

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 590

Short Title: Mobile Barbershops/Mobile Salons. (Public)

Sponsors: Representative Gailliard.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 20, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE MOBILE SALONS FOR THE PRACTICE OF COSMETIC ART
3 AND MOBILE BARBERSHOPS FOR THE PRACTICE OF BARBERING.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. COSMETIC ART MOBILE SALONS**

7 **SECTION 1.(a)** Chapter 88B of the General Statutes reads as rewritten:

8 "Chapter 88B.

9 "Cosmetic Art.

10 ...

11 **"§ 88B-2. Definitions.**

12 The following definitions apply in this Chapter:

13 ...

14 ~~(8a)~~(9) Cosmetology. – The act of arranging, dressing, curling, waving, cleansing,
15 cutting, singeing, bleaching, coloring, or similar work upon the hair of a
16 person by any means, including the use of hands, mechanical or electrical
17 apparatus, or appliances or by use of cosmetic or chemical preparations or
18 antiseptics.

19 ~~(9)~~(10) Cosmetology teacher. – An individual licensed by the Board to teach all parts
20 of cosmetic art.

21 ~~(10)~~(11) Esthetician. – An individual licensed by the Board to practice only that part of
22 cosmetic art that constitutes skin care.

23 ~~(11)~~(12) Esthetician teacher. – An individual licensed by the Board to teach only that
24 part of cosmetic art that constitutes skin care.

25 ~~(11a)~~(13) Esthetics. – Refers to any of the following practices: giving facials; applying
26 makeup; performing skin care; removing superfluous hair from the body of a
27 person by use of creams, tweezers, or waxing; applying eyelashes to a person,
28 including the application of eyelash extensions, brow or lash color;
29 beautifying the face, neck, arms, or upper part of the human body by use of
30 cosmetic preparations, antiseptics, tonics, lotions, or creams; surface
31 manipulation in relation to skin care; or cleaning or stimulating the face, neck,
32 ears, arms, hands, bust, torso, legs, or feet of a person by means of hands,
33 devices, apparatus, or appliances along with the use of cosmetic preparations,
34 antiseptics, tonics, lotions, or creams.



- ~~(12)~~(14) Manicuring. – The care and treatment of the fingernails, toenails, cuticles on fingernails and toenails, and the hands and feet, including the decoration of the fingernails and the application of nail extensions and artificial nails. The term "manicuring" shall not include the treatment of pathologic conditions.
- ~~(13)~~(15) Manicurist. – An individual licensed by the Board to practice only that part of cosmetic art that constitutes manicuring.
- ~~(14)~~(16) Manicurist teacher. – An individual licensed by the Board to teach manicuring.
- (17) Mobile salon. – A self-contained, enclosed mobile unit licensed for the practice of cosmetic art.
- ~~(14a)~~(18) Natural hair care. – A service that results in tension on hair strands or roots by twisting, wrapping, extending, or locking hair by hand or mechanical device. For purposes of this definition, the phrase "natural hair care" shall include the use of artificial or natural hair.
- ~~(14b)~~(19) Natural hair care specialist. – An individual licensed by the Board to practice only that part of cosmetic art that constitutes natural hair care.
- ~~(14e)~~(20) Natural hair care teacher. – An individual licensed by the Board to teach natural hair care.
- ~~(15)~~(21) Shampooing. – The application and removal of commonly used, room temperature, liquid hair cleaning and hair conditioning products. Shampooing does not include the arranging, dressing, waving, coloring, or other treatment of the hair.

...
"§ 88B-4. Powers and duties of the Board.

...
(b) A member of the Board shall have the authority to inspect cosmetic art ~~shops~~ shops, mobile salons, and cosmetic art schools at any reasonable hour to determine compliance with the provisions of this Chapter if the inspection is made: (i) at the request of the Board, or with the approval of the chair or the executive director as the result of a complaint made to the Board or a problem reported by an inspector, or (ii) at the request of an inspector who deems it necessary to request the assistance of a Board member and who has the prior approval of the chair or executive director to do so. A Board member who makes an inspection pursuant to this subsection shall file a report with the Board before requesting reimbursement for expenses.

