

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2326

(SENATE AUTHORS: PEDERSON)

DATE	D-PG	OFFICIAL STATUS
03/08/2012	4242	Introduction and first reading Referred to Jobs and Economic Growth
03/19/2012	4514a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
04/02/2012	5494	Withdrawn and re-referred to Rules and Administration
04/16/2012	5855a	Comm report: To pass as amended and re-refer to Finance
04/18/2012	5929	Comm report: To pass
	5937	Second reading
04/19/2012	5955	Special Order
	5955	Third reading Passed

A bill for an act

relating to barbers; changing licenses and fees; creating penalties; appropriating money; amending Minnesota Statutes 2010, sections 154.001, by adding a subdivision; 154.003; 154.02; 154.05; 154.06; 154.065, subdivision 2; 154.07, subdivision 1; 154.08; 154.09; 154.10, subdivision 1; 154.11, subdivision 1; 154.12; 154.14; 154.15, subdivision 2; 154.26; Laws 2011, First Special Session chapter 4, article 1, section 11; proposing coding for new law in Minnesota Statutes, chapter 154.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 154.001, is amended by adding a subdivision to read:

Subd. 4. **Comprehensive examination.** "Comprehensive examination" means all parts of a test administered by the board, including but not limited to written, oral, and practical components.

Sec. 2. Minnesota Statutes 2010, section 154.003, is amended to read:

154.003 FEES.

(a) The fees collected, as required in this chapter, chapter 214, and the rules of the board, shall be paid to the board. The board shall deposit the fees in the general fund in the state treasury.

(b) The board shall charge the following fees:

- (1) examination and certificate, registered barber, \$85;
- (2) retake of written examination, registered barber, \$10;
- ~~(2)~~ (3) examination and certificate, apprentice, \$80;
- (4) retake of written examination, apprentice, \$10;
- ~~(3)~~ (5) examination, instructor, \$180;

- 2.1 ~~(4)~~ (6) certificate, instructor, \$65;
- 2.2 ~~(5)~~ (7) temporary teacher or apprentice permit, \$80;
- 2.3 ~~(6)~~ (8) renewal of license, registered barber, \$80;
- 2.4 ~~(7)~~ (9) renewal of license, apprentice, \$70;
- 2.5 ~~(8)~~ (10) renewal of license, instructor, \$80;
- 2.6 ~~(9)~~ (11) renewal of temporary teacher permit, \$65;
- 2.7 ~~(10)~~ (12) student permit, \$45;
- 2.8 (13) renewal of student permit, \$25;
- 2.9 ~~(11)~~ (14) initial shop registration, \$85;
- 2.10 ~~(12)~~ (15) initial school registration, \$1,030;
- 2.11 ~~(13)~~ (16) renewal shop registration, \$85;
- 2.12 ~~(14)~~ (17) renewal school registration, \$280;
- 2.13 ~~(15)~~ (18) restoration of registered barber license, \$95;
- 2.14 ~~(16)~~ (19) restoration of apprentice license, \$90;
- 2.15 ~~(17)~~ (20) restoration of shop registration, \$105;
- 2.16 ~~(18)~~ (21) change of ownership or location, \$55;
- 2.17 ~~(19)~~ (22) duplicate license, \$40; ~~and~~
- 2.18 ~~(20)~~ (23) home study course, ~~\$95~~ \$75;
- 2.19 (24) letter of license verification, \$25; and
- 2.20 (25) reinspection, \$100.

2.21 Sec. 3. Minnesota Statutes 2010, section 154.02, is amended to read:

2.22 **154.02 WHAT CONSTITUTES BARBERING.**

2.23 Any one or any combination of the following practices when done upon the head
2.24 and neck for cosmetic purposes and not for the treatment of disease or physical or mental
2.25 ailments and when done for payment directly or indirectly or without payment for the
2.26 public generally constitutes the practice of barbering within the meaning of sections
2.27 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26:
2.28 to shave the face or neck, trim the beard, cut or bob the hair of any person of either sex
2.29 for compensation or other reward received by the person performing such service or any
2.30 other person; to give facial and scalp massage or treatments with oils, creams, lotions,
2.31 or other preparations either by hand or mechanical appliances; to singe, shampoo the
2.32 hair, or apply hair tonics; or to apply cosmetic preparations, antiseptics, powders, oils,
2.33 clays, or lotions to hair, scalp, face, or neck.

