

Where any Federal agency participating in the financing of an industrial development project is not permitted to take as security for such participation a mortgage the lien of which is junior to the mortgage of the Authority, the Authority shall in such instances be authorized to take as security for its loan to the industrial development agency a mortgage junior in lien to that of the Federal agency.

Act effective immediately.

Section 3. The provisions of this act shall become effective *immediately upon enactment.

APPROVED—The 18th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 351

AN ACT

Amending the act of June 19, 1931 (P. L. 589), entitled, as amended, "An act to promote the public health and safety, by providing for examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," altering the requirements for licensure; regulating hours for barber schools; permitting further regulation by health authorities; providing for the health, sanitation and management of barber shops; changing fees; prescribing penalties; requiring reports, and making an appropriation.

Barbers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Subsection (a), section 3, act of June 19, 1931, P. L. 589, amended July 19, 1951, P. L. 1134, further amended.

Section 1. Subsection (a) of section 3, act of June 19, 1931 (P. L. 589), entitled, as amended, "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," amended July 19, 1951 (P. L. 1134), is amended to read:

Applicants for license.

Section 3. (a) Any person not holding a certificate of registration under the provisions of the preceding section, and desiring to obtain a license under this act, shall make application under oath or affirmation, in such form as the State Board of Barber Examiners, hereinafter referred to as the board, shall prescribe.

* "immdately" in original.

Such application shall be accompanied by an affidavit, which shall be made by a practicing physician, and shall set forth that the applicant was examined, that a test of his or her blood was made, and that he or she is free from all contagious and infectious disease, is a citizen of the United States or has filed a declaration of intention. The applicant, at the time of filing such application and affidavit, shall pay to the department an examination fee of five dollars or such other fee as may be fixed by the board, and shall present himself or herself at the next examination of applicants as hereinafter provided. The board shall thereupon proceed to examine such person, after being satisfied that he or she is above the age of [sixteen] *eighteen* years, free from contagious and infectious disease, has a certificate showing graduation from an eighth grade school or its equivalent, and has [either (1) studied the occupation for a period of two years, covering a period of at least two thousand five hundred (2500) hours as a registered apprentice under a qualified and practicing barber as hereinafter provided, or (2) studied the occupation and trained as a registered student in a registered and properly appointed and conducted barber school under the instruction of a registered teacher for a period of at least nine months, and served at least fifteen months, covering a period of at least one thousand two hundred fifty (1250) hours as an apprentice with a registered barber] *studied the occupation and trained as a registered student under a qualified and practicing barber, or in a registered and properly appointed and conducted barber school under the instruction of a registered teacher, for a period of at least one thousand two hundred fifty (1250) hours and not less than nine months, has qualified for and obtained an apprentice permit, and has studied the occupation and served as an apprentice for fifteen additional months covering a period of not less than one thousand two hundred fifty (1250) hours with a qualified and registered barber in a registered barber shop.* Under no circumstances shall a student in a registered barber's school receive wages, directly or indirectly, for service rendered. If the board is satisfied as a result of the examination the applicant is possessed of requisite skill in said occupation to properly perform all the duties thereof, including his or her knowledge and ability in the [antiseptic] *sterile* preparation of tools, shaving, hair cutting, and all the duties and services incident thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation, and the knowledge of the Barber's Licensing Laws, and rules and regulations of the department adopted thereunder,

Application and affidavit.

Examination fee.

Examination.

Qualifications.

Result of examination.

Certificate of registration.

it shall enter his or her name in the register hereinafter provided for, and shall issue a certificate of registration to him or her authorizing him or her to practice such occupation, or to teach in registered barber schools as the case may be. Any person holding a certificate as a teacher may practice as a barber in any registered barber shop.

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Section 3 of the act amended by adding a new subsection (a.1).

Section 2. Section 3 of the act is amended by adding, after subsection (a), a new subsection to read:

Section 3. * * *

Application for examination and permit to be an apprentice.

