

**HOUSE BILL NO. 886**

**INTRODUCED BY PAVLOVICH**

**IN THE HOUSE**

February 16, 1983	Introduced and referred to Committee on Business and Industry.
February 21, 1983	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
February 22, 1983	Second reading, do pass.
February 23, 1983	Considered correctly engrossed.
	Third reading, passed. Transmitted to Senate.

**IN THE SENATE**

March 1, 1983	Introduced and referred to Committee on Business and Industry.
March 23, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 25, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 45; Noes, 1.

IN THE HOUSE

March 28, 1983

Returned to House with  
amendments.

April 4, 1983

Second reading, amendments  
concurred in.

April 5, 1983

Third reading, amendments  
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *886*  
2 INTRODUCED BY *Carroll*  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 LAWS RELATING TO THE LICENSING AND REGULATION OF BARBERS,  
6 BARBER APPRENTICES, AND BARBER SCHOOLS AND COLLEGES;  
7 AMENDING SECTIONS 37-30-101, 37-30-203, 37-30-301,  
8 37-30-303, 37-30-306, 37-30-307, 37-30-402 THROUGH  
9 37-30-404, 37-30-424, 37-30-425, AND 37-30-501, MCA;  
10 REPEALING SECTION 37-30-302, MCA; AND PROVIDING EFFECTIVE  
11 DATES AND AN APPLICABILITY DATE."  
12

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

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

15 "37-30-101. Definitions -- practice of barbering. (1)

16 Unless the context requires otherwise, as used in this  
17 chapter the following definitions apply:

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

21 (b) "Board" means the board of barbers provided for in  
22 2-15-1856.

23 (c) "Department" means the department of commerce  
24 provided for in Title 2, chapter 15, part 18.

25 (2) An "apprentice", under this chapter, is a person

1 who receives instruction in an approved barber school or  
2 college and from a barber authorized to practice barbering  
3 in this state.

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

9 (a) shaving or trimming the beard;

10 (b) cutting styling, coloring, or waving the hair;

11 ~~(c) straightening of the hair by using chemicals;~~

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

15 ~~(e) singeing or shampooing the hair or applying~~  
16 hair tonic, or dyeing the hair of male persons;

17 ~~(f) applying cosmetic preparations, antiseptics,~~  
18 powders, oils, lotions, ~~or gels~~ to scalp, face, ~~hands,~~ or  
19 neck.

20 (4) The practice of cosmetology by a licensed  
21 cosmetologist, including cutting the hair of any person,  
22 does not constitute the practice of barbering."

23 Section 2. Section 37-30-203, MCA, is amended to read:

24 "37-30-203. Powers and duties of board and department  
25 -- conducting examinations -- rulemaking -- hiring of

-2- INTRODUCED BILL

HB 886

inspectors. (1) The department shall, subject to 37-1-101, conduct practical examinations of applicants for apprentice cards and for certificates of registration to practice as registered barbers ~~or barber instructors~~ not less than four times a year at times and places the board determines. The examinations shall cover the fundamentals of barbering, dermatology, and sanitation. The department shall issue apprentice cards and certificates of registration.

(2) The board may adopt rules for the administration of this chapter.

(3) A person hired by the department to make an inspection of a barbershop, school, or college shall receive a salary plus travel expenses as provided for in 2-18-501 through 2-18-503, as amended."

Section 3. Section 37-30-301, MCA, is amended to read:

"37-30-301. Certificate required. A ~~(1) Except as provided in subsection (2),~~ a person may not practice or attempt to practice barbering or serve or attempt to serve as a barber apprentice unless he first receives from the department a certificate of registration.

