

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 648
Second Edition Engrossed 5/25/93

Short Title: Barber Amendments.

(Public)

Sponsors: Senator Seymour.

Referred to: Finance.

March 31, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND CHAPTER 86A REGULATING BARBERS.

3 The General Assembly of North Carolina enacts:

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

5 **"§ 86A-3. Qualifications for certificate as a registered barber.**

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

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

16 Sec. 2. G.S. 86A-6 reads as rewritten:

17 **"§ 86A-6. Office; seal; officers and executive secretary; funds.**

18 The Board shall maintain a suitable office in Raleigh, and shall adopt and use a
19 common seal for the authentication of its orders and records. The Board shall annually
20 elect its own officers, and in addition, may elect or appoint a full-time executive
21 secretary who shall not be a member of the Board, and whose salary shall be fixed by
22 the Board. The executive secretary shall turn over to the State Treasurer to be credited
23 to the State Board of Barber Examiners all funds collected or received by him under this

1 Chapter, the funds to be held and expended under the supervision of the Director of the
2 Budget, exclusively for the enforcement and administration of the provisions of this
3 Chapter. Nothing herein shall be construed to authorize any expenditure in excess of the
4 amount available from time to time in the hands of the State Treasurer derived from fees
5 collected under the provisions of this Chapter and received by the State Treasurer
6 pursuant to the provisions of this section."

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

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

9 Each applicant for an examination shall:

- 10 (1) Make application to the Board on forms prepared and furnished by the
11 Board, and the application shall contain proof under applicant's oath of
12 the particular qualifications of the applicant. All applications for
13 examination must be filed with the Board at least ~~30~~15 days prior to
14 the actual taking of such examination by applicants;
- 15 (2) Pay to the Board the required fee."

16 Sec. 4. G.S. 86A-11(a) reads as rewritten:

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

26 Sec. 5. G.S. 86A-13 reads as rewritten:

27 **"§ 86A-13. Barbershop and barber school permits.**

28 "(a) Any person, firm or corporation, before establishing or opening a barbershop
29 or barber school not heretofore licensed by the State or the Board shall make application
30 to the Board on forms to be furnished by the Board, for a permit to operate a
31 barbershop or barber school, and the shop or school of the applicant shall be inspected
32 and approved by the State Board of Barber Examiners or an agent designated for that
33 purpose by the Board, before the barbershop or barber school may open for business. It
34 is unlawful to open a new or reopened barbershop or barber school until that shop or
35 school has been inspected and determined by the Board to be in compliance with the
36 requirements of G.S. 86A-15 in the case of shops and G.S. 86A-15 and 86A-22 in the
37 case of schools. Upon compliance by the applicant with all requirements set forth in
38 G.S. 86A-15, and the payment of the prescribed fee the Board shall issue to the
39 applicant the permit applied for. Notwithstanding any other provision of this Chapter,
40 no persons, firm, or corporation shall be issued a permit to operate a barbershop in a
41 location registered as a barber school, nor shall any persons, firm, or corporation be
42 issued a permit to operate a barber school in a location registered as a barbershop.

43 (b) The owners of every registered barbershop and barber school shall annually,
44 on or before May 31 of each year, renew the barbershop or barber school's certificate of

1 registration and pay the required annual fee. Every certificate of registration for any
2 barbershop or barber school shall expire on the 31st day of May of each year. Any
3 certificate of registration issued under this Chapter shall be automatically suspended by
4 operation of law after failure to renew the certificate of registration by the expiration
5 date. The owner of any barbershop or barber school whose certificate of registration
6 has expired may, after the barbershop or barber school has been inspected, as required
7 in subsection (a) of this section, have the certificate restored immediately upon paying
8 all lapsed renewal fees and the required late fee."

9 Sec. 6. G.S. 86A-15(a) reads as rewritten:

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

13 (1) Proper quarters. –

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

33 (2) Equipment and instruments. –

- 34 a. Each person serving as a barber shall, immediately before using
35 razors, tweezers, combs, contact cup or pad, sterilize the
36 instruments by immersing them in a solution of fifty percent
37 (50%) alcohol, five percent (5%) carbolic acid, twenty percent
38 (20%) formaldehyde, or ten percent (10%) lysol or other
39 product or solution that the Board may approve. Every owner or
40 manager of a barbershop shall supply a separate container for
41 the use of each barber, adequate to provide for a sufficient
42 supply of the above solutions.