(a.1) Whenever a student has completed a course of nine months study in a registered school or under a registered barber, he shall apply for examination at the next regular period for registration as a barber apprentice. Such application shall be accompanied by a fee of five dollars, and shall be certified to under oath or affirmation by the proper official of the barber school at which the applicant studied or by the registered barber under whom the applicant studied. The board, upon being satisfied that the applicant is sixteen years of age or older, is of good moral character, and has sufficient knowledge of barbering in theory and practice and sufficient skill in the preparation, handling and use of tools employed therein to qualify as an apprentice, shall issue to such applicant an apprentice permit which shall entitle the holder to continue the study of barbering as an apprentice for a period of two years.

* * * * *

Clause (d), section 3, sections 4, 5, 5.1, 8, 9, 12 and 13 of the act, amended July 19, 1951, P. L. 1134, further amended. Qualifications of barber school teacher.

Section 3. Clause (d) of section 3, sections 4, 5, 5.1, 8, 9, 12 and 13 of the act, amended July 19, 1951 (P. L. 1134), are amended to read:

Section 3. * * *

Teacher's examination.

(d) For any person to be registered as a teacher in a barber school, he must be at least twenty-three years of age, a graduate from an approved high school or its equivalent, and have had at least five years' experience as a registered barber in a registered barber shop in the State of Pennsylvania. The examination for a teacher's certificate shall differ from the examination for a barber's certificate in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of barbering, including ability to teach properly the various practices and theories of barbering, physiology, hygiene, elementary chemistry, relating to sterilization and antiseptics, massaging and manipulating the muscles of the face, neck, scalp, hair cutting, bobbing, shaving and trimming the beard, dyeing the hair, and the barber

laws of this State, and the rules and regulations adopted by the board. The registration fee for teachers shall be [five] *ten* dollars, and the [annual] *biennial* renewal fee shall be [five] *ten* dollars.

Fee for teachers.

Section 4. [(a)] Any person who is at least eighteen years of age and of good moral character and temperate habits and has a certificate showing graduation from an eighth grade school or an equivalent education, as determined by an examination conducted by the department, and either (1) [Has] *has* a license or certificate of registration as a practicing barber from another state [or country] which has substantially the same requirements for licensing or registering barbers as required by this act, or (2) *has a license or certificate of registration as a practicing barber from another country which has substantially the same requirements for licensing or registering barbers as required by this act and has studied the occupation and trained as a registered student in a registered barber school for a period of at least twenty consecutive weeks, or (3) can prove by sworn affidavits that he has practiced as a barber in the United States for at least five years prior to making application in this State, shall upon the payment of the required fee, be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering. Should he fail to pass the examination, upon payment of [the required] a fee of five dollars, he may take one other examination if he so desires. In no event shall he or she be permitted to practice barbering until he or she has received a certificate of registration as a registered barber.*

Persons permitted to take barber's examination.

Section 5. Nothing in this act shall prohibit any person from serving [as an apprentice] in such occupation [under a registered barber of] *in this Commonwealth, [or from serving] as a student in any registered barber school for the training of students in said occupation under the training of a duly registered teacher authorized to teach such occupation in this Commonwealth or under a qualified and registered barber: Provided, That such [apprentice or] student shall apply to the department to have his or her name registered with the department, in a book which shall be kept by the board, and secure a permit, upon proof that he or she has reached the age of sixteen and upon the payment of a fee of [one dollar] two dollars, which permit shall be valid for two years, to practice as [an apprentice] a student under a duly registered barber, or as a student under a duly registered teacher—such permit to be displayed in front of his or her working chair. Students, upon graduation from a registered barber school, or*

Apprentices and students.