~~(2) The board may authorize the department to grant a temporary certificate to any person qualified to take the examination required by 37-30-305 who pays a temporary certification fee prescribed by the board. A person holding a temporary certificate may engage in the practice of~~

~~barbering under the supervision of a certified barber for a period of 90 days or until the next examination scheduled by the board, whichever is longer."~~

Section 4. Section 37-30-303, MCA, is amended to read:

"37-30-303. Apprenticeship required -- application -- examination. (1) A person is qualified to receive a certificate of registration to practice barbering only by ~~serving if he:~~

~~(a) has served as an apprentice barber and as required by 37-30-305;~~

~~(b) has successfully passing-on passed the examination conducted by the department under 37-30-305, subject to 37-1-101, to determine his fitness to practice barbering;~~

~~(c) is at least 18 years old;~~

~~(d) is a graduate of the 8th grade; and~~

~~(e) is of good moral character.~~

(2) An apprentice applicant must file with the department an application setting forth the following information:

(a) full name and age of ~~apprentice the applicant;~~

(b) name and place of ~~approved the licensed~~ barber school ~~or other school which he attended;~~

(c) dates of attendance at ~~approved the licensed~~ barber school ~~or other school;~~

(d) whether the applicant received a certificate of

1 graduation from an--approved a licensed barber school or  
2 other school; and

3 (e) other information the board considers necessary.

4 (3) An apprentice applicant must have graduated from a  
5 barber college or school licensed under this chapter or  
6 completed a course of study in barbering prescribed by the  
7 board of public education and successfully pass passed an  
8 apprentice examination conducted by the department, subject  
9 to 37-1-101, and pay to the department the required fee. The  
10 department shall then issue an apprentice barbering card  
11 which expires 2 years from the date of examination."

12 Section 5. Section 37-30-307, MCA, is amended to read:

13 "37-30-307. Fees -- handicapped persons exempted --  
14 other fees prohibited. (1) The fee to be paid by an  
15 apprentice for an apprentice examination and an apprentice  
16 card shall be prescribed by the board.

17 (2) The fee to be paid by an applicant for an  
18 examination to determine his fitness to receive a  
19 certificate of registration to practice barbering and for  
20 the issuance of the certificate shall be prescribed by the  
21 board.

22 (3) A person registered as a barber or barber  
23 apprentice shall, before July 1 of each year, pay a license  
24 fee, set by the board based on clerical and administrative  
25 costs, for the renewal of his certificate of registration.

1 If a barber fails to have the certificate renewed before  
2 July 1 of each year, the barber shall on renewal of the  
3 certificate of registration pay a penalty prescribed by the  
4 board in addition to the regular renewal fee. If a  
5 certificate of registration is not renewed within 1 year  
6 after the date of expiration, the barber is not entitled to  
7 have the certificate of registration renewed or a new  
8 certificate of registration issued without first applying  
9 for and taking the examination and paying the fees provided  
10 for in this section.

11 (4) However, physically handicapped persons trained  
12 for the barber profession by the department of social and  
13 rehabilitation services and certified by that department as  
14 having successfully---completed---a---9-month---course---in---a  
15 reputable graduated from a barber college licensed by the  
16 board are not required to pay fees and are for a period of 1  
17 year immediately following their training exempt from all  
18 except the sanitary provisions of this chapter.

19 (5) No other or additional license or fee may be  
20 imposed on barbers or barber apprentices by a municipality  
21 or other subdivision of this state."

22 Section 6. Section 37-30-306, MCA, is amended to read:

23 "37-30-306. Communicable disease -- physician's  
24 certificate required. (1) A barber, barber instructor, or  
25 barber apprentice may not receive a certificate of

1 registration or renewal until he has presented to the board  
2 of barbers a physician's certificate showing him to be free  
3 of physical ailments that would tend to endanger the health  
4 of the public. A person practicing ~~or teaching~~ barbering  
5 without a certificate of registration is guilty of a  
6 violation of this chapter.

