

"AN ACT AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO IMPOSE CIVIL PENALTIES FOR VIOLATION OF THE STATE BARBER LAW AND THE BOARD REGULATIONS ISSUED THEREUNDER; AND FOR OTHER PURPOSES."

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

SECTION 1. Definitions. As used in this Act:

(A) "Administrative Procedure Act" means Act 434 of 1967 as it now exists or is hereafter amended (Ark. Stat. Ann. 5-701 et seq).

(B) "Arkansas Barber Law" means Act 313 of 1937 as it now exists or is hereafter amended (Ark. Stat. Ann. 71-501 through 71-536).

(C) "Board" means the State Board of Barber Examiners created by section 15 of Act 313 of 1937 (Ark. Stat. Ann. 71-515).

SECTION 2. Whenever the Board, after a hearing conducted in accordance with the Administrative Procedure Act, determines that a licensed barber has violated any provision of the Arkansas Barber Law or any regulation promulgated by the Board pursuant thereto, the Board may impose a civil penalty on such licensed barber not to exceed Two Hundred Fifty Dollars (\$250.00). If a licensed barber against whom a civil penalty has been imposed by the Board fails to pay such penalty, the Board may file an action in the circuit court of Pulaski County to collect such civil penalty. If the Board prevails in such action, the defendant shall be directed to pay, in addition to the civil penalty, reasonable attorneys' fees and costs incurred by the Board in prosecuting the action.

SECTION 3. Any person aggrieved by the action of the Board imposing civil penalties may appeal such decision in the manner and under the procedure prescribed in the Administrative Procedure Act for appeals from administrative decision.

SECTION 4. All funds derived from civil penalties imposed by the Board shall be deposited in one or more depositories qualifying for the deposit of public funds, and such funds shall be used by the Board for administering the provisions of the Arkansas Barber Law.

SECTION 5. Section 8 of Act 313 of 1937, as amended, the same being Ark. Stat. Ann. 71-508 is hereby amended to read as follows:

"Section 8. Any person recently coming into this State that has been continuously engaged in the practice of barbering for a period of not less than 18 months in another state under an unrevoked or unexpired license issued by the proper authorities of such state may be issued a certificate of registration as a registered barber upon making application as required by law and upon the payment of \$150.00 reciprocity fee. Such reciprocity fee shall include the license fee until the beginning of the next renewal period."

SECTION 6. It shall be the responsibility of all barbershop owners to assure that their employees have appropriate licenses.

SECTION 7. Upon application of a licensed barbershop, and upon receipt of the application fee of \$35.00, the Board shall issue a certificate authorizing the licensed barbershop to employ not more than two persons as

barber technicians. Persons so employed must have completed the eighth grade of school and be registered with the Board.

SECTION 8. The General Assembly has determined that the State Board of Barber Examiners collected Barber Technician examination and license fees between 1974 and 1980 without authority and has attempted to refund those fees, but that there remains a balance of approximately \$1,300 unrefunded because of inability to locate the persons due the refund. The General Assembly further determines that those funds should now escheat to the Board. Therefore, the State Board of Barber Examiners is hereby authorized to expend the remaining balance of the unrefunded fees for maintenance and operation of the Board.

SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 10. It is hereby found and determined that the provisions of this amendment will promote proper regulation and enforcement of the State Board of Barber Examiners' laws and that timely approval is necessary to correct an inequitable situation. therefore, an emergency is hereby declared to exist and this amendment being necessary for the immediate preservation of the public peace, health and safety shall be in effect from and after its passage and approval.

APPROVED: 4/2/87
