

Act 388 of the 1989 Regular Session.

Act 388

HB1435

By: Representatives Parkerson, Mullenix and Allen

"AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS BARBER LAW; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 17-18-102(a) is hereby amended to read as follows:

"(a) As used in this chapter, unless the context otherwise requires, 'barbering' means any one or any combination of the following practices, when performed upon the head, face, and neck for cosmetic purposes and done for the public generally for pay, either directly or indirectly:

- (1) Shaving or trimming the beard;
- (2) Cutting hair;
- (3) Giving facial and scalp massage or application of oils, creams, lotions, or other preparations, either by hand or mechanical appliances;
- (4) Singeing, shampooing, or applying chemicals;
- (5) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck."

SECTION 2. Arkansas Code 17-18-201(a) is hereby amended to read as follows:

"(a) There is created a Board of Barber Examiners, consisting of the Secretary of the State Board of Health, who shall be an ex officio member of the board, and five (5) members to be appointed by the Governor for a term of six (6) years.

(1) Three (3) of the members so appointed shall be practicing barbers who have followed the occupation of barbering in this State for at least five (5) years immediately prior to his or her appointment.

(2) One member appointed by the Governor will be a public member to represent the consumer and one member appointed by the Governor to represent persons 65 years of age and beyond. The two members appointed under this paragraph shall not be actively engaged in or retired from the barbering profession. The two positions may not be held by the same person. Both shall be full voting members, but shall not participate in the grading of examinations.

(3) The five members shall be appointed in such manner that two of them shall reside in the geographical area north of Interstate 40, two shall reside in the geographical area south of Interstate 40 and one (1) shall be appointed from the State at-large

(4) The membership of the Secretary of the State Board of Health on the Board of Barber Examiners shall in no way be affected by the provisions of 25-17-211."

SECTION 3. Arkansas Code 17-18-205 is hereby amended to read as follows:

"17-18-205. Meetings. The State Board of Barber Examiners shall hold a meeting in Little Rock, Arkansas, once every month, or at such other places where, in the discretion of the board, there are a sufficient number of applicants to warrant holding an examination outside of Little Rock, Arkansas, for the purpose of:

- (1) Passing upon barbers' applications;
- (2) Conducting an examination to determine applicants' ability to receive a license and shall issue or refuse to issue a license thereon; and
- (3) Transacting any other business which may properly come before it."

SECTION 4. Arkansas Code 17-18-208(a) is hereby amended to read as follows:

"(a) The State Board of Barber Examiners shall charge and collect the following fees:

- (1) For registration of a new or previously unregistered barbershop, fifty dollars (\$50.00);
- (2) For the annual renewal of each barbershop registration certificate, fifteen dollars (\$15.00) plus five dollars (\$5.00) for each additional barber if there is more than one (1) barber in the barbershop;
- (3) For restoration of an expired barbershop certificate, twenty dollars (\$20.00) plus five dollars (\$5.00) for each additional barber if there is more than one (1) barber in the barbershop;
- (4) For the examination for a certificate to practice as a registered barber, fifty dollars (\$50.00), and for the issuance of a certificate to practice as a registered barber, thirty-four dollars (\$34.00);
- (5) For annual renewal of the certificate to practice as a registered barber and for its issuance, thirty-four dollars (\$34.00);
- (6) For restoration of an expired certificate to practice as a registered barber, forty-two dollars (\$42.00);
- (7) Reciprocity or Endorsement fee, one hundred fifty dollars (\$150.00);
- (8) For the examination of an applicant for a certificate to practice as a barber technician, thirty-five dollars (\$35.00) and for the issuance of a certificate to practice as a barber technician, thirty-five dollars (\$35.00);
- (9) For annual renewal of the certificate to practice as a barber technician, thirty-five dollars (\$35.00);
- (10) For restoration of an expired certificate to practice as a barber technician, forty-two dollars (\$42.00);
- (11) For a student license fee for one (1) year of barber schooling, ten dollars (\$10.00)."

SECTION 5. Arkansas Code 17-18-301 is hereby amended to read as follows:

"17-18-301. Certificate required. (a) It shall be unlawful:

- (1) To practice barbering in this state without a certificate of registration as a registered barber issued pursuant to the provisions of subchapters 1, 2, and 3 of this chapter by the Board of Barber Examiners as established in subchapter 2 of this chapter;
  - (2) To act or attempt to act as a barber without a certificate of registration as a registered barber duly issued by the Board of Barber Examiners;
  - (3) For any person, firm, or corporation to operate a barbershop unless it is at all times operated under the personal supervision and management of a registered barber.
- (b) It shall be the responsibility of all barbershop owners to assure that their employees have appropriate licenses."

SECTION 6. Arkansas Code 17-18-302 is hereby amended to read as follows:

"17-18-302. Qualifications of applicants. (a) Any person shall be qualified to receive a certificate of registration to practice as a registered barber who:

- (1) Is qualified under the provisions of subchapters 1, 2, and 3 of this

chapter;

(2) Is of good moral character and temperate habits;

(3) Has passed a satisfactory examination conducted by the board to determine his or her fitness to practice barbering and furnishes a diploma showing graduation from a grammar school or its equivalent as determined by an examination conducted by the board.