Proviso.

upon completion of training under a qualified and registered barber having qualified as apprentices, and having served fifteen months' apprenticeship [in a barber shop and apprentices upon completion of two years' apprenticeship in a barber shop] as hereinbefore specified, shall make application for examination at the next regular period specified in this act. In case the applicant fails to pass such examination, he or she shall secure a new apprentice permit upon the payment of a fee of [one dollar] two dollars, which shall be valid until the next succeeding examination. The fee for each examination shall be five dollars.

Apprentice or student permits, not exceeding four, [to practice as an apprentice barber] may be issued at the discretion of the board.

[Section 5.1. Any person who practiced barbering during any period of service with the armed services of the United States shall receive credit for such period of practice toward the two-year registered apprentice or registered student-apprentice period required by this act upon furnishing affidavits from his or her former immediate commanding officer or officers, or such other official documents, as may be proof to the board, that he or she did practice barbering for such period whether or not such person was registered with the board prior to his entry into the armed forces of the United States.]

Certificate
renewable
biennially.

Renewal fee.

Penalty for
practicing
barbering with-
out renewal
certificate.

Section 8. The certificate shall be renewed on or before the thirtieth day of April [in each year], 1962, for a period of two years and biennially thereafter and the holders of said certificates of registration shall pay to the department the sum of [two] five dollars or such other sum as may be fixed by the department for a renewal card. Any holder of a certificate of registration, who shall fail to apply for a renewal of his or her certificate [on or before the thirtieth day of April in each year,] and who continues the practice of barbering or any of its branches, shall, on conviction thereof before any magistrate, alderman, or justice of the peace, be subject to a fine of not [more than ten dollars] less than ten dollars and not more than ninety dollars, to be collected by summary conviction as like fines are collected by law, or in case of non-payment of the fine to undergo an imprisonment for a period [not exceeding ten days] not less than ten days and not more than ninety days. Any such person shall have the right of appeal, as in other cases of summary conviction. Any barber or teacher failing to renew his license for four consecutive years shall be required to take an examination. One dollar of each renewal certificate fee, or as much thereof as may be necessary, is hereby appropriated to the Depart-

ment of Public Instruction for use of the State Board of Barber Examiners.

Section 9. The board may suspend or revoke any permit or certificate of registration granted by the department under this act to any person who (a) habitually indulges in the use of ardent spirits, narcotics, or other stimulants to such an extent as, in the opinion of the board, incapacitates such person from the duties of a barber; (b) has or imparts any contagious or infectious disease to any recipient of such person's services as a barber; (c) performs work in an unsanitary or filthy manner or place of business; (d) who is grossly incompetent; (e) who conducts his business of barbering on Sundays; (f) who displays any price list for barber services in or upon any part of premises of a barber shop in such manner that such list shall be visible from the outside of the barber shop; (g) *engages in* unethical or dishonest practice or conduct (h) [employing] *or employs* an unlicensed person. Before any such permit or certificate shall be suspended or revoked for any of the reasons contained in this section, the holder thereof shall have notice in writing of the charge or charges against him or her, and shall at a day specified in said notice, which shall be at least five days after the service thereof, be given a public hearing before a duly authorized representative of the board with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her. Any person whose permit or certificate of registration has been so suspended or revoked may, on application, have the same reissued to him or her upon satisfactory showing that the disqualification has ceased, except where such certificate was suspended or revoked for having or imparting any contagious or infectious disease in which case a new certificate shall not be issued for a period of at least one year, and then only after the provisions of this act have been fully complied with by such person in the same manner as if he or she had never been registered.

Section 12. (a) All barber shops shall at all times be under the immediate supervision of a registered barber. In no barber shop shall there be more than one apprentice who must be at all times under the supervision of a barber authorized under this act to practice such occupation. All barber schools shall keep prominently displayed at every entrance to said school a sign reading "Barber School." Any copartnership, corporation, or person desiring to operate or conduct a barber shop or barber school, shall first secure from the board a permit or *registration certificate to do so, and shall keep the same prominently displayed. The fee for registration of each

Suspension or revocation of registration.

Reasons.

Notice of charge.

Public hearing.