...
"§ 88B-20. Fees required.

- ...
(b) The Board may charge application fees as follows:
 - (1) Inspection of a newly established cosmetic art shop or mobile salon \$ 25.00
 - (2) Reciprocity applicant under G.S. 88B-13 \$ 15.00.
- (c) The Board may charge license fees as follows:
 - (1) Cosmetologist.....\$ 39.00 every 3 years
 - (2) Apprentice \$ 10.00 per year
 - (3) Esthetician \$ 10.00 per year
 - (4) Manicurist \$ 10.00 per year
 - (4a) Natural hair care specialist..... \$ 10.00 per year
 - (5) Teacher.....\$ 10.00 every 2 years
 - (6) Cosmetic art shop per active booth \$ 3.00 per year
 - ~~(6a)~~ Mobile salon..... \$ 25.00 per year
 - (7) Cosmetic art school \$ 50.00 per year
 - (8) Duplicate license \$ 1.00.

- (d) The Board may require payment of late fees and reinstatement fees as follows:
 - (1) Apprentice, cosmetologist, esthetician, manicurist, natural hair care specialist, and teacher late renewal \$ 10.00
 - (2) Cosmetic art schools and shops and mobile salons late renewal \$ 10.00
 - (3) Reinstatement – cosmetic art schools and shops and mobile salons..... \$ 25.00.

(e) The Board may prorate fees as appropriate.

"§ 88B-21. Renewals; expired licenses; inactive status.

(a) Each license to operate a cosmetic art shop or mobile salon shall be renewed on or before the first day of February of each year. As provided in G.S. 88B-20, a late fee shall be charged for licenses renewed after February 1. Any license not renewed by March 1 of each year shall expire. A cosmetic art shop or mobile salon whose license has been expired for one year or less shall have the license reinstated immediately upon payment of the reinstatement fee, the late fee, and all unpaid license fees. The licensee shall submit to the Board, as a part of the renewal process, a list of all licensed cosmetologists who practice cosmetic art in the shop or mobile salon and shall identify each as an employee or a booth renter.

...

"§ 88B-22. Licenses required; criminal penalty.

(a) Except as provided in this Chapter, no person may practice or attempt to practice cosmetic art for pay or reward in any form, either directly or indirectly, without being licensed as an apprentice, cosmetologist, esthetician, natural hair care specialist, or manicurist by the Board.

(b) Except as provided in this Chapter, no person may practice cosmetic art or any part of cosmetic art, for pay or reward in any form, either directly or indirectly, outside of a licensed cosmetic art ~~shop~~ shop or mobile salon.

(c) No person may open or operate a cosmetic art shop or mobile salon in this State unless a license has been issued by the Board for that ~~shop~~ shop or mobile salon.

(d) An individual licensed as an esthetician, natural hair care specialist, or manicurist may practice only that part of cosmetic art for which the individual is licensed.

(d1) No person may teach cosmetic art in a Board-approved cosmetic art school unless the person is a teacher licensed under this Chapter. A guest lecturer may be exempt from the requirements of this subsection upon approval by the Board.

(e) An apprentice licensed under the provisions of this Chapter shall apprentice under the direct supervision of a cosmetologist. An apprentice shall not operate a cosmetic art ~~shop~~ shop or mobile salon.

(f) A violation of this Chapter is a Class 3 misdemeanor.

"§ 88B-23. Licenses to be posted.

(a) Every apprentice, cosmetologist, esthetician, manicurist, natural hair care specialist, and teacher licensed under this Chapter shall display the certificate of license issued by the Board within the shop or mobile salon in which the person works.

(b) Every certificate of license to operate a cosmetic art ~~shop or school~~ shop, school, or mobile salon shall be conspicuously posted in the ~~shop or school~~ shop, school, or mobile salon for which it is issued.

...

"§ 88B-26. Rules to be posted.

(a) The Board shall furnish a copy of its rules relating to sanitary management of cosmetic art ~~shops and schools~~ shops, schools, and mobile salons to each ~~shop and school~~ shop, school, and mobile salon licensed by the Board. Each ~~shop and school~~ shop, school, and mobile salon shall post the rules in a conspicuous place.

