

CHAPTER 103

(SB 30)

AN ACT relating to the Kentucky Board of Barbering.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 317.430 is amended to read as follows:

- (1) There is hereby created an independent agency of the state government to be known as the Kentucky Board of Barbering, which shall have complete supervision over the administration of the provisions of this chapter relating to barbers, barbering, barber shops, ***independent contract owners***, barber schools, the teaching of barbering, and barber apprenticeship.
- (2) The Kentucky Board of Barbering, hereinafter referred to as the barber board or board, shall be composed of five (5) members appointed by the Governor. ***Four (4) members shall be barbers holding a valid license and practicing in Kentucky. One (1)***~~[At least one (1) member shall be a master barber licensed to practice barbering in this state who is a member of a nationally recognized professional organization of master barbers and who is not otherwise a member of a union of barbers, a second and different member shall be a barber licensed to practice barbering in this state who is a member of an organized labor union of barbers, a third and different member shall be a barber who is not a member of a union or labor organization of barbers and a fourth and different]~~ member shall be a citizen at large who is not associated with or financially interested in ***barbering***~~[the practice or business regulated].~~ At all times in the filling of vacancies of membership on the barber board, this balance of representation shall be maintained.
- (3) ***The two (2) members appointed to fill the terms beginning on February 1, 2008, shall serve until February 1, 2011, and the three (3) members appointed to fill the terms beginning on February 1, 2007, shall serve until February 1, 2010. All subsequent*** appointments shall be for a term of ***three (3)***~~[two (2)]~~ years, ***with***~~[except that of the members appointed after July 15, 1998, three (3) members appointed to fill the terms expiring October 1, 1998, shall serve until February 1, 1999; and two (2) members appointed to fill the terms expiring July 1, 1999, shall serve until February 1, 2000; and subsequent appointments shall be for two (2) year]~~ terms ending on February 1.
- (4) The Governor shall not remove any member of the barber board except for cause.
- (5) The barber board shall elect from its members one (1) to serve as chairman, one (1) to serve as vice chairman, and a third to serve as secretary.
- (6) Three (3) members shall constitute a quorum for the transaction of business.
- (7) In addition to the other qualifications specified in this section, barber members of the barber board shall be at least twenty-three (23) years of age, citizens of the United States, residents of Kentucky, and must have engaged in the practice of barbering in this state for a period of at least five (5) years.
- (8) No member of the barber board shall be financially interested in, or have any financial connection with, any barber or cosmetology school, wholesale cosmetic or barber supply or equipment business, nor shall any member of the barber board teach barbering, cosmetology, or manicuring for monetary considerations.
- (9) Each member of the barber board shall receive a compensation of one hundred dollars (\$100) per day for each day of attendance at a meeting of the board, and shall be reimbursed for necessary traveling expenses.
- (10) The board shall hold ***its***~~[such]~~ meetings ***within***~~[at such places in]~~ the state and ***when***~~[at such times as are]~~ deemed necessary by the board to discharge its duties.

➔Section 2. KRS 317.450 is amended to read as follows:

- (1) (a) The board shall issue a license to practice barbering to any person who:
 1. Is at least seventeen and one-half (17-1/2) years of age;
 2. Is of good moral character and temperate habit;
 3. Has acted as a licensed apprentice for at least nine (9) months under the immediate supervision of a licensed barber;

4. Has satisfactorily passed the examination prescribed by the barber board; and
 5. Has paid a fee not to exceed fifty dollars (\$50).
- (b) The board may issue a barber license by endorsement to a resident of another state, district, or territory within the United States of America upon payment of a fee not to exceed two hundred fifty dollars (\$250) and upon submission of satisfactory evidence that the requirements for licensure in the other state are substantially equivalent to the requirements of this state at the time of application. In the absence of the required equivalency, an applicant from another state, district, or territory within the United States of America, shall show proof of three (3) years or more experience immediately before making application and be currently licensed and in good standing with the state, district, or territory in which he or she is licensed. The board may also require an applicant under this section to pass a written and practical examination to establish equivalency.
- (2) The board shall issue a license to act as an apprentice to a barber to any person who:
- (a) Is at least sixteen and one-half (16-1/2) years of age;
 - (b) Is of good moral character and temperate habit;
 - (c) Has graduated from high school or possesses a General Educational Development (GED) certificate;
 - (d) Has graduated from an accredited or licensed school of barbering;
 - (e) Has satisfactorily passed the examination prescribed by the barber board by promulgation of administrative regulations; and
 - (f) Has paid a fee not to exceed fifty dollars (\$50).
- (3) The board shall:
- (a) Issue a license to operate a barber shop to any barber licensed under the provisions of this chapter upon application and payment of a fee not to exceed fifty dollars (\$50);
 - (b) Refuse to issue the license upon a failure of the licensed barber to comply with the provisions of this chapter or the administrative regulations promulgated by the board;
 - (c) Allow the licensed owner of a barber shop, which is licensed under this chapter, to rent or lease space in his or her barber shop to an independent contract owner; and
 - (d) Allow an unlicensed owner of a barber shop, which is licensed under this chapter and managed by a barber licensed under this chapter, to rent or lease space in his or her barber shop to an independent contract owner.
- (4) The board shall issue a license to operate a school of barbering to any person, firm, or corporation who or which:
- (a) Applies for a license upon forms furnished by the board;
 - (b) Has the equipment and facilities that may be required by administrative regulations promulgated by the board;
 - (c) Has furnished adequate evidence to the board that:
 1. There is an intent to establish a bona fide school for the education and training of competent barbers; and
 2. A sufficient number of teachers licensed by the board will be employed to conduct the school, including at least one (1) teacher with a minimum of twelve (12) months' experience teaching in a barber school that includes administrative experience; and
 - (d) Pays a fee not to exceed one hundred fifty dollars (\$150).
- (5) The board shall issue a license to teach barbering to any person who:
- (a) Is of good moral character and temperate habit;
 - (b) Has graduated from high school, or possesses a General Educational Development (GED) certificate;

