

LEGISLATIVE BILL 87

Approved by the Governor March 2, 1983

Introduced by Chambers, 11

AN ACT to amend sections 71-201, 71-202.01, 71-204, 71-208.02, 71-210, 71-211, 71-216, 71-216.01, 71-217, and 71-219, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to change provisions relating to the training and instructional requirements for barbers; to eliminate certain apprentice barbers; to change provisions relating to barber instructors and examinations; to harmonize provisions; to provide an additional ground for denial or revocation of registration; to change fees; and to repeal the original sections, and also sections 71-201.02, 71-205, 71-205.01, 71-206, 71-213, and 71-214, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. The Board of Barber Examiners may negotiate reciprocal agreements for licensure with any other state or country for apprentice barbers, registered barbers, and barber instructors.

Sec. 2. For the purpose of recognizing licenses which have been issued in other states or countries to practice barbering as an apprentice barber, registered barber, or barber instructor for which a license is required by Chapter 71, article 2, the Board of Barber Examiners may enter into a reciprocal agreement with every state which is certified to it by the proper examining board under the provisions of section 3 of this act.

Sec. 3. The Board of Barber Examiners shall at least once each year review the licensing requirements of other states or countries which issue licenses to practice barbering in the various classifications in which the board conducts examinations for licenses in this state. The board shall examine such requirements and, after making such other inquiries as it deems necessary, shall certify the states and countries having substantially equivalent requirements

to those existing in this state for the practice of barbering and with which such board desires to enter into a reciprocal licensure agreement.

Sec. 4. In negotiating any reciprocal agreement, the Board of Barber Examiners shall be governed by the following:

(1) When the laws of any state or country or the rules of the authorities of such state or country place any requirement or disability upon any person licensed in this state to practice barbering which affects the right of such person to be licensed or to practice his or her profession in such other state, then the same requirement or disability shall be placed upon any person licensed in such state or country when applying for a license to practice in this state; and

(2) When any examining board has established by rule any special conditions upon which reciprocal agreements shall be entered into, as provided in section 5 of this act, such condition shall be incorporated into the reciprocal agreements negotiated with reference to licenses to practice barbering in any classification in which such examining board conducts examinations.

Sec. 5. The Board of Barber Examiners shall not enter into any reciprocal agreement with any state or country with reference to the practice of barbering as an apprentice barber, registered barber, or instructor for which the board conducts examinations, unless every person licensed in such state or country when applying for a license to practice in this state shall show:

(1) That the requirements for registration were substantially equal to those in force in this state at the time such license was issued; or

(2) Upon due proof that such applicant has continuously practiced the practices or occupation for which application for a license is made at least three years immediately prior to such application.

The applicant shall also pay the fee set pursuant to section 71-219.

Any applicant who fails to qualify for such exemption because his or her study or training outside this state does not fulfill the requirements of this section shall receive credit for the number of hours of study and training successfully completed in the particular state where he or she is registered or licensed, and he or she shall be qualified for the examination upon completion of such supplementary study and training in an accredited school of barbering in this state as the board finds necessary to substantially equal the study and training of a qualified person who has studied and trained in an accredited school in this state only. For the purposes of this section, each six months of practice outside of this state of the

practices or occupation for which application for a license is made shall be deemed the equivalent of one hundred hours of study and training required in this state in order to qualify for the practice of barbering.

Sec. 6. When the requirements for a license in any state or country with which this state has a reciprocal agreement as authorized by section 2 of this act are changed by any law or rule of the authorities of such state so that such requirements are no longer substantially as high as those existing in this state, then such agreement shall be deemed terminated and licenses issued in such state or country shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated.

Sec. 7. The Board of Barber Examiners shall, upon presentation of a certification of licensure to practice barbering as a registered barber or instructor by the duly constituted authority of another state or country, with which this state has established reciprocal relations as authorized by section 2 of this act, and subject to the rules of the board, license such applicant to practice in this state unless an examination is required under section 5 of this act.

