

HOUSE BILL 448

IN THE HOUSE

January 29, 1979

Introduced and referred to
Committee on Business and
Industry.

1 *HOUSE* BILL NO. *448*
 2 INTRODUCED BY *Conroy Harman's Daily Cabinet*
 3 *Arvid Merrick, Menchak, Lulij, White*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 5 LAWS RELATING TO THE PRACTICE OF BARBERING AND THE
 6 REGULATION OF BARBER SCHOOLS AND COLLEGES; AMENDING SECTIONS
 7 37-30-101, 37-30-302, 37-30-305, 37-30-306, 37-30-403,
 8 37-30-404, AND 37-30-425, MCA."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 37-30-101, MCA, is amended to read:

12 "37-30-101. Definitions -- practice of barbering. (1)
 13 Unless the context requires otherwise, as used in this
 14 chapter the following definitions apply:

15 (a) "Barbershop" means a place where a person carries
 16 on, engages in, practices, or causes to be carried on,
 17 engaged in, or practiced the business of barbering.

18 (b) "Board" means the board of barbers provided for in
 19 2-15-1625;

20 (c) "Department" means the department of professional
 21 and occupational licensing provided for in Title 2, chapter
 22 15, part 16.

23 (2) An "apprentice", under this chapter, is a person
 24 who receives instruction in an approved barber school or
 25 college and from a barber authorized to practice barbering

1 in this state.

2 (3) Any one or any combination of the following
 3 practices, when done upon the human body for tonsorial
 4 purposes and not for the treatment of disease or physical or
 5 mental ailments and when done for payment, either directly
 6 or indirectly, constitutes the practice of barbering:

7 (a) shaving or trimming the beard;

8 (b) cutting the hair;

9 ~~(c) styling the hair;~~

10 ~~(d) hair waving;~~

11 ~~(e) hair replacement;~~

12 ~~(f)(1) giving facial or scalp massage or treatment~~
 13 ~~with oils, creams, lotions, or other preparations, either by~~
 14 ~~hand or mechanical appliances;~~

15 ~~(f)(2) singeing--or shaapooing or cleaning the hair or~~
 16 ~~scalp applying hair tonics--or--dyeing--the--hair--of--mate~~
 17 ~~persons;~~

18 ~~(h) hair coloring;~~

19 ~~(i) chemical hair straightening; or~~

20 ~~(f)(1) applying cosmetic preparations, antiseptics,~~
 21 ~~powders, oils, lotions, or gels to the scalp, face, or neck,~~
 22 ~~or hands."~~

23 Section 2. Section 37-30-302, MCA, is amended to read:

24 "37-30-302. Barber school curriculum approval --
 25 application for apprenticeship. (1) * Except as provided in

1 subsection (2), a school or college of barbering may not be
 2 approved by the board unless it teaches the following
 3 curriculum of ~~the standardized schools approved by the~~
 4 ~~national education council of barber examiners~~ and requires
 5 a total of 1,500 training hours for graduation with the
 6 following hourly subject allocation:

- 7 (a) haircutting _____ 300 hours
- 8 (b) shampooing _____ 50 hours
- 9 (c) facials _____ 50 hours
- 10 (d) styling _____ 150 hours
- 11 (e) permanent waving _____ 300 hours
- 12 (f) hair replacement _____ 50 hours
- 13 (g) scalp treatment _____ 50 hours
- 14 (h) chemical hair straightening _____ 50 hours
- 15 (i) hair coloring _____ 150 hours
- 16 (j) shaving _____ 25 hours
- 17 (k) products and marketing _____ 25 hours
- 18 (l) shop management and bookkeeping _____ 50 hours
- 19 (m) barber laws and rules _____ 25 hours
- 20 (n) business ethics _____ 15 hours
- 21 (o) personal grooming _____ 10 hours
- 22 (p) discretionary with school or college _____ 200 hours
- 23 (2) The board may approve a barbering school or
 24 college if it requires a total of 1,500 training hours for
 25 graduation and teaches the curriculum approved by the

1 national education council of barber examiners.