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

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

20 Section 7. Section 37-30-402, MCA, is amended to read:

21 "37-30-402. Application procedure ~~for barber shops~~ --  
22 investigation and inspection -- hearing -- grant or refusal  
23 of license. An application for a ~~barbershop, school, or~~  
24 ~~college~~ license shall be in writing and verified on a form  
25 prescribed by the board. On receipt by the department of an

1 application for a license and on payment to the department  
2 of the initial inspection fee, the board shall have an  
3 investigation and inspection made as to the character of the  
4 applicant and, on notice and after hearing, shall report its  
5 findings to the department, which shall grant a license if  
6 the board finds that the applicant is of good character and  
7 that the proposed ~~barbershop, school, or college~~ is equipped  
8 and will be conducted as required under this chapter. The  
9 application must be granted or refused within 30 days from  
10 the date of filing of the application or within 15 days  
11 after the hearing on the application if a hearing is held."

12 Section 8. Section 37-30-403, MCA, is amended to read:

13 "37-30-403. Facilities required for licensure --  
14 inspection. (1) Before a license is issued to conduct a  
15 barbershop, school, or college in this state, the  
16 barbershop, school, or college must be inspected by the  
17 department and approved by the board and shall meet the  
18 following requirements:

19 (a) It must have both hot and cold running water  
20 connected with the city water supply. In villages or towns  
21 where running water is not available, hot-water tanks shall  
22 have not less than a 2-gallon capacity with gravity  
23 pressure. Wastewater shall be disposed of through some  
24 system carrying it away from the building. This shall be  
25 done by sewer connections or in a manner meeting the

1    requirements of the department of health and environmental  
2    sciences rules, city ordinances, and having the approval of  
3    the city or village board of health, as required by law.

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

7        (c) It must have a closed cabinet for each chair, to  
8    keep instruments in when not in use, and must have proper  
9    sterilization equipment for immersing instruments before use  
10   on each customer.

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

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

15       (f) It must pay to the department the required fee.

16       (2) Barbershops, barber schools, or colleges shall be  
17   open for inspection during business hours, to members of the  
18   department.

19       (3) The board shall inspect annually each barbershop,  
20   school, or college to determine compliance with statutory  
21   requirements and board rules. The board may suspend or  
22   revoke the license of any barbershop, school, or college  
23   that violates statutory requirements or board rules.

24       (4) The board may grant a temporary license to a  
25   ~~barbershop, school, or college~~ until such time as the

1    initial inspection is completed.

2        ~~(5) Barber schools and colleges must also comply with~~  
3    ~~the provisions of [sections 11 and 12]."~~

4        Section 9. Section 37-30-404, MCA, is amended to read:

5        "37-30-404. Barber schools -- operator -- license fee.

6        (1) A barber school or college operating in this state must  
7    have in charge a person who has had ~~at~~ 1 years' continuous  
8    experience as a barber ~~and who is licensed as a barber~~  
9    ~~instructor under [section 13].~~

10       (2) The owner of the school or college shall first  
11   secure a ~~permit license~~ to operate granted by the board and  
12   issued by the department, on payment of an annual license  
13   fee prescribed by the board, and shall keep the ~~permit~~  
14   ~~license~~ prominently displayed.

15       (3) The owner shall, before commencing business, file  
16   with the secretary of state a bond to this state, which  
17   shall be approved by the attorney general, in the sum of  
18   ~~\$2,000~~ \$5,000, conditioned on the faithful compliance of the  
19   barber school or college with this chapter and the payment  
20   of judgments that may be obtained against the school,  
21   college, or owner on account of fraud, misrepresentation, or  
22   deceit practiced by them or by their agents.

23       (4) All barber schools or colleges shall keep  
24   prominently displayed a substantial sign as a barber school  
25   or barber college.

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

**NEW SECTION.** Section 10. Barber school license -- application procedure. (1) A person desiring to conduct a barber school or college must make application for the license required by 37-30-401 on forms provided by the department. The application must:

(a) include the name and address of the owners of the school and of the school itself;

(b) show that the person in charge has the experience required by 37-30-404;

(c) show that the applicant is of good moral character and possesses any education, training, and experience required by this chapter and any reasonable rules of the board;

(d) include a detailed floor plan of the school showing that it will have adequate space to conduct the activities of the school and that it will have at least two public restrooms, a storage room, a classroom, and a manager's office;

(e) include the names and addresses of the instructors;

(f) include a copy of any school rules;

(g) show that the school and its owner or manager can

and will comply with the requirements of this chapter and the rules of the board; and

(h) be accompanied by the application and initial inspection fee established by the board.