Sec. 4. Minnesota Statutes 2010, section 154.05, is amended to read:

154.05 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A REGISTERED BARBER.

A person is qualified to receive a certificate of registration as a registered barber:

(1) who is qualified under the provisions of section 154.06;

(2) who has practiced as a registered apprentice for a period of 12 months under the immediate personal supervision of a registered barber; and

(3) who has passed an examination conducted by the board to determine fitness to practice barbering.

An apprentice applicant for a certificate of registration to practice as a registered barber who fails to pass the comprehensive examination conducted by the board and who fails to pass a onetime retake of the written examination, shall continue to practice as an apprentice for an additional ~~two months~~ 300 hours before being ~~again entitled to take~~ eligible to retake the comprehensive examination ~~for a registered barber as many times as necessary to pass.~~

Sec. 5. Minnesota Statutes 2010, section 154.06, is amended to read:

154.06 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A REGISTERED APPRENTICE.

A person is qualified to receive a certificate of registration as a registered apprentice:

(1) who has completed at least ten grades of an approved school;

(2) who has graduated from a barber school approved by ~~the~~ a barber board within the previous four years; and

(3) who has passed an examination conducted by the board to determine fitness to practice as a registered apprentice. An applicant who graduated from a barber school approved by a barber board more than four years prior to application is required to complete a further course of study of at least 500 hours.

An applicant for ~~a~~ an initial certificate of registration to practice as an apprentice, who fails to pass the comprehensive examination conducted by the board, and who fails to pass a onetime retake of the written examination, is required to complete a further course of study of at least 500 hours, of not more than eight hours in any one working day, in a barber school approved by the board before being eligible to retake the comprehensive examination as many times as necessary to pass.

A certificate of registration of an apprentice shall be valid for four years ~~from the date the certificate of registration is issued by the board~~ and shall not be renewed for a fifth year. During the four-year period the certificate of registration shall remain in full force

and effect only if the apprentice complies with all the provisions of sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26, including the payment of an annual fee, and the rules of the board.

If a registered apprentice, during the term in which the certificate of registration is in effect, enters full-time active duty in the armed forces of the United States of America, the expiration date of the certificate of registration shall be extended by a period of time equal to the period or periods of active duty.

If a registered apprentice graduates from a barber school approved by the board and is issued a certificate of registration while incarcerated by the Department of Corrections of the Federal Bureau of Prisons, the expiration date of the certificate of registration shall be extended one time so that it expires four years from the date of first release from a correctional facility.

Sec. 6. Minnesota Statutes 2010, section 154.065, subdivision 2, is amended to read:

Subd. 2. **Qualifications.** A person is qualified to receive a certificate of registration as an instructor of barbering who:

(1) is a graduate ~~from~~ of an approved high school, or its equivalent, as determined by examination by the Department of Education;

(2) ~~has qualified for a teacher's or instructor's vocational certificate; successfully completed vocational instructor training from a board-approved program or accredited college or university program that includes the following courses or their equivalents as determined by the board:~~

(i) introduction to career and technical education training;

(ii) philosophy and practice of career and technical education;

(iii) course development for career and technical education;

(iv) instructional methods for career and technical education; and

(v) human relations;

(3) is currently a registered barber and has at least three years experience as a registered barber in this state, or its equivalent as determined by the board; and

(4) has passed an examination conducted by the board to determine fitness to instruct in barbering.