Reissuance when disqualification ceases.

Supervision of shops.

Only one apprentice per shop.

Display of sign.

Permit for shop or school.

* "registration" in original.

Fees.

barber shop shall be [two] *five* dollars for each permit, and the [annual] *biennial* renewal fee shall be [one dollar and the] *five dollars*. The fee for registration of each barber school shall be [fifty] *one hundred* dollars, and the annual renewal fee therefor shall be [twenty-five] *fifty* dollars. The board may pass upon the qualifications, appointments, and course of study in said school, which shall be *not less than one thousand two hundred fifty (1250) hours and not less than nine months*. All barber schools shall have not less than one registered teacher for every twenty students, and in no case less than one full-time teacher, who shall be in attendance at all times during the hours the school is open for instruction.

Courses of study in school.

Penalty for failure to renew and continuance in operation.

Any person who holds a permit or registration certificate to operate or conduct a barber shop or barber school, who shall fail to apply for a renewal of his or her permit or registration certificate and who continues to operate or conduct a barber shop or barber school, shall, on summary conviction thereof, be sentenced to pay a fine of not less than ten dollars nor more than ninety dollars, and in case of non-payment of the fine and costs of prosecution to undergo an imprisonment for a period not exceeding ten days.

Rules and regulations applicable to schools.

(b) No school of barbering shall be granted a certificate of registration unless it requires as a prerequisite to admission thereto, graduation from an eighth grade school or its equivalent, as determined by an examination conducted by the department, and it shall attach to its staff, as a part-time teacher, a person licensed by the Commonwealth to practice medicine, and employ and maintain a sufficient number of competent teachers, registered as such, and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; shall maintain regular class and instruction hours, which shall not be less than seven nor more than eight hours per day, the school is open for instruction; shall establish grades and hold examination before issuance of diplomas; and shall be required to maintain a course of study requiring not less than one thousand two hundred fifty hours for completion in not less than nine months; and shall comprise all of the subjects pertaining to barbering, the barber laws of this State, and the rules and regulations adopted by the board; and shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization and the use of antiseptics, cosmetics, and electrical appliances, consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof.

(c) No school of barbering shall permit its students to practice barbering on the public under any circumstances, except by way of clinical work upon persons willing to submit themselves to such practice, after first being properly informed that the operator is a student. No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students, or for materials used in such treatment.

Practice of barbering by students.

(d) *Every qualified and registered barber under whom a student or apprentice is studying or practicing and every school of barbering in which a student is studying shall file with the board on the tenth of each and every month a report on forms furnished by the board. Each such report shall show, for the preceding month, the name, address of each and every student and apprentice, the number of days served by him during said preceding month, and such other information as the board may require.*

Reports on apprentices and students by barbers and schools.

Section 13. To shave or trim the beard, to cut hair, to shape the eyebrows, to give facial and scalp massaging, facial and scalp treatment, with any preparations made for this purpose, either by hand or by mechanical or electrical appliances, to singe and shampoo the hair or apply any makes of hair lotions or hair tonics, and to dye hair of any person, for compensation, direct or indirect, the person performing such service, shall be construed as practicing the occupation of barbering within the meaning of this act. No person shall practice, or attempt to practice, barbering [for compensation, directly or indirectly,] in any place other than a registered barber shop, ~~except that any registered barber in a registered barber shop~~, may furnish barber services to persons at their place of residence or in institutions in cases of sickness, incapacitation, confinement, and other emergencies: Provided, however, That nothing contained in this section shall be construed to include hospitals or colleges, and private schools for children, so-called beauty shops or hair-dressing parlors or schools of beauty culture, except that it shall be unlawful and a violation of this act for any person to employ or to accept employment, in any such shops, parlors or schools, who has been refused a certificate by the board.

Occupation of barber defined.

Prohibited acts.

Proviso.

Approved—The 19th day of July, A. D. 1961.

DAVID L. LAWRENCE