...

1 **"§ 88B-27. Inspections.**

2 Any inspector or other authorized representative of the Board may enter any cosmetic art
3 ~~shop or school-shop, school, or mobile salon~~ to inspect it for compliance with this Chapter and
4 the Board's rules. All persons practicing cosmetic art in a ~~shop or school-shop, school, or mobile~~
5 salon shall, upon request, present satisfactory proof of identification. Satisfactory proof shall be
6 in the form of a photographic driver's license or photographic identification card issued by any
7 state, federal, or other government entity. The Board may require a cosmetic art ~~shop or school~~
8 shop, school, or mobile salon to be inspected as a condition for license renewal.

9"

10 **SECTION 1.(b)** Chapter 88B of the General Statutes is amended by adding a new
11 section to read:

12 **"§ 88B-15.1. Mobile salons.**

13 (a) A motor home as defined in Article 1 of Chapter 20 of the General Statutes may be
14 used as a mobile salon for the practice of cosmetic art.

15 (b) The Board shall issue a license to operate a mobile salon to any applicant who submits
16 a properly completed application on a form approved by the Board, pays the required fee, and is
17 determined after inspection to be in compliance with the provisions of this Chapter and the
18 Board's rules.

19 (c) The Board shall adopt rules for the operation, licensure, and inspection of mobile
20 salons, including standards for facilities, personnel, and safety and sanitary requirements. All
21 licensure and operating requirements provided by this Chapter or by rules adopted by the Board
22 pursuant to this Chapter that apply to cosmetic art shops shall also apply to mobile salons, except
23 to the extent that the requirements conflict with this section or with any rules adopted by the
24 Board pursuant to this section.

25 (d) In addition to the requirements of this Chapter, individuals and the vehicles they
26 operate while providing mobile salon services shall be subject to the provisions of (i) Chapter 20
27 of the General Statutes, (ii) Title 19A of the North Carolina Administrative Code, (iii) all
28 applicable OSHA requirements, and (iv) all local laws and ordinances regulating business
29 establishments.

30 (e) A mobile salon must be equipped with a functional sink and toilet facilities and must
31 maintain an adequate supply of clean water and wastewater storage capacity.

32 (f) No cosmetic art or service may be performed in a mobile salon while the salon is
33 moving. The mobile salon must be safely parked in a legal parking spot at all times while patrons
34 are present inside the salon.

35 (g) A mobile salon owner must maintain a permanent business address at which records
36 of appointments, itineraries, license numbers, and vehicle identification numbers for each mobile
37 salon being operated shall be kept and made available for verification and inspection by the Board
38 and at which all correspondence from the Board can be received.

39 (h) To facilitate periodic inspections of mobile salons, prior to the beginning of each
40 month, the owner of the salon shall provide to the Board a written monthly itinerary listing
41 locations, dates, and hours of operation for the salon."

42
43 **PART II. MOBILE BARBERSHOPS FOR BARBERING**

44 **SECTION 2.(a)** Chapter 86A of the General Statutes reads as rewritten:

45 **"§ 86A-1. Necessity for certificate of registration and shop or school permit.**

46 No person or combination of persons shall, either directly or indirectly, practice or attempt
47 to practice barbering in the State of North Carolina without first obtaining a certificate of
48 registration either as a registered apprentice or as a registered barber issued pursuant to provisions
49 of this Chapter by the State Board of Barber Examiners. No person or combination of persons,
50 or corporation, shall operate, manage or attempt to operate or manage a barber school,
51 barbershop, mobile barbershop, or any other place where barber services are rendered, after July

1 1, 1945, without first obtaining a shop permit, or school permit, issued by the State Board of
2 Barber Examiners, pursuant to the provisions of this Chapter.