(2) Upon receipt of a completed application, the department must conduct an inspection of the school to determine its compliance with 37-30-403, [section 11], [section 12], and this section. The board must issue the license if the school, its owner, and manager have:

(a) filed the bond required under 37-30-404; and

(b) complied with the requirements of this chapter and the rules of the board.

**NEW SECTION.** Section 11. Barber schools -- curriculum and students. (1) A barber school or college licensed under this chapter shall require the completion by every student in not less than 11 months and not more than 15 months of 2,000 hours of instruction for graduation. Hours of training must be allocated in the following amounts to the courses or subjects specified:

(a) haircutting, 300 hours;

(b) shampooing, 150 hours;

(c) facials, 50 hours;

(d) styling, 300 hours;

(e) permanent waving, 300 hours;

(f) hair replacements, 50 hours;

1 (g) scalp treatments, 50 hours;  
 2 (h) chemical straightening, 50 hours;  
 3 (i) hair coloring, 200 hours;  
 4 (j) shaving, 25 hours;  
 5 (k) sales and products knowledge, 125 hours;  
 6 (l) shop management and bookkeeping, 50 hours;  
 7 (m) state barber laws, rules, and regulations, 25  
 8 hours;  
 9 (n) business ethics and personal grooming, 25 hours;  
 10 and  
 11 (o) balance to be used at the discretion of the  
 12 school, 300 hours.  
 13 (2) Within the limits prescribed by subsection (1),  
 14 the course of study at a school or college must be designed  
 15 to prepare a student to successfully complete the  
 16 examinations required by 37-30-303 and 37-30-305.  
 17 (3) A barber school or college licensed under this  
 18 chapter:  
 19 (a) shall use a grading system for each student, keep  
 20 a record of the attendance of each student, and require  
 21 satisfactory completion of regular examinations, of which  
 22 records must be kept;  
 23 (b) shall maintain the records required by subsection  
 24 (3)(a) for inspection by the board;  
 25 (c) shall certify to the board a copy of a student's

1 transcript within 3 days of his completion of 2,000 hours of  
 2 study and graduation;  
 3 (d) shall furnish to a student at the time of his  
 4 initial registration a statement showing the cost of  
 5 tuition, books, equipment, supplies, and any other charges  
 6 to be made prior to graduation;  
 7 (e) shall employ one instructor for every 15 students;  
 8 (f) may not begin instruction at the beginning of a  
 9 school year with less than 7 students;  
 10 (g) may not require a student to take more than 8  
 11 hours of classroom instruction a day;  
 12 (h) may not allow a student to engage in the practice  
 13 of barbering upon the public until he has completed 100  
 14 hours of instruction at the school; and  
 15 (i) may not enroll any student transferring from  
 16 another school until a certified transcript of the student's  
 17 course work has been received and approved by the board.  
 18 **NEW SECTION.** Section 12. Barber schools -- operating  
 19 requirements. (1) A barber school or college licensed or to  
 20 be licensed under this chapter:  
 21 (a) may not allow any person to sleep in or use for  
 22 residential or any other purpose tending to make unsanitary  
 23 any part of the school or college used for instructional  
 24 purposes;  
 25 (b) may not allow a barbershop to be operated in

1 conjunction with the school or college;

2 (c) may not allow a student, other than a student

3 teacher, to teach other students;

4 (d) may not advertise the price of any barbering

5 service offered to members of the public;

6 (e) shall use any schedule of prices adopted by rule

7 of the board;

8 (f) may not engage in false or deceptive advertising;

9 (g) may not advertise in any manner until a license

10 has been received;

11 (h) shall notify the board of any change in the

12 management of the school or college and of the discharge of

13 any barber certified under this chapter; and

14 (i) may employ only instructors licensed under this

15 chapter.