Sec. 8. The provisions of Chapter 71, article 2, relating to applications, transmittal of the names of eligible candidates, certification of successful applicants, and issuance of licenses thereto, in the case of regular examinations, shall apply as far as applicable to applicants for a reciprocal license.

Sec. 9. When the laws or the rules of the authorities of a state or country place any requirement or disability upon any person holding a diploma or certificate from any school or college of barbering in this state in which barbering is taught, which affects the right of such person to be licensed in such state, the same requirement or disability shall be placed upon any person holding a diploma or certificate from a similar school or college situated in that state when applying for a license to practice in this state.

Sec. 10. The Board of Barber Examiners shall have the power to establish the necessary rules for carrying out the reciprocal relations with other states or countries which are authorized by sections 1 to 9 of this act.

Sec. 11. Any licensee who desires to change his or her residence to that of another state or country shall, upon application to the Board of Barber Examiners and payment of the legal fee, receive a certified statement that he or she is a duly licensed practitioner in this state.

Sec. 12. Registered barbers licensed in the State of Nebraska, attending a school or college of cosmetology, shall be given one thousand hours credit

toward the hours required for graduation.

Sec. 13. When it is necessary for an inspector to reinspect a barber shop or barber school to determine if a violation has been corrected, there shall be a fee assessed to the barber or barber shop owner for the first, second, and third callback inspection. The fees shall be an amount set by the Board of Barber Examiners.

Sec. 14. That section 71-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-201. No person shall practice or attempt to practice barbering as defined in section 71-202, without a license issued pursuant to the provisions of Chapter 71, article 2, by the Board of Barber Examiners. No person shall serve or attempt to serve as an apprentice barber without a certificate of registration as a registered apprentice issued by the board. It shall be unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a registered barber. Each barber shop employing an apprentice barber shall have at least one registered barber for each apprentice barber employed. No person, partnership, or corporation shall operate a barber shop or barber school until a license has been obtained for that purpose from the Board of Barber Examiners. All barber shop licenses shall be issued on or before June 30, effective as of July 1 of each year, shall be good for one year, and shall expire on the succeeding June 30. Any such license may be suspended, revoked, or renewal denied by the Board of Barber Examiners for violation of any provision of the statutes or rule of the board pertaining to the operation of barber shops or barber schools, or any regulation of the Department of Health pertaining to sanitation, after due notice and hearing before the board.

Sec. 15. That section 71-202.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-202.01. As used in Chapter 71, article 2, unless the context otherwise requires:

(1) Barber shall mean any person duly licensed as required by Chapter 71, article 2, who engages in the practice of any act of barbering;

(2) Barber shop shall mean an establishment or place of business properly licensed as required by Chapter 71, article 2, where one or more persons properly licensed are engaged in the practice of barbering, but does not include barber schools or colleges;

(3) Barber school or college shall mean an establishment properly licensed and operated for the teaching and training of barber students;

(4) Board shall mean the Board of Barber Examiners;

(5) Manager shall mean a registered barber having control of the barber shop and of the persons working or employed therein;

(6) License shall mean a certificate of registration issued by the board;

(7) Instructor shall mean a teacher of the barber trade as provided in Chapter 71, article 2;

(8) Assistant instructor shall mean a teacher of the barbering trade licensed as an assistant instructor, as required by Chapter 71, article 2;

~~(9) Immediate personal supervision shall mean the supervision by the actual presence of a registered barber while barber service is being performed by an apprentice;~~

~~(10) Apprentice barber shall mean any person issued a certificate to perform the act of barbering under immediate personal supervision in a registered barber shop in this state;~~

~~(11) Registered barber shall mean a person who has completed the requirements to receive a certificate as a barber and to whom a certificate has been issued;~~

~~(12) (10) Secretary of the board shall mean the director appointed by the board who shall keep a record of the proceedings of the board; and~~

~~(13) (11) Student shall mean a person attending an approved, licensed barber school or college and duly registered with the board as a student engaged in learning and acquiring any and all of the practices of barbering, and while learning performs and assists any of the practices of barbering in a school registered and approved by the board.~~

Sec. 16. That section 71-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-204. A person is qualified to receive a certificate of registration to practice barbering (1) who is qualified under the provisions of section 71-206; (2) who is at least eighteen years of age; (3) who is of good moral character and temperate habits; ~~(4) who has practiced as a registered apprentice for a period of one year under the immediate personal supervision of a registered barber in a registered barber shop in this state; and~~ (5) (4) who has passed a satisfactory examination conducted by the Board of Barber Examiners to determine his or her fitness to practice barbering.