- (c) Has been a licensed and practicing barber for at least eighteen (18) months;
 - (d) Has satisfactorily passed the examination prescribed by the board by promulgation of administrative regulations; and
 - (e) Has paid a fee not to exceed one hundred dollars (\$100).
- (6) The board shall issue a license to any barber who holds an independent contract owner's license who:
- (a) Is of good moral character and temperate habit;
 - (b) Has graduated from high school, or possesses a General Educational Development (GED) certificate;
 - (c) Is a licensed and practicing barber under this chapter; and
 - (d) Has paid a fee not to exceed fifty dollars (\$50).
- (7) Applications for examination required in this section shall be accompanied by an examination fee as follows:
- (a) Barber -- not to exceed one hundred fifty dollars (\$150);
 - (b) Apprentice to a barber -- not to exceed one hundred fifty dollars (\$150); and
 - (c) Teaching barbering -- not to exceed one hundred fifty dollars (\$150).
- (8) Licenses issued pursuant to this section shall expire on the first day of July next following the date of their issuance. Any license shall automatically be renewed by the board upon receipt of the required annual license fee no later than thirty-one (31) days after the expiration date if the applicant for renewal is otherwise in compliance with the provisions of this chapter and the administrative regulations of the board.
- (9) The annual renewal license fee for each type of license renewal shall be as follows:
- (a) Barber -- not to exceed fifty dollars (\$50);
 - (b) Apprentice to barber -- not to exceed fifty dollars (\$50);
 - (c) Teacher of barbering -- not to exceed fifty dollars (\$50);
 - (d) Barber shop -- not to exceed fifty dollars (\$50);~~and~~
 - (e) Barber school -- not to exceed one hundred fifty dollars (\$150); *and*
 - (f) *Independent contract owner -- not to exceed fifty dollars (\$50).*
- (10) Except as provided in subsection (8) of this section, the fee for the renewal of an expired license, if the period of expiration does not exceed five (5) years, shall be as follows:
- (a) Barber -- not to exceed twenty-five dollars (\$25) plus lapse fees;
 - (b) Apprentice -- not to exceed twenty-five dollars (\$25) plus lapse fees;
 - (c) Barber shop -- not to exceed twenty-five dollars (\$25) plus lapse fees;
 - (d) Barber school -- not to exceed twenty-five dollars (\$25) plus lapse fees;
 - (e) Teacher of barbering -- not to exceed twenty-five dollars (\$25) plus lapse fees; and
 - (f) Independent contract owner - - not to exceed twenty-five dollars (\$25) plus lapse fees.

➔Section 3. KRS 317.570 is amended to read as follows:

- (1) No examination or part of any examination required by this chapter shall be given unless **two (2) or more members**~~[a quorum]~~ of the board **are**~~[is]~~ present to supervise **the**~~[such]~~ examination;
- (2) Examinations given by the board shall cover all phases of the applicant's qualifications for the license applied for including skill and technique of applicant as well as scientific and other knowledge;
- (3) Examinations shall be given at regularly prescribed intervals~~[but not more frequently than thirty (30) days];~~
- (4) Examinations shall be given at the principal office of the board.

➔Section 4. KRS 317.590 is amended to read as follows:

- (1) The board may refuse to issue or renew a license, ~~or may~~ revoke or suspend or place in probation **a license, and impose fines in an amount not to exceed five hundred dollars (\$500) for each violation** ~~such licenses as are issued~~ upon proper showing of the applicant's or licensee's:
- (a) Gross malpractice or incompetence;
 - (b) Mental or physical health that would endanger public health or safety;
 - (c) Failure to comply with regulations or rules of the board;
 - (d) False or deceptive advertising;
 - (e) Practicing in an unlicensed shop or in a shop knowing that the shop is not complying with this chapter or regulations of the board promulgated pursuant to this chapter;
 - (f) Unprofessional conduct;
 - (g) Teaching in an unlicensed school or in a school knowing that the school is not complying with this chapter or administrative regulations of the board promulgated pursuant to this chapter; ~~or~~
 - (h) Practicing as an independent contract owner in any manner that violates any provision of this chapter or the administrative regulations promulgated under this chapter; **or**
 - (i) **Violation of a provision of this chapter or an administrative regulation promulgated by the board pursuant to this chapter.**
- (2) ~~The licensee may have the alternative, subject to the approval of the board, to pay, in lieu of part or all of the days of the suspension period, a payment of not less than twenty five dollars (\$25) per day and not to exceed five hundred dollars (\$500) total.~~
- ~~(3)~~ The board may require retesting of any licensee upon proper showing of gross malpractice or incompetence on the part of each licensee.

➔Section 5. KRS 317.991 is amended to read as follows:

- (1) Any person who violates any provision of this chapter shall be **guilty of a Class A misdemeanor** ~~finned not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisoned for not less than ten (10) days nor more than six (6) months, or both such fine and imprisonment~~;
- (2) Any person who violates any rule or regulation lawfully adopted by the board under the authority contained in this chapter shall be **guilty of a Class B misdemeanor** ~~finned not less than twenty five dollars (\$25) nor more than two hundred dollars (\$200) or imprisoned for not less than ten (10) days nor more than three (3) months, or both such fine and imprisonment~~.

➔Section 6. The following KRS section is repealed:

317.560 Principal office of board -- Division of Occupations and Professions to assist board.

Signed by Governor April 14, 2008.