2 ~~(2)(3) Students~~ A student of schools a school or
 3 colleges college may, after attending the schools school or
 4 college for a period of at least 9 months and receiving at
 5 least 1,500 hours of training, make application to the
 6 department for an apprenticeship card to practice barbering
 7 under the immediate personal supervision of a licensed
 8 barber for the period of 1 year."

9 Section 3. Section 37-30-305, MCA, is amended to read:

10 "37-30-305. Application for barber's certificate --
 11 examination. On completion of 1 year of apprenticeship under
 12 the immediate personal supervision of a licensed barber, an
 13 apprentice must apply to the department to take the
 14 examination for a barber's certificate of registration. An
 15 apprentice ~~may take the examination for a barber's~~
 16 ~~certificate of registration as many as three times before~~
 17 ~~expiration of the apprentice card.~~ If an apprentice fails
 18 pass the examination for a barber's certificate of
 19 registration three times, he shall surrender the apprentice
 20 card to the department and may not be authorized to do the
 21 acts which constitute the practice of barbering return to
 22 school or college for at least 3 months and receive at least
 23 500 hours of training before making each subsequent attempt
 24 at passing the examination."

25 Section 4. Section 37-30-306, MCA, is amended to read:

1 "37-30-306. Communicable disease -- physician's
2 certificate required. (1) A barber or barber apprentice may
3 not receive a certificate of registration ~~or--renewed~~ until
4 he has presented to the board of barbers a physician's
5 certificate showing him to be free of physical ailments that
6 would tend to endanger the health of the public. A person
7 practicing barbering without a certificate of registration
8 is guilty of a violation of this chapter.

9 (2) It is unlawful for a barber, barber apprentice, or
10 student of barbering to practice the occupation of a barber
11 or do barber work while he has an infectious, contagious, or
12 communicable disease that would endanger the health of the
13 public.

14 (3) If a barber or barber apprentice, after securing
15 his certificate, contracts a communicable, infectious, or
16 contagious disease endangering the public health, the board
17 of barbers shall revoke or suspend his certificate of
18 registration until the board has satisfactory proof that the
19 barber or barber apprentice is no longer afflicted with the
20 communicable, infectious, or contagious disease."

21 Section 5. Section 37-30-403, MCA, is amended to read:

22 "37-30-403. Facilities required for licensure --
23 inspection. (1) Before a license is issued to conduct a
24 barbershop, school, or college in this state, the
25 barbershop, school, or college must be inspected by the

1 department and approved by the board and shall meet must
2 have the following requirements facilities and furnishings:

3 (a) It must have both hot and cold running water
4 connected with the city water supply. In villages or towns
5 where running water is not available, hot-water tanks shall
6 have not less than a 2-gallon capacity with gravity
7 pressure. Wastewater shall be disposed of through some
8 system carrying it away from the building. This shall be
9 done by sewer connections or in a manner meeting the
10 requirements of the department of health and environmental
11 sciences rules, city ordinances, and having the approval of
12 the city or village board of health, as required by law.

13 (b) The headrest of a barber chair must be equipped so
14 that each customer will be supplied with a clean, fresh
15 paper or towel.

16 (c) It must have a closed cabinet for each chair, to
17 keep instruments in when not in use, and must have proper
18 sterilization equipment for immersing instruments before use
19 on each customer.

20 (d) It must have a sufficient number of towels so that
21 each customer will be served with a clean, laundered towel.

22 (e) It must be well-lighted, well-ventilated, and kept
23 in a clean, orderly, and sanitary condition at all times.

24 (f) It must have such other facilities and furnishings
25 as the board may reasonably require by rule. Different

1 requirements may be prescribed for barbershops and schools
 2 or colleges in accordance with their respective purposes.

3 ~~(f)(g)~~ It must pay to the department the required fee.

4 (2) Barbershops, barber schools, or colleges shall be
 5 open for inspection of their facilities and furnishings
 6 during business hours, to members of the department."