~~A certificate of registration under this section is provisional until a teacher's or instructor's vocational certificate has been issued by the Department of Education. A provisional certificate of registration is valid for 30 days and is not renewable.~~

Sec. 7. Minnesota Statutes 2010, section 154.07, subdivision 1, is amended to read:

Subdivision 1. **Admission requirements; course of instruction.** No barber school shall be approved by the board unless it requires, as a prerequisite to admission, ten grades of an approved school or its equivalent, as determined by an examination conducted by the commissioner of education, which shall issue a certificate that the student has passed the required examination, and unless it requires, as a prerequisite to graduation, a course of instruction of at least 1,500 hours, of not more than eight hours in any one working day. The course of instruction must include the following subjects: scientific fundamentals for barbering; hygiene; practical study of the hair, skin, muscles, and nerves; structure of the head, face, and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, and glands; massaging and manipulating the muscles of the face and neck; haircutting; shaving; trimming the beard; bleaching, tinting and dyeing the hair; and the chemical waving and straightening of hair.

Sec. 8. Minnesota Statutes 2010, section 154.08, is amended to read:

154.08 APPLICATION; FEE.

Each applicant for an examination shall:

(1) make application to the Board of Barber Examiners on blank forms prepared and furnished by it, the application to contain proof under the applicant's oath of the particular qualifications and identity of the applicant;

~~(2) furnish to the board two five-inch x three-inch signed photographs of the applicant, one to accompany the application and one to be returned to the applicant, to be presented to the board when the applicant appears for examination~~ provide all documentation required in support of the application; and

(3) pay to the board the required fee; and

(4) present a government-issued photo identification as proof of identity upon application and when the applicant appears for examination.

Sec. 9. Minnesota Statutes 2010, section 154.09, is amended to read:

154.09 EXAMINATIONS, CONDUCT AND SCOPE.

The board shall conduct examinations of applicants for certificates of registration to practice as barbers and apprentices not more than six times each year, at such time and place as the board may determine. Additional written examinations may be scheduled by the board and conducted by board staff as designated by the board. The proprietor of a barber school must file an affidavit ~~shall be filed with the board by the proprietor of a barber school that~~ of hours completed by students applying to take the apprentice

examination ~~have completed~~. Students must complete 1,500 hours in a barber school registered with approved by the board.

The examination of applicants for certificates of registration as barbers and apprentices shall include ~~both~~ a practical demonstration and a written and oral test ~~and embrace~~. The examination must cover the subjects usually taught in barber schools registered with the board.

Sec. 10. Minnesota Statutes 2010, section 154.10, subdivision 1, is amended to read:

Subdivision 1. **Application.** Each applicant for an initial certificate of registration shall make application to the board on forms prepared and furnished by the board with proof under oath of the particular qualifications and identity of each applicant. This application shall be accompanied by a fee prescribed by law or the rules of the board to defray the expenses of making investigation and for the examination of such applicant.

Sec. 11. Minnesota Statutes 2010, section 154.11, subdivision 1, is amended to read:

Subdivision 1. **Examination of nonresidents.** A person who meets all of the requirements for barber registration in sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 and either has a license, certificate of registration, or an equivalent as a practicing barber or instructor of barbering from another state or country which in the discretion of the board has substantially the same requirements for registering barbers and instructors of barbering as required by sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 or can prove by sworn affidavits practice as a barber or instructor of barbering in another state or country for at least five years immediately prior to making application in this state, shall, upon payment of the required fee, be issued a certificate of registration without examination, ~~provided that the other state or country grants the same privileges to holders of Minnesota certificates of registration.~~

Sec. 12. Minnesota Statutes 2010, section 154.12, is amended to read:

154.12 EXAMINATION OF NONRESIDENT APPRENTICES.

A person who meets all of the requirements for registration as a barber in sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 and who has a license, a certificate of registration, or its equivalent as an apprentice in a state or country which in the discretion of the board has substantially the same requirements for registration as an apprentice as is provided by sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26, shall, upon payment of the required

fee, be issued a certificate of registration without examination, ~~provided that the other state or country grants the same privileges to holders of Minnesota certificates of registration.~~

