

- 1 (1) To see that inspections of barbershops and schools are conducted to
2 determine compliance with sanitary regulations. The Board ~~may shall~~
3 fix the salaries of inspectors and appoint inspectors as
4 ~~necessary;necessary~~.
- 5 (2) To adopt sanitary regulations concerning barber schools and shops and
6 procedural rules in accordance with the guidelines established in
7 G.S. ~~86A-15;86A-15~~.
- 8 (3) To review the barber licensing laws of other states and to determine
9 which are the substantive equivalent of the laws of North Carolina for
10 purposes of G.S. ~~86A-12;86A-12~~.
- 11 (4) To conduct examinations of applicants for certificate of registration as
12 registered barber, registered apprentice and barber school instructor.
- 13 (5) To adopt rules of conduct for persons taking the examination for
14 registration pursuant to G.S. 86A-9."

15 **SECTION 3.** G.S. 86A-6 reads as rewritten:

16 **"§ 86A-6. Office; seal; officers and executive ~~secretary;director~~; funds.**

17 The Board shall maintain a suitable office in Raleigh, and shall adopt and use a
18 common seal for the authentication of its orders and records. The Board shall annually
19 elect its own officers, and in addition, may elect or appoint a full-time executive
20 ~~secretary~~director who shall not be a member of the Board, and whose salary shall be
21 fixed by the Board. The executive ~~secretary~~director shall turn over to the State Treasurer
22 to be credited to the State Board of Barber Examiners all funds collected or received
23 under this Chapter, the funds to be held and expended under the supervision of the
24 Director of the Budget, exclusively for the enforcement and administration of the
25 provisions of this Chapter. Nothing herein shall be construed to authorize any
26 expenditure in excess of the amount available from time to time in the hands of the State
27 Treasurer derived from fees collected under the provisions of this Chapter and received
28 by the State Treasurer pursuant to the provisions of this section."

29 **SECTION 4.** G.S. 86A-7(b) reads as rewritten:

30 "(b) The Board shall fix salaries and employ such agents, assistants and attorneys
31 as it deems necessary."

32 **SECTION 5.** Chapter 86A of the General Statutes is amended by adding a
33 new section to read:

34 **"§ 86A-7.1. Criminal history record checks of applicants for licensure.**

35 The Board may, as a condition of license registration, renewal, suspension, or
36 revocation under G.S. 86A-18(a), contract with a private provider of criminal history
37 verification services for the purposes of accessing and searching public records. If an
38 applicant or certificate holder contests an action taken by the Board under G.S. 86A-
39 18(a) as a result of the criminal history record check authorized under this section, the
40 Board shall obtain and furnish to the applicant or certificate holder a certified copy of
41 the record of the court conviction. The Board may charge the applicant or licensee for
42 the actual cost of the criminal history check."

1 **SECTION 6.** G.S. 86A-9 reads as rewritten:

2 "**§ 86A-9. Board to conduct examinations not less than four times each year.**

3 The Board shall conduct examinations of applicants for certificates of registration to
4 practice as registered barbers and registered apprentices, not less than four times each
5 year, at such times and places as will prove most convenient and as the Board may
6 determine. While taking the examination, each applicant shall conduct himself or
7 herself in a manner prescribed in rules adopted by the Board. The Board may discipline
8 an applicant, including expulsion from the examination, for violation of the rules
9 adopted by the Board."

10 **SECTION 7.** G.S. 86A-17(b) reads as rewritten:

11 "(b) A registered barber whose certificate of registration has expired may have the
12 certificate restored immediately upon paying all lapsed renewal fees and the required
13 late fee and furnishing a health certificate if required by the Board; provided, however, a
14 registered barber whose certificate has expired for a period of five years shall be
15 required to take the clinical examination prescribed by the State Board of Barber
16 Examiners and otherwise comply with the provisions of this Chapter before engaging in
17 the practice of barbering. No registered barber who is reissued a certificate under this
18 subsection shall be required to serve an apprenticeship as a prerequisite to reissuance of
19 the certificate. If a license has expired for a period greater than six months, the Board
20 may impose civil penalties in accordance with G.S. 86A-19.1."

21 **SECTION 8.** G.S. 86A-18 reads as rewritten:

22 "**§ 86A-18. Disqualifications for certificate.**

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

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

1 **SECTION 9.** Chapter 86A of the General Statutes is amended by adding a
2 new section to read:

3 **"§ 86A-19.1. Civil penalties.**

4 (a) Authority to Access Civil Penalties. – In addition to taking any of the actions
5 permitted under G.S. 86A-18, the Board may assess a civil penalty not in excess of one
6 thousand dollars (\$1,000) for each violation of any section of this Chapter or the
7 violation of any rules adopted by the Board. All civil penalties collected by the Board
8 shall be remitted to the school fund of the county in which the violation occurred to the
9 extent required by G.S. 115C-457.2.

10 (b) Consideration Factors. – Before imposing and assessing a civil penalty and
11 fixing the amount of the penalty, the Board shall, as a part of its deliberations, take into
12 consideration the following factors:

13 (1) The nature, gravity, and persistence of the particular violation.

14 (2) The appropriateness of the imposition of a civil penalty when
15 considered alone or in combination with other punishment.

16 (3) Whether the violation was willful and malicious.

17 (4) Any other factors that would tend to mitigate or aggravate the
18 violations found to exist.