7 Section 6. Section 37-30-404, MCA, is amended to read:

8 "37-30-404. Barber schools — operator — license fee
 9 — patrons. (1) A barber school or college operating in this
 10 state must have in charge a person who:

11 (a) has had 10 years' continuous experience as a
 12 barber; and

13 (b) has sufficient education and sufficient
 14 professional and managerial ability and integrity to operate
 15 a barber school or college.

16 (2) The owner of the school or college shall first
 17 secure a permit to operate granted by the board and issued
 18 by the department, on payment of an annual license fee of
 19 \$50, and shall keep the permit prominently displayed.

20 (3) The owner shall, before commencing business, file
 21 with the secretary of state a bond to this state, which
 22 shall be approved by the attorney general, in the sum of
 23 ~~\$2,000~~ \$5,000, conditioned on:

24 (a) the refunding of any prepaid tuition owing in the
 25 event of insolvency;

1 (b) the faithful compliance of the barber school or
 2 college with this chapter; and

3 (c) the payment of judgments that may be obtained
 4 against the school, college, or owner on account of fraud,
 5 misrepresentation, or deceit practiced by them or by their
 6 agents.

7 ~~(4) Barber schools or barber colleges may not charge~~
 8 ~~patrons for barbering services and materials rendered.~~

9 ~~(5)(4)~~ All barber schools or colleges shall keep
 10 prominently displayed a substantial sign as a barber school
 11 or barber college.

12 ~~(6)(5)~~ On receiving students, all barber schools or
 13 colleges shall immediately apply to the department for
 14 student permits on blank forms prescribed by the board."

15 Section 7. Section 37-30-425, MCA, is amended to read:

16 "37-30-425. Refusal, suspension, or revocation of
 17 license. The board may, after notice and opportunity for
 18 hearing, either refuse to issue or renew or may suspend or
 19 revoke a barbershop or barber school or college license for
 20 any one or combination of the following causes:

21 (1) the violation of any of the provisions of [section
 22 8] 37-30-308⁺ 37-30-403, ~~except--subsection--(f)(f)†~~
 23 37-30-412⁺ 37-30-413⁺ and 37-30-421 or any rules adopted
 24 under them;

25 (2) conviction of a felony, shown by a certified copy

1 of the record of the court of conviction;
 2 (3) gross malpractice or gross incompetency;
 3 (4) continued practice by a person knowingly having an
 4 infectious or contagious disease;
 5 (5) advertising by means of knowingly false or
 6 deceptive statements;
 7 (6) advertising, practicing, or attempting to practice
 8 under a trade name other than one's own;
 9 (7) habitual drunkenness or addiction to the use of
 10 morphine, cocaine, or other habit-forming drugs;
 11 (8) the commission of any of the offenses described in
 12 37-30-203."

13 **NEW SECTION.** Section 8. Operation of barber school or
 14 college. (1) A barber school or college may employ only
 15 qualified instructors who are registered barbers. A school
 16 or college must have at least one instructor for every 15
 17 students.

18 (2) A student may not practice on the public except
 19 under the supervision of an instructor and until he has
 20 completed at least 100 hours of basic training. A student
 21 may not practice on the public more than 8 hours in a single
 22 day.

23 (3) The board may adopt reasonable rules for the
 24 efficient and responsible operation in the public interest
 25 of barber schools and colleges, including but not limited to

1 rules relating to:
 2 (a) information disclosure policies for the protection
 3 of students;
 4 (b) prices for student services;
 5 (c) advertising of student services;
 6 (d) substance and conduct of and intervals between
 7 examinations;
 8 (e) allowance of credit to out-of-state transfer
 9 students; and
 10 (f) recordkeeping.
 11 (4) The board may inspect the records of a barber
 12 school or college at reasonable times for purposes of
 13 carrying out its duties under this chapter.
 14 Section 9. Codification. Section 8 is intended to be
 15 codified as an integral part of Title 37, chapter 30, and
 16 the provisions contained in Title 37, chapter 30, apply to
 17 section 8. All references in the MCA to Title 37, chapter
 18 30, include section 8.

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