- 1 b. Each barber shall maintain combs and hair brushes in a clean
2 and sanitary condition at all times and shall thoroughly clean
3 mug and lather brush before each separate use.
- 4 c. The headrest of every barber chair shall be protected with clean
5 paper or clean laundered towel.
- 6 d. Every person serving as a barber shall use a clean towel for
7 each patron. All clean towels shall be placed in closed cabinets
8 until used. Receptacles composed of material that can be
9 washed and cleansed shall be provided to receive used towels,
10 and all used towels must be placed in receptacles until
11 laundered. Towels shall not be placed in a sterilizer or tank or
12 rinsed in the barbershop. All wet and used towels shall be
13 removed from the workstand or lavatory after serving each
14 patron.
- 15 e. Whenever a hair cloth is used in cutting the hair, shampooing,
16 etc., a newly laundered towel or paper neckstrap shall be placed
17 around the patron's neck so as to prevent the hair cloth from
18 touching the skin. Hair cloths shall be replaced when soiled.

19 (3) Barbers. –

- 20 a. Every person serving as a barber shall thoroughly cleanse his
21 hands immediately before serving each patron.
- 22 b. Each person working as a barber shall be clean both as to
23 person and dress.
- 24 c. No barber shall serve any person who has an infectious or
25 communicable disease, and no barber shall undertake to treat
26 any patron's infectious or contagious disease. Each barber
27 practicing the profession in North Carolina shall furnish the
28 Board of Barber Examiners a satisfactory health certificate at
29 such time as the Board may deem necessary.

30 (4) Any person, other than a registered barber, shall before undertaking to
31 give shampoos in a barbershop furnish the Board with a health
32 certificate on a form provided by the Board.

33 (5) The owner or manager of a barbershop or any other place where barber
34 service is rendered shall post a copy of these rules and regulations in a
35 conspicuous place in the shop or other place where the services are
36 rendered."

37 Sec. 7. G.S. 86A-16 reads as rewritten:

38 "**§ 86A-16. Certificates to be displayed.**

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

43 Sec. 8. G.S. 86A-17 reads as rewritten:

44 "**§ 86A-17. Renewal or restoration of certificate.**

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

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

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

23 Sec. 9. G.S. 86A-18 reads as rewritten:

24 "**§ 86A-18. Disqualifications for certificate.**

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

- 28 (1) Conviction of the applicant or certificate holder of a felony proved by
29 certified copy of the record of the court conviction;
- 30 (2) Gross malpractice or gross incompetence;
- 31 (3) Continued practice by a person knowingly having an infectious or
32 contagious disease after being warned in writing by the Board to cease
33 practice;
- 34 (4) Habitual drunkenness or habitual addiction to the use of morphine,
35 cocaine or other habit forming drugs;
- 36 (5) The commission of any of the offenses described in subdivisions (3),
37 (5), and (6) of G.S. 86A-20;
- 38 (6) The violation of any one or more of the sanitary rules and regulations
39 established by statute or rule or regulation of the Board, ~~provided that~~
40 ~~the Board has previously given two written warnings to the individual~~
41 ~~committing the violation~~; Board.
- 42 (7) The violation of the rules and regulations pertaining to barber schools;
43 ~~provided that the Board has previously given two written warnings to~~
44 ~~the school~~. schools."

1 Sec. 10. G.S. 86A-20 reads as rewritten:

2 **"§ 86A-20. Misdemeanors.**

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

- 7 (1) Violation of any of the provisions of G.S. 86A-1;
- 8 (2) Obtaining or attempting to obtain a certificate of registration for
9 money other than the required fee or any other thing of value, or by
10 fraudulent misrepresentations;
- 11 (3) Practicing or attempting to practice by fraudulent misrepresentations;
- 12 (4) Willful failure to display a certificate of registration as required by
13 G.S. 86A-16;
- 14 (5) Practicing or attempting to practice barbering during the period of
15 suspension or revocation of any certificate of registration granted
16 under this Chapter. Each day's operation during a period of suspension
17 or revocation shall be deemed a separate offense;
- 18 (6) Permitting any person in one's employ, supervision or control to
19 practice as a barber unless that person holds a certificate as a registered
20 barber or registered apprentice."