19 (c) Costs. – The Board may, in a disciplinary proceeding charge costs, including
20 reasonable attorneys' fees, to the person against whom the proceedings were brought."

21 **SECTION 10.** Chapter 86A of the General Statutes is amended by adding a
22 new section to read:

23 **"§ 86A-20.1. Injunctive relief.**

24 If the Board finds that a person who does not have a registration issued under this
25 Chapter claims to be a barber or an apprentice or is engaging in practice as a barber or
26 an apprentice in violation of this Chapter, the Board may apply to superior court for an
27 order enjoining a violation of this Chapter or rules adopted by the Board. Upon a
28 showing by the Board that a person has violated or is about to violate this Chapter, the
29 court may grant an injunction, restraining order, or take other appropriate action.
30 Actions under this section shall be brought in the county where the person resides or
31 maintains his or her principal place of business or where the alleged act occurred."

32 **SECTION 11.** G.S. 86A-22(2) 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 ...

39 (2) Each school shall have employ at least two instructors, except that
40 nonprofit schools shall have at least one instructor for every 20
41 enrolled students. Instructors for the first 40 enrolled students and,
42 when more than 40 students are enrolled, must maintain an instructor-

1 to-student ratio of no less than 1 to 20. Each instructor ~~must~~shall hold
 2 a valid instructor's certificate issued by the Board. ~~At least one~~
 3 ~~instructor must be on the premises of a barber school during regular~~
 4 ~~instruction hours.~~Schools that are organized as nonprofit and have
 5 obtained a ruling from the Internal Revenue Service recognizing their
 6 tax-exempt status shall have at least one instructor for every 20
 7 enrolled students, and must maintain an instructor-to-student ratio of
 8 no less than 1 to 20. No school, whether for profit or nonprofit, shall
 9 provide practical training and theoretical training simultaneously
 10 unless at least two instructors are present on the school premises."

11 **SECTION 12.** G.S. 86A-24(b) reads as rewritten:

12 "(b) An apprentice license expires on May 31 of each year. Every holder of an
 13 apprentice license shall annually renew the apprentice license by the expiration date and
 14 pay the required renewal fee. An apprentice license issued under this Chapter is
 15 automatically suspended by operation of law after failure to renew the apprentice
 16 license by the expiration date. An apprentice whose apprentice license has expired may
 17 have the certificate restored immediately upon paying all lapsed renewal fees and the
 18 required late fee. The certificate of registration of an apprentice is valid only so long as
 19 the apprentice works under the supervision of a registered ~~barber~~barber, who is present
 20 on the premises of the barbershop at all times while the apprentice is working. No
 21 apprentice shall operate a barbershop."

22 **SECTION 13.** G.S. 86A-25 reads as rewritten:

23 **"§ 86A-25. Fees collectible by Board.**

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

25 Certificate of registration or renewal as a barber	\$ 30.00 <u>35.00</u>
26 Certificate of registration or renewal as an apprentice barber	30.00 <u>35.00</u>
27 Barbershop permit or renewal	30.00 <u>35.00</u>
28 Examination to become a registered barber	50.00 <u>55.00</u>
29 Examination to become a registered apprentice barber	50.00 <u>55.00</u>
30 Late fee for restoration of an expired barber certificate	
31 within first year after expiration	20.00 <u>25.00</u>
32 Late fee for restoration of an expired barber certificate	
33 after first year after expiration but within	
34 five years after expiration	40.00 <u>45.00</u>
35 Late fee for restoration of an expired apprentice certificate	
36 within first year after expiration	20.00 <u>25.00</u>
37 Late fee for restoration of an expired apprentice	
38 certificate after first year after expiration but	
39 within three years of first issuance of the certificate	25.00 <u>30.00</u>
40 Late fee for restoration of an expired barbershop certificate	25.00 <u>30.00</u>
41 Examination to become a barber school instructor	95.00 <u>100.00</u>
42 Student permit	15.00 <u>20.00</u>

1	Issuance of any duplicate copy of a license, certificate, or permit	7.50 <u>13.00</u>
2	Barber school permit or renewal	75.00 <u>80.00</u>
3	Late fee for restoration of an expired barber school certificate	50.00 <u>55.00</u>
4	Barber school instructor certificate or renewal	50.00 <u>55.00</u>
5	Late fee for restoration of an expired barber school	
6	instructor certificate within first year after expiration	25.00 <u>30.00</u>
7	Late fee for restoration of an expired barber school	
8	instructor certificate after first year after	
9	expiration but within three years after expiration	50.00 <u>55.00</u>
10	Inspection of newly established barbershop	70.00 <u>75.00</u>
11	Inspection of newly established barber school	125.00 <u>130.00</u>
12	Issuance of a registered barber or apprentice	
13	certificate by certification	70.00 <u>75.00</u>
14	Barbers 70 years and older certificate or renewal	No charge-charge
15	<u>Reasonable charges for certified copies of Board records."</u>	
16	SECTION 14. G.S. 86A-26 reads as rewritten:	
17	"§ 86A-26. Barbering among members of same family.	
18	This Chapter shall not prohibit a member of a family from practicing barbering on a	
19	member of his or her family. <u>For purposes of this section, 'family' means the person's</u>	
20	<u>spouse or lineal descendants."</u>	
21	SECTION 15. This act is effective when it becomes law.	