Sec. 13. Minnesota Statutes 2010, section 154.14, is amended to read:

**154.14 CERTIFICATES OF REGISTRATION AND TEMPORARY PERMITS
TO BE DISPLAYED.**

Every holder of a certificate of registration as a registered barber or registered apprentice or temporary apprentice permit shall display ~~it~~ the certificate or permit, with a photograph of the certificate or permit holder that meets the same standards as required for a United States passport, in a conspicuous place adjacent to or near the chair where work is performed. Every holder of a certificate of registration as an instructor of barbering or ~~as a barber school,~~ of a temporary permit as an instructor of barbering, shall display the certificate or permit, with a photograph of the certificate or permit holder that meets the same standards as required for a United States passport, in a conspicuous place accessible to the public. Every holder of a certificate of registration as a barber school and of a shop registration card shall display it in a conspicuous place accessible to the public.

Sec. 14. Minnesota Statutes 2010, section 154.15, subdivision 2, is amended to read:

Subd. 2. **Effect of failure to renew.** A registered barber or a registered apprentice who has not renewed a certificate of registration may be reinstated within ~~one year~~ four years of such failure to renew without examination upon the payment of the required restoration fee for each year the certificate is lapsed. A registered instructor of barbering who has not renewed a certificate of registration may be reinstated within ~~three~~ four years of such failure to renew without examination upon payment of the required restoration fee for each year the certificate is lapsed. All registered barbers and registered apprentices who allow their certificates of registration to lapse for more than ~~one year~~ four years shall be required to reexamine before being issued a certificate of registration. All registered instructors of barbering who allow their certificates of registration to lapse for more than ~~three~~ four years shall be required to reexamine before being issued a certificate of registration. A barber shop owner who has not renewed the barber shop certificate for more than one year may reinstate the barber shop registration upon payment of the restoration fee for each year the shop card was lapsed. If lapsed or unlicensed status is discovered by the barber inspector during inspection, penalties under section 154.162 shall apply.

Sec. 15. **[154.162] ADMINISTRATIVE PENALTIES.**

The board shall impose and collect the following penalties:

(1) missing or lapsed shop registration discovered upon inspection; penalty imposed on shop owner: \$500;

(2) unlicensed or unregistered apprentice or registered barber, first occurrence discovered upon inspection; penalty imposed on shop owner and unlicensed or unregistered individual: \$500; and

(3) unlicensed or unregistered apprentice or registered barber, second occurrence discovered upon inspection; penalty imposed on shop owner and unlicensed or unregistered individual: \$1,000.

Sec. 16. Minnesota Statutes 2010, section 154.26, is amended to read:

154.26 MUNICIPALITIES ~~MAY REGULATE HOURS;~~ REGULATION AUTHORIZED.

The governing body of any city of this state may regulate by ordinance the opening and closing hours of barber shops within its municipal limits in addition to all other applicable local regulations.

Sec. 17. [154.27] MISREPRESENTATION.

No person shall represent themselves to the public, solicit business, advertise as a licensed barber or as operating a licensed barber shop, use the title or designation of barber or barber shop, engage in any other act or practice that would create the impression to members of the public that the person is a licensed barber or is operating a licensed barber shop unless the person holds the appropriate license under this chapter.

Sec. 18. [154.28] SYMBOLS; BARBER POLE.

No person shall place a barber pole in a location that would create or tend to create the impression to the public that the business is a barber shop unless the operator holds a valid license under this chapter. For the purposes of this section, "barber pole" means a red and white or red, white, and blue striped vertical cylinder commonly recognized as a barber pole.

Sec. 19. Laws 2011, First Special Session chapter 4, article 1, section 11, is amended to read:

Sec. 11. **BOARD OF BARBER EXAMINERS** \$ 257,000 \$ ~~257,000~~ 287,000