(4) Is at least sixteen and one-half (16-1/2) years of age and of good moral character and temperate habits; and

(5) Has graduated from a school of barbering approved by the Arkansas Barber Board; and

(6) Passes a satisfactory examination conducted by the board to determine his or her fitness to practice as a registered barber."

SECTION 7. Subsections (a) and (b) of Arkansas Code 17-18-303 are hereby amended to read as follows:

"(a) Any person, firm, or corporation desiring to operate as a barber, barbershop, barber corporation, or barber school or college shall file an application for a certificate of registration on a form furnished by the board.

(b) Any person who desires to practice barbering in this State shall file, with the Executive Secretary of the Board of Barber Examiners, a written application, under oath, together with two (2) identical two inch by three inch (2" x 3") signed photographs and satisfactory proof that the applicant is of good moral character."

SECTION 8. Arkansas Code 17-18-304 is hereby amended to read as follows:  
"17-18-304. Examinations.

(a) An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board may apply for another examination at any future meeting of the board.

(b) The fee for each reexamination shall be the same as the fee for original examination.

(c) Any person enrolled as a student in any barber school in this state shall be given credit for all time spent therein.

(d) Examinations shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in schools of barbering approved by the board.

(e) Certificates of registered barbers shall be issued by the board to any applicant who shall pass a satisfactory examination making a grade of not less than seventy-five percent (75%) in all subjects upon which they are examined and who shall possess the qualifications required herein."

SECTION 9. Arkansas Code 17-18-307 is hereby amended to read as follows:  
"17-18-307. Renewal - Expiration - Restoration.

(a) Every registered barber who continues in active practice or service shall annually, on or before September 1, renew his or her certificate of registration by paying the required fee.

(b) Every certificate of registration which has not been renewed, as herein required, in any year shall expire on September 1 in that year.

(c) (1) A registered barber whose certificate of registration has been expired for sixty (60) days or less may have his or her certificate restored immediately upon payment of the required restoration fee.

(2) Any registered barber who retires from the practice of barbering and fails to keep his registration certificate renewed for not more than three (3) years may renew his certificate of registration upon payment of the required restoration fee. If the time elapsed is more than three (3) years,

he or she must take and pass the required examination and pay the examination fee as set forth in 17-18-208."

SECTION 10. Arkansas Code 17-18-421 is hereby amended to read as follows:

"17-18-421. Applicants for admission or examination - Qualification. Every applicant for entrance as a student in a barber college or for admittance to examination to receive a certificate of registration as a registered barber shall have a diploma showing completion of the eighth grade or a certification of equivalency issued by the State Board of Barber Examiners in this or any other state or country from which the applicant is applying."

SECTION 11. Subsections (b) and (c) of Arkansas Code 17-18-407 are hereby amended to read as follows:

"(b) No school of barbering shall be approved by the board unless it:

(1) Requires as a prerequisite to admission thereto graduation from an eighth grade school or possession of an equivalent education to be determined by an examination conducted by the State Board of Barber Examiners;

(2) Requires as a prerequisite to graduation a course of instruction and practice of not less than five hundred and fifty (550) hours for licensed cosmetologists, and for all other students not less than one thousand five hundred (1,500) hours of continuous study and practice of not more than eight (8) hours in any one (1) day, five (5) days a week, within a period of not less than nine (9) months from date of enrollment.

The course of instruction shall include the following subjects: scientific fundamentals for barbering, physiology, hygiene, elementary chemistry relating to sterilization and antiseptics, massaging and manipulating the muscles of the face, neck, and scalp, hair cutting, bobbing, waving, shaving, beard trimming, and chemical services.

(c) Each barber college shall:

(1) Conduct a course of study and training which shall consist of not less than five hundred and fifty (550) hours for students who are licensed cosmetologists, and as to all other students not less than one thousand five hundred (1,500) clock hours. The average daily schedule of each student shall consist of the following:

(A) One and one-fourth (1 1/4) clock hours of theoretical study in a classroom;

(B) One and one-fourth (1 1/4) clock hours of scientific barber practice in a classroom other than general clinic; and

(C) Five (5) clock hours of general barber practice. Each barber college shall average five and one-half (5 1/2) haircuts or shaves per day per student.

(2) Teach no less than one-third (1/3) of its total enrollment scientific barbering practice, theory, or general barber practice at one (1) time;

(3) Submit a daily schedule of its course of study to the board for its approval and post a copy of the approved schedule in its general clinic where it can be easily read by all students;

(4) Require a maximum attendance in all subjects. No student shall be permitted to spend more than eight (8) hours in the college in any one (1) day."

SECTION 12. Arkansas Code 17-18-306 is hereby repealed.

SECTION 13. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

Revision Commission shall incorporate the same in the Code.

SECTION 14. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 7, 1989

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