bond pursuant to this subpart and the rules of the Board. If  
17 the Board finds that the calculations made and the method of  
18 computing the amount of the bond are inaccurate or that the  
19 amount of the bond is otherwise inadequate to provide  
20 indemnification under the terms of the bond, the Board may  
21 require the applicant to provide an additional bond.

22 The bond shall remain in force and effect until cancelled by  
23 the guarantor. The guarantor may cancel the bond upon 30 days  
24 notice to the Board. Cancellation of the bond shall not affect  
25 any liability incurred or accrued prior to the termination of the  
26 notice period.

27 c. An applicant that is unable to secure a bond may seek a waiver  
28 of the guaranty bond from the Board and approval of one of the  
29 guaranty bond alternatives set forth in this subpart. With the  
30 approval of the Board, an applicant may file with the clerk of  
31 the superior court of the county in which the school will be  
32 located, in lieu of a bond:

33 1. An assignment of a savings account in an amount equal  
34 to the bond required (i) which is in a form acceptable to  
35 the Board; (ii) which is executed by the applicant; and  
36 (iii) which is executed by a state or federal savings and  
37 loan association, state bank, or national bank, that is  
38 doing business in North Carolina and whose accounts are  
39 insured by a federal depositors corporation; and (iv) for  
40 which access to the account in favor of the State of North  
41 Carolina is subject to the same conditions as for a bond  
42 in subpart b. above.

43 2. A certificate of deposit (i) which is executed by a state or  
44 federal savings and loan association, state bank, or



1 national bank, which is doing business in North Carolina  
2 and whose accounts are insured by a federal depositors  
3 corporation; and (ii) which is either payable to the State  
4 of North Carolina, unrestrictively endorsed to the Board;  
5 in the case of a negotiable certificate of deposit, is  
6 unrestrictively endorsed to the Board; or in the case of a  
7 nonnegotiable certificate of deposit, is assigned to the  
8 Board in a form satisfactory to the Board; and (iii) for  
9 which access to the certificate of deposit in favor of the  
10 State of North Carolina is subject to the same conditions  
11 as for a bond in subpart b. above."

12 Sec. 13. G.S. 86A-23 reads as rewritten:

13 **"§ 86A-23. Instructors.**

14 (a) The Board shall issue an instructor's certificate to any currently registered  
15 barber who has held a certificate as a registered barber in this State or has been licensed  
16 as a barber in another state for at least three years, and has passed an instructor's  
17 examination given by the Board. This examination shall cover the subjects listed in G.S.  
18 86A-22(4) and any other subjects which the Board deems necessary for the teaching of  
19 sanitary barbering.

20 (b) A person desiring to take an instructor's examination must make application  
21 to the Board for examination on forms to be furnished by the Board and pay the  
22 instructor's examination fee. Each person who passes the instructor's examination shall  
23 be issued a certificate of registration as a registered instructor by paying the issuance fee  
24 and the instructor's certificate shall be renewable as of the 31st day of May of each year.  
25 Every instructor's certificate shall expire on the 31st day of May in each year. Any  
26 instructor's certificate issued under this Chapter shall be automatically suspended by  
27 operation of law after failure to renew the instructor's certificate by the expiration date,  
28 and may be renewed only upon payment of the lapsed renewal fees and the required late  
29 fee. Any person whose instructor's certificate has expired for a period of three years or  
30 more shall be required to take and pass the instructor's examination before the certificate  
31 can be renewed."

32 Sec. 14. G.S. 86A-24 reads as rewritten:

33 **"§ 86A-24. Apprenticeship.**

34 (a) Before being issued an apprentice license, an applicant must pass an  
35 examination conducted by the Board to determine his competence, including his  
36 knowledge of barbering, sanitary rules and regulations, and knowledge of diseases of  
37 the face, skin and scalp.

38 (b) ~~An apprentice license may be renewed annually on the payment of the prescribed~~  
39 ~~fee.~~ Every holder of an apprentice license shall annually, on or before May 31 of each  
40 year, renew his apprentice license and pay the required renewal fee. Every apprentice  
41 license shall expire on the 31st day of May in each year. Any apprentice license issued  
42 under this Chapter shall be automatically suspended by operation of law after failure to  
43 renew the apprentice license by the expiration date. An apprentice whose apprentice  
44 license has expired may have his certificate restored immediately upon paying all lapsed

1 renewal fees and the required late fee. The certificate of registration of an apprentice is  
 2 valid only so long as he works under supervision of a registered barber. No apprentice  
 3 shall operate a barbershop.

4 (c) On completion of at least one year's apprenticeship, evidenced by affidavit of  
 5 the supervising registered licensed barber or barbers, and upon meeting the other  
 6 requirements of G.S. 86A-3, the apprentice shall be issued a license as a registered  
 7 barber, pursuant to G.S. 86A-10. The Board may issue regulations providing for the use  
 8 of an alternative to the affidavit required by this subsection in cases where the applicant  
 9 can demonstrate that he is unable to obtain, for good cause shown, the required  
 10 affidavit. No registered apprentice may practice for a period exceeding three years  
 11 without retaking and passing the required examination to receive a certificate as a  
 12 registered apprentice."

13 Sec. 15. G.S. 86A-25 reads as rewritten:

14 **"§ 86A-25. Fees collectible by Board.**

15 The State Board of Barber Examiners shall charge fees not to exceed the following:

16 Certificate of registration or renewal as a barber \$ 30.00

17 Certificate of registration or renewal as an apprentice barber 30.00

18 Barbershop permit or renewal 30.00

19 Examination to become a registered barber 50.00

20 Examination to become a registered apprentice barber 50.00

21 ~~Restoration of an expired certificate of a registered apprentice, registered~~  
 22 ~~barber or barbershop permit within the first year \$10.00 plus renewal~~  
 23 ~~fee; after the first year \$20.00 plus lapsed fees up to 5 years~~

24 Late fee for restoration of an expired certificate of a registered barber within  
 25 first year after expiration 30.00

26 Late fee for restoration of an expired certificate of a registered barber after  
 27 first year after expiration, but within five years after expiration 60.00

28 Late fee for restoration of an expired certificate of a registered apprentice  
 29 within first year 30.00

30 Late fee for restoration of an expired certificate of a registered apprentice  
 31 after the first year, but within three years of first issuance of the  
 32 certificate 60.00

33 Late fee for restoration of an expired certificate of a registered barbershop  
 34 30.00

35 Examination to become a barber school instructor 95.00

36 Student permit 15.00

37 Issuance of any duplicate copy of a license, certificate or permit 7.50

38 Barber school permit or renewal 75.00

39 Late fee for restoration of an expired certificate of a registered barber school  
 40 75.00

41 Barber school instructor certificate or renewal 50.00

42 Late fee for restoration of an expired certificate of a barber school instructor  
 43 within first year 50.00