21 Sec. 11. G.S. 86A-22 reads as rewritten:

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

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

- 27 (1) Each school shall provide a course of instruction of at least 1528
28 hours.
- 29 (2) Each school shall have at least two full-time instructors. Each
30 instructor must hold a valid instructor's certificate issued by the ~~Board~~
31 Board, and must be on the premises of the barber school during regular
32 business hours.
- 33 (3) An application for a student's permit ~~and a doctor's certificate, on forms~~
34 a form prescribed by the Board, must be filed with the Board before
35 the student enters school. No student may enroll without having
36 obtained a student's permit.
- 37 (4) Each student enrolled shall be given a complete course of instruction
38 on the following subjects: hair cutting; shaving; shampooing, and the
39 application of creams and lotions; care and preparation of tools and
40 implements; scientific massaging and manipulating the muscles of the
41 scalp, face, and neck; sanitation and hygiene; shedding and regrowth
42 of hair; elementary chemistry relating to sterilization and antiseptics;
43 instruction on common skin and scalp diseases to the extent that they
44 may be recognized; pharmacology as it relates to preparations

1 commonly used in barbershops; instruction in the use of electrical
2 appliances and the effects of the use of these on the human skin;
3 structure of the skin and hair; nerve points of the face; the application
4 of hair dyes and bleaches; permanent waving; marcelling or hair
5 pressing; frosting and streaking; and the statutes and regulations
6 relating to the practice of barbering in North Carolina. The Board shall
7 specify the minimum number of hours of instruction for each subject
8 required by this subsection.

9 (5) Each school shall file an up-to-date list of its students with the Board
10 at least once a month. If a student withdraws or transfers, the school
11 shall file a report with the Board stating the courses and hours
12 completed by the withdrawing or transferring student. The school shall
13 also file with the Board a list of students who have completed the
14 amount of work necessary to meet the licensing requirements.

15 (6) Each school shall comply with the sanitary requirements of G.S. 86A-
16 15.

17 (7) a. Each school shall provide a guaranty bond unless the school has
18 already provided a bond or an alternative to a bond under G.S. 115D-
19 95.

20 The North Carolina State Board of Barber Examiners may
21 revoke the approval of a school that fails to maintain a bond or
22 an alternative to a bond pursuant to this subdivision or G.S.
23 115D-95.

24 b. When application is made for approval or renewal of approval,
25 the applicant shall file a guaranty bond with the clerk of the
26 superior court of the county in which the school will be located.
27 The bond shall be in favor of the students. The bond shall be
28 executed by the applicant as principal and by a bonding
29 company authorized to do business in this State. The bond shall
30 be conditioned to provide indemnification to any student, or his
31 parent or guardian, who has suffered a loss of tuition or any fees
32 by reason of the failure of the school to offer or complete
33 student instruction, academic services, or other goods and
34 services related to course enrollment for any reason, including
35 the suspension, revocation, or nonrenewal of a school's
36 approval, bankruptcy, foreclosure, or the school ceasing to
37 operate.

38 The bond shall be in an amount determined by the Board to
39 be adequate to provide indemnification to any student, or his
40 parent or guardian, under the terms of the bond. The bond
41 amount for a school shall be at least equal to the maximum
42 amount of prepaid tuition held at any time during the last fiscal
43 year by the school. The bond amount shall also be at least ten
44 thousand dollars (\$10,000).

1 Each application for approval shall include a letter signed by
2 an authorized representative of the school showing in detail the
3 calculations made and the method of computing the amount of
4 the bond pursuant to this subpart and the rules of the Board. If
5 the Board finds that the calculations made and the method of
6 computing the amount of the bond are inaccurate or that the
7 amount of the bond is otherwise inadequate to provide
8 indemnification under the terms of the bond, the Board may
9 require the applicant to provide an additional bond.

10 The bond shall remain in force and effect until cancelled by
11 the guarantor. The guarantor may cancel the bond upon 30 days
12 notice to the Board. Cancellation of the bond shall not affect
13 any liability incurred or accrued prior to the termination of the
14 notice period.

15 c. An applicant that is unable to secure a bond may seek a waiver
16 of the guaranty bond from the Board and approval of one of the
17 guaranty bond alternatives set forth in this subpart. With the
18 approval of the Board, an applicant may file with the clerk of
19 the superior court of the county in which the school will be
20 located, in lieu of a bond:

21 1. An assignment of a savings account in an amount equal
22 to the bond required (i) which is in a form acceptable to
23 the Board; (ii) which is executed by the applicant; and
24 (iii) which is executed by a state or federal savings and
25 loan association, state bank, or national bank, that is
26 doing business in North Carolina and whose accounts are
27 insured by a federal depositors corporation; and (iv) for
28 which access to the account in favor of the State of North
29 Carolina is subject to the same conditions as for a bond
30 in subpart b. above.

31 2. A certificate of deposit (i) which is executed by a state or
32 federal savings and loan association, state bank, or
33 national bank, which is doing business in North Carolina
34 and whose accounts are insured by a federal depositors
35 corporation; and (ii) which is either payable to the State
36 of North Carolina, unrestrictively endorsed to the Board;
37 in the case of a negotiable certificate of deposit, is
38 unrestrictively endorsed to the Board; or in the case of a
39 nonnegotiable certificate of deposit, is assigned to the
40 Board in a form satisfactory to the Board; and (iii) for
41 which access to the certificate of deposit in favor of the
42 State of North Carolina is subject to the same conditions
43 as for a bond in subpart b. above."

