

No. 2005-84

AN ACT

HB 1049

Amending the act of June 19, 1931 (P.L.589, No.202), 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 profession of barbering; regulating barber shops and barber schools, and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of State; and providing penalties," further providing for license application for barber-teacher, for examination and for requirements for operation of barber shops.

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

Section 1. Sections 3(d) and 6(a) of the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, amended June 30, 1984 (P.L.494, No.101), are amended to read:

Section 3. * * *

(d) The applicant for a barber-teacher's license shall, as a condition precedent to obtaining a license, take the barber-teacher's license examination and score a passing grade. Prior to taking the examination, the applicant shall be at least twenty-three years of age, be a high school graduate or its equivalent, and either have had five years' experience as a licensed barber in a licensed barber shop or shared shop as set forth in section 15-A.3 in Pennsylvania, or be a manager-barber who has trained for one thousand two hundred fifty (1250) hours under a licensed teacher in a licensed barber school as a teacher-trainee. A notarized application for a license as a barber-teacher shall be made in such form as the board shall prescribe. **[The application shall be accompanied by a notarized statement from a licensed physician that the applicant was examined by the physician, a test of the applicant's blood was made and the results of that test and the applicant is free from all contagious and infectious diseases.]** The application shall be accompanied by a notarized statement, by either the owner or manager of the shop in which the applicant has been employed that the applicant has had five years experience as a licensed barber in a licensed barber shop or shared shop as set forth in section 15-A.3 in this Commonwealth or by the licensed barber school the teacher-trainee attended, that the applicant has been licensed as a manager-barber and trained for one thousand two hundred fifty (1250) hours under a licensed teacher in a licensed barber school as a teacher-trainee. The board shall not have the power to require a photograph as part of an application for a barber-teacher's license. At the time of filing the application and accompanying notarized statements, the applicant shall pay to the department an

examination fee to be determined by regulation and shall present himself or herself at the next examination of applicants as provided in section 6.

Section 6. (a) Examinations shall be held **[on the second Mondays in March, June, September and December,] at least four times a year** in the metropolitan areas of Philadelphia, Pittsburgh, Scranton, Harrisburg and Erie, at such hours as the board shall prescribe.

* * *

Section 2. Section 12 of the act, amended June 30, 1984 (P.L.494, No.101) and June 28, 1996 (P.L.426, No.63), is amended to read:

Section 12. (a) (1) Except for shops licensed under section 13(b) and for one-barber shops, which shall be operated by a licensed barber, all other barber shops shall at all times be under the immediate supervision of a manager-barber[.] ***or a licensee designated in charge of the shop. A shop owner shall designate a manager-barber or other licensee in charge of the shop. The name of the shop owner and the manager-barber or the designated licensee shall be posted in a conspicuous place in the barber shop. The shop owner, manager-barber or designated licensee shall be readily available to board inspectors during regular business hours.*** In barber shops where students are supervised by a manager-barber there shall be no more than one student per barber shop. In barber shops where students are supervised by a barber-teacher there shall be no more than one student per barber-teacher. In no case shall there be more than two students per barber shop. 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 license to do so, and shall keep the same prominently displayed. Both the fee for registration of each barber school and the annual renewal fee shall be determined by regulation. 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 licensed 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. This section does not prohibit an owner who is a cosmetologist from employing a barber without the requirement that a manager-barber also be employed.

(2) Any person who holds a license to operate or conduct a barber shop or barber school, who shall fail to apply for a renewal of his or her license and who continues to operate or conduct a barber shop or barber school, shall, on summary conviction thereof, be sentenced to pay a fine not to exceed three hundred dollars, or to undergo an imprisonment for a period not exceeding ninety days, or both.

(b) No school of barbering shall be granted a license or renewal unless it requires as a prerequisite to admission thereto, graduation from the eighth grade in a secondary school or its equivalent, 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 licensed teachers 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 when 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.

(b.1) Upon renewal of the license, the school owner shall supply an affidavit stating at the time of renewal that the school is in compliance with this act and the rules and regulations promulgated under this act.

(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 and shall only charge the reasonable costs of materials used in such treatment.

Section 3. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A.D. 2005.

EDWARD G. RENDELL