3 ...
4 **"§ 86A-5. Powers and duties of the Board.**

5 (a) The Board has the following powers and duties:

- 6 (1) To see that inspections of mobile barbershops, barbershops and schools are
7 conducted to determine compliance with sanitary regulations. The Board may
8 appoint inspectors as necessary.
9 (2) To adopt sanitary regulations concerning ~~barber schools and shops~~ schools,
10 barbershops, and mobile barbershops and procedural rules in accordance with
11 the guidelines established in G.S. 86A-15.

12 ...
13 **"§ 86A-13. ~~Barbershop~~ Barbershop, mobile barbershops, and barber school permits.**

14 (a) Any person, firm or corporation, before establishing or opening a ~~barbershop~~
15 barbershop, mobile barbershop, or barber school not heretofore licensed by the State or the Board
16 shall make application to the Board on forms to be furnished by the Board, for a permit to operate
17 a ~~barbershop~~ barbershop, mobile barbershop, or barber school, and the shop or school of the
18 applicant shall be inspected and approved by the State Board of Barber Examiners or an agent
19 designated for that purpose by the Board, before the ~~barbershop~~ barbershop, mobile barbershop,
20 or barber school may open for business. It is unlawful to open a new or reopened ~~barbershop~~
21 barbershop, mobile barbershop, or barber school until that shop or school has been inspected and
22 determined by the Board to be in compliance with the requirements of G.S. 86A-13A and
23 G.S. 86A-15 in the case of mobile barbershops, G.S. 86A-15 in the case of shops and
24 G.S. 86A-15 and 86A-22 in the case of schools. Upon compliance by the applicant with all
25 requirements set forth in ~~G.S. 86A-15, G.S. 86A-15, or G.S. 86A-15 and G.S. 86A-13A for~~
26 mobile barbershops, and the payment of the prescribed fee the Board shall issue to the applicant
27 the permit applied for. Notwithstanding any other provision of this Chapter, no person, firm, or
28 corporation shall be issued a permit to operate a ~~barbershop~~ barbershop or mobile barbershop in
29 a location registered as a barber school, nor shall any person, firm, or corporation be issued a
30 permit to operate a barber school in a location registered as a ~~barbershop~~ barbershop or mobile
31 barbershop.

32 (b) The owners of every registered ~~barbershop~~ barbershop, mobile barbershop, and
33 barber school shall annually, on or before May 31 of each year, renew the ~~barbershop's~~
34 barbershop's, mobile barbershop's, or barber school's certificate of registration and pay the
35 required renewal fee. Every certificate of registration for any ~~barbershop~~ barbershop, mobile
36 barbershop, or barber school shall expire on the 31st day of May in each year. Any certificate of
37 registration issued under this Chapter shall be suspended automatically by operation of law after
38 failure to renew the certificate of registration by the expiration date. The owner of any ~~barbershop~~
39 barbershop, mobile barbershop, or barber school whose certificate of registration has expired
40 may, after the ~~barbershop~~ barbershop, mobile barbershop, or barber school has been inspected as
41 required in subsection (a) of this section, have the certificate restored immediately upon paying
42 all lapsed renewal fees and the required late fee."

43 **SECTION 2.(b)** Chapter 86A of the General Statutes is amended by adding a new
44 section to read:

45 **"§ 86A-13A. Mobile barbershops.**

46 (a) A motor home as defined in Article 1 of Chapter 20 of the General Statutes may be
47 used as a mobile barbershop for the practice of barbering.

48 (b) The Board shall issue a license to operate a mobile barbershop to any applicant who
49 submits a properly completed application on a form approved by the Board, pays the required
50 fee, and is determined after inspection to be in compliance with the provisions of this Chapter
51 and the Board's rules.

(c) The Board shall adopt rules for the operation, licensure, and inspection of mobile barbershops, including standards for facilities, personnel, and safety and sanitary requirements. All licensure and operating requirements provided by this Chapter or by rules adopted by the Board pursuant to this Chapter that apply to barbershops shall also apply to mobile barbershops, except to the extent that the requirements conflict with this section or with any rules adopted by the Board pursuant to this section.

(d) In addition to the requirements of this Chapter, individuals and the vehicles they operate while providing mobile barbershop services shall be subject to the provisions of (i) Chapter 20 of the General Statutes, (ii) Title 19A of the North Carolina Administrative Code, (iii) all applicable OSHA requirements, and (iv) all local laws and ordinances regulating business establishments.