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

1 **"§ 86A-23. Instructors.**

2 (a) The Board shall issue an instructor's certificate to any currently registered
3 barber who has held a certificate as a registered barber in this State or has been licensed
4 as a barber in another state for at least three years, and has passed an instructor's
5 examination given by the Board. This examination shall cover the subjects listed in G.S.
6 86A-22(4) and any other subjects which the Board deems necessary for the teaching of
7 sanitary barbering.

8 (b) A person desiring to take an instructor's examination must make application
9 to the Board for examination on forms to be furnished by the Board and pay the
10 instructor's examination fee. Each person who passes the instructor's examination shall
11 be issued a certificate of registration as a registered instructor by paying the issuance fee
12 and the instructor's certificate shall be renewable as of the 31st day of May of each year.
13 Every instructor's certificate shall expire on the 31st day of May in each year. Any
14 instructor's certificate issued under this Chapter shall be automatically suspended by
15 operation of law after failure to renew the instructor's certificate by the expiration date,
16 and may be renewed only upon payment of the lapsed renewal fees and the required late
17 fee. Any person whose instructor's certificate has expired for a period of three years or
18 more shall be required to take and pass the instructor's examination before the certificate
19 can be renewed."

20 Sec. 13. G.S. 86A-24 reads as rewritten:

21 **"§ 86A-24. Apprenticeship.**

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

26 (b) ~~An apprentice license may be renewed annually on the payment of the prescribed~~
27 ~~fee.~~ Every holder of an apprentice license shall annually, on or before May 31 of each
28 year, renew his apprentice license and pay the required renewal fee. Every apprentice
29 license shall expire on the 31st day of May in each year. Any apprentice license issued
30 under this Chapter shall be automatically suspended by operation of law after failure to
31 renew the apprentice license by the expiration date. An apprentice whose apprentice
32 license has expired may have his certificate restored immediately upon paying all lapsed
33 renewal fees and the required late fee. The certificate of registration of an apprentice is
34 valid only so long as he works under supervision of a registered barber. No apprentice
35 shall operate a barbershop.

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

1 Sec. 14. G.S. 86A-25 reads as rewritten:

2 "**§ 86A-25. Fees collectible by Board.**

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

4	Certificate of registration or renewal as a barber	\$ 30.00
5	Certificate of registration or renewal as an apprentice barber	30.00
6	Barbershop permit or renewal	30.00
7	Examination to become a registered barber	50.00
8	Examination to become a registered apprentice barber	50.00
9	Restoration of an expired certificate of a registered apprentice, registered	
10	barber or barbershop permit within the first year \$10.00 plus renewal	
11	fee; after the first year \$20.00 plus lapsed fees up to 5 years	
12	<u>Late fee for restoration of an expired certificate of a registered barber within</u>	
13	<u>first year after expiration 30.00</u>	
14	<u>Late fee for restoration of an expired certificate of a registered barber after</u>	
15	<u>first year after expiration, but within five years after expiration 60.00</u>	
16	<u>Late fee for restoration of an expired certificate of a registered apprentice</u>	
17	<u>within first year 30.00</u>	
18	<u>Late fee for restoration of an expired certificate of a registered apprentice</u>	
19	<u>after the first year, but within three years of first issuance of the</u>	
20	<u>certificate 60.00</u>	
21	<u>Late fee for restoration of an expired certificate of a registered barbershop</u>	
22	<u>30.00</u>	
23	Examination to become a barber school instructor	95.00
24	Student permit	15.00
25	Issuance of any duplicate copy of a license, certificate or permit	7.50
26	Barber school permit <u>or renewal</u>	75.00
27	<u>Late fee for restoration of an expired certificate of a registered barber school</u>	
28	<u>75.00</u>	
29	Barber school instructor certificate or renewal	50.00
30	<u>Late fee for restoration of an expired certificate of a barber school instructor</u>	
31	<u>within first year 50.00</u>	
32	<u>Late fee for restoration of an expired certificate of a barber school instructor</u>	
33	<u>after first year after expiration, but within three years after expiration</u>	
34	<u>100.00</u>	
35	Inspection of newly established barbershop	70.00
36	Inspection of newly established barber school	125.00
37	Issuance of a registered or apprentice certificate by certification	70.00."
38	Sec. 15. This act becomes effective October 1, 1993.	