Sec. 17. That section 71-208.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-208.02. (1) Except as provided in subsection (2) of this section, after January 1, 1966,

all instruction in barber schools shall be conducted by registered barber instructors or registered assistant instructors. No person shall be eligible for registration as a barber instructor until he or she has completed at least two years of college preparation, which shall consist of a minimum of sixty hours earned college credit, or the equivalent thereof, and graduated from a school of barbering requiring not less than the number of hours required in Nebraska as established by the State Department of Education, which academic work shall be in the humanities, social and natural sciences, business administration, and general methods of education, as specified by the rules and regulations of the board, been actively engaged for not less than thirty hours per week as a registered barber for at least three years during the ten years has been a registered barber for the one year immediately preceding application and served one year as a registered assistant instructor immediately preceding application for registration, passed an examination prescribed by the Board of Barber Examiners, and paid the fees prescribed by section 71-219. One registered barber instructor or assistant instructor shall be employed for each fifteen students, or fraction thereof, enrolled in the school; PROVIDED, that each barber school or college shall have not less than two instructors, regardless of the number of students, one of whom must be a registered barber instructor. Additional assistant instructors shall be permitted on the ratio of one assistant instructor for every registered barber instructor; PROVIDED, that a barber school or college operated by a nonprofit organization which neither charges any tuition to its students nor makes any charge to the persons upon whom work is performed shall not be required to have more than one instructor, regardless of the number of students, which instructor must be a registered barber instructor.

(2) No student shall be permitted to do any practical work upon any person unless one of the registered instructors or registered assistant instructors is on the premises where the practical work is being performed. The following shall be eligible for registration as assistant instructors: (a) Persons who have been registered as a barber for three years one year, who are enrolled in college and are credited with not less than twelve credit hours per academic year, in courses specified by rules and regulations of the board; or (b) persons who have completed sixty credit hours, approved by the board, in a college, and have been registered as a barber for at least three years one year. A report of college credits earned pursuant to subdivision (a) of this

subsection shall be submitted to the board at the end of each academic year. Any assistant instructor registered under the provisions of subdivision (a) of this subsection who fails to maintain the educational advancement program shall have his or her assistant instructor license revoked. College entrance shall begin at the first regular college registration date after acceptance by the board as an assistant instructor.

Sec. 18. That section 71-210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-210. The Board of Barber Examiners shall conduct examinations of applicants for certificates of registration to practice as registered barber instructors; and registered barbers, or registered apprentices and applicants to enter barber schools to determine their educational fitness; not less than four times each year at such time and places as the board may determine. The examination of applicants for certificates of registration as registered barbers and registered apprentices shall include both a practical demonstration and a written test, and shall embrace the subjects usually taught in schools of barbering approved by the board. If the applicant fails either the practical demonstration or the written test, reexamination shall be necessary for only the test that was failed. Every student entering a recognized school must have the date of his or her entrance registered with the board.

Sec. 19. That section 71-211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-211. Whenever the provisions of sections 71-201 to 71-224 have been complied with, the Board of Barber Examiners shall issue a certificate of registration as a registered barber instructor; or registered barber, or registered apprentice; or a certificate of approval of a barber school.