(e) A mobile barbershop must be equipped with a functional sink and toilet facilities and must maintain an adequate supply of clean water and wastewater storage capacity.

(f) No barbering or service may be performed in a mobile barbershop while the barbershop is moving. The mobile barbershop must be safely parked in a legal parking spot at all times while patrons are present inside the barbershop.

(g) A mobile barbershop owner must maintain a permanent business address at which records of appointments, itineraries, license numbers, and vehicle identification numbers for each mobile barbershop being operated shall be kept and made available for verification and inspection by the Board and at which all correspondence from the Board can be received.

(h) To facilitate periodic inspections of mobile barbershops, prior to the beginning of each month, the owner of the barbershop shall provide to the Board a written monthly itinerary listing locations, dates, and hours of operation for the barbershop."

SECTION 2.(c) G.S. 86A-15 reads as rewritten:

"§ 86A-15. Sanitary rules and regulations; inspections.

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

(1) Proper quarters. –

a. Every barbershop, or other place where barber service is rendered, shall be located in ~~buildings~~buildings, mobile units, or rooms of such construction that they may be easily cleaned, well lighted, well ventilated and kept in an orderly and sanitary condition.

...

d. Running water, hot and cold, shall be provided, and sinks shall be located at a convenient place in each barbershop so that barbers may wash their hands after each haircut. Tanks and lavatories shall be of such construction that they may be easily cleaned. The lavatory must have a drain pipe to drain all waste water out of the ~~building~~building or into a holding receptacle for a mobile unit.

...

f. If a mobile barbershop, all applicable requirements of G.S. 86A-13A.

...

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

SECTION 2.(d) G.S. 86A-25 reads as rewritten:

"§ 86A-25. Fees collectible by Board.

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

Certificate of registration or renewal as a barber \$ 50.00

1	Certificate of registration or renewal as an apprentice barber	50.00
2	Barbershop permit or renewal	50.00
3	<u>Mobile barbershop permit or renewal</u>	<u>50.00</u>
4	Examination to become a registered barber	85.00
5	Examination to become a registered apprentice barber	85.00
6	Late fee for restoration of an expired barber certificate within	
7	first year after expiration	35.00
8	Late fee for restoration of an expired barber certificate after first	
9	year after expiration but within five years after expiration	70.00
10	Late fee for restoration of an expired apprentice certificate	
11	within first year after expiration	35.00
12	Late fee for restoration of an expired apprentice certificate after	
13	first year after expiration but within three years of first	
14	issuance of the certificate	45.00
15	Late fee for restoration of an expired barbershop certificate	45.00
16	<u>Late fee for restoration of an expired mobile barbershop certificate</u>	<u>45.00</u>
17	Examination to become a barber school instructor	165.00
18	Student permit	25.00
19	Issuance of any duplicate copy of a license, certificate, or permit	10.00
20	Barber school permit or renewal	130.00
21	Late fee for restoration of an expired barber school certificate	85.00
22	Barber school instructor certificate or renewal	85.00
23	Late fee for restoration of an expired barber school instructor	
24	certificate within first year after expiration	45.00
25	Late fee for restoration of an expired barber school instructor	
26	certificate after first year after expiration but within	
27	three years after expiration	85.00
28	Inspection of newly established barbershop	120.00
29	<u>Inspection of newly established mobile barbershop</u>	<u>120.00</u>
30	Inspection of newly established barber school	220.00
31	Issuance of a registered barber or apprentice certificate	
32	by certification	120.00
33	Barbers 70 years and older certificate or renewal	No charge
34	Reasonable charges for certified copies of public documents	
35	Reasonable charges for duplication services and material."	

36 **SECTION 3.** The North Carolina Board of Cosmetic Art Examiners may adopt
37 temporary rules to implement Section 1 of this act. The State Board of Barber Examiners may
38 adopt temporary rules to implement Section 2 of this act.

39 **SECTION 4.** This act becomes effective October 1, 2021.