Sec. 20. That section 71-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-216. Every registered barber instructor, registered assistant barber instructor, and registered barber, and every registered apprentice who continues in active practice or service, shall on or before June 30 of each year renew his or her certificate of registration, which certificate shall be effective as of July 1 of each year, and which certificate shall terminate on June 30 of the next succeeding year and shall pay the required fee. Every barber school shall annually, on or before June 30 of each year, obtain renewal of its approval and pay the required fee, which

renewal of approval shall be effective as of July 1 of each year and shall expire on June 30 of the next succeeding year. Any barber on inactive status as of April 17, 1978, may restore his or her license anytime before June 30, 1979, by paying the prescribed annual renewal fee. After June 30, 1979, any registered barber on inactive status or who withdraws from the active practice of barbering may renew his or her license within five years of its expiration date upon the payment of the required restoration fee. No fee shall be charged for the period between the expiration of the last license issued and the time of renewal. Any barber who fails to renew his or her license for five consecutive years shall be required to successfully complete the examination for issuance of a new license. ~~No apprentice barber may renew an apprentice license more than three times.~~

Sec. 21. That section 71-216.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-216.01. An applicant for a certificate of registration to practice as an apprentice A graduate from a school of barbering who fails to pass a satisfactory examination may take the examination next time that the examination is given by the Board of Barber Examiners without being required to take any further course of study. Should the applicant fail the examination a second time, the applicant shall be required to complete a further course of study of not less than five hundred hours to be completed within three months of not more than ten hours in any one working day in a school of barbering approved by the Board of Barber Examiners before the applicant may be permitted to take the examination a third time.

Sec. 22. That section 71-217, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-217. The Board of Barber Examiners may either refuse to issue or renew, or may suspend or revoke any certificate of registration or approval for any one or a combination of the following causes: (1) Conviction of a felony shown by a certified copy of the record of the court of conviction; (2) gross malpractice or gross incompetency; (3) continued practice by a person knowingly having an infectious or contagious disease; (4) advertising by means of knowingly false or deceptive statements or in violation of section 71-223.02; (5) advertising, practicing, or attempting to practice under a trade name or any name other than one's own; (6) habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs; (7) immoral or unprofessional conduct; and (8) violation of any of the provisions of sections 71-201 to

71-237 or of any valid regulation promulgated by the Board of Barber Examiners pertaining to service charges and the elimination of unfair practices or of any valid regulation of the Department of Health pertaining to sanitation; and (9) any check presented to the board as a fee for either an original license or renewal license or for examination for license or any other fee authorized in sections 71-201 to 71-237 which is returned to the State Treasurer unpaid.

Sec. 23. That section 71-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-219. The Board of Barber Examiners shall set the fee to be paid:

(1) By an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice barbering or as a barber instructor, and for the issuance of the certificate;

(2) By an applicant for registration as an assistant barber instructor;

(3) For the renewal of a certificate of registration to practice barbering, and for restoration of an expired certificate;

(4) For the renewal of a certificate of registration to practice as a barber instructor or assistant barber instructor, and for the restoration of an expired certificate;

(5) By an applicant for an examination to receive a certificate of registration to practice as an apprentice, and for the issuance of a certificate;

(6) For the renewal of a certificate of registration to practice as an apprentice, and for the restoration of an expired certificate;

(7) For an application for a license to establish a barber shop or barber school and for the issuance of a certificate:

(8) For the transfer of license or change of ownership of a barber shop;

(9) For a license to conduct a school of barbering;

(10) For a license to conduct a barber shop, and for restoration of an expired license;

(11) For an application for a temporary license to conduct classes of instruction in barbering; and

(12) For a certification of licensure; -

(13) For the sale of listings or labels; and

(14) For a returned check because of insufficient funds or no funds.

Sec. 24. Any person holding a valid apprentice barber certificate shall be deemed to hold a valid barber certificate on the effective date of this act and, upon the expiration of such certificate, such

person shall comply with the provisions of this act and sections 71-202, 71-203, 71-207.01 to 71-208.01, 71-208.03 to 71-209, 71-211.01, 71-212, 71-215, 71-219.01 to 71-225, 71-227, 71-228, 71-230 to 71-232, 71-234, 71-235, and 71-237.

Sec. 25. That original sections 71-201, 71-202.01, 71-204, 71-208.02, 71-210, 71-211, 71-216, 71-216.01, 71-217, and 71-219, Reissue Revised Statutes of Nebraska, 1943, and also sections 71-201.02, 71-205, 71-205.01, 71-206, 71-213, and 71-214, Reissue Revised Statutes of Nebraska, 1943, are repealed.