16 (2) It is the intent of the legislature, for the

17 purposes of (d) and (e) of subsection (1) to avail itself of

18 the immunity from the Sherman Antitrust Act (15 U.S.C. 1, et

19 seq.) provided under the decision of the United States

20 supreme court in Parker v. Brown, 317 US 341 (1943).

21 NEW SECTION. Section 13. Instructor's certificate

22 required -- application and qualification -- fees. (1)

23 Except as provided in subsection (3), no person may for a

24 fee instruct another in the practice of barbering unless

25 that person holds an instructor's certificate issued by the

1 board.

2 (2) The board shall issue an instructor's certificate

3 to any person who passes the instructor's examination given

4 by the department and pays a certification fee established

5 by the board.

6 (3) This section does not apply to persons paying the

7 annual license fee required by 37-30-424.

8 NEW SECTION. Section 14. Instructor's certification

9 examination. (1) An instructor's examination may be

10 administered only to those persons who:

11 (a) are high school graduates or possess the

12 equivalent of a high school diploma;

13 (b) have been actively and continuously engaged in the

14 practice of barbering in this state or in any other state

15 requiring a barber's certificate or license, under laws

16 substantially equivalent to this chapter, for at least 3

17 years immediately prior to application to take the

18 instructor's certification examination; and

19 (c) have completed a course in barber instructor

20 training of at least 500 hours of instruction at a barber

21 school or college licensed by the board under this chapter.

22 (2) Instructor's examinations must be held at the time

23 and place specified by the board, but must be held at least

24 once a year.

25 (3) Anyone failing twice to pass an examination may

1 not apply to retake the examination:

2 (a) sooner than 6 months after the date of the second  
3 failure; or

4 (b) until he has taken 200 hours of additional  
5 instructor training at a barber school or college licensed  
6 by the board.

7 Section 15. Section 37-30-424, MCA, is amended to  
8 read:

9 "37-30-424. Fee for advanced barber training program,  
10 clinic, or seminar. Any person ~~not a resident of this state~~  
11 conducting in this state any advanced barber training  
12 program, clinic, or seminar for barbers as defined in this  
13 chapter shall pay an annual license fee prescribed by the  
14 board to the department or a 10-day license fee prescribed  
15 by the board and display the license while operating. Any  
16 such advanced barber training program, clinic, or seminar  
17 may be inspected by the department at reasonable times  
18 during operation."

19 Section 16. Section 37-30-425, MCA, is amended to  
20 read:

21 "37-30-425. Refusal, suspension, or revocation of  
22 license. The board may, after notice and opportunity for a  
23 hearing, either refuse to issue or renew or may suspend or  
24 revoke a barbershop or barber school or college license for  
25 any one or combination of the following causes:

1 (1) the violation of any of the provisions of  
2 37-30-308; 37-30-403, except subsection (1)(f); ~~[section~~  
3 ~~11]i.[section 12]i~~; 37-30-412; 37-30-413; and 37-30-421;

4 (2) gross malpractice or gross incompetency;

5 (3) continued practice by a person knowingly having an  
6 infectious or contagious disease;

7 (4) advertising by means of knowingly false or  
8 deceptive statements;

9 (5) advertising, practicing, or attempting to practice  
10 under a trade name other than one's own;

11 (6) habitual drunkenness or addiction to the use of  
12 morphine, cocaine, or other habit-forming drugs;

13 (7) the commission of any of the offenses described in  
14 37-30-203."

15 Section 17. Section 37-30-501, MCA, is amended to  
16 read:

17 "37-30-501. Penalty. A person practicing the  
18 occupation of a barber ~~or barber instructor~~ without first  
19 having obtained a license under this chapter or a person  
20 knowingly employing a barber ~~or barber instructor~~ who has  
21 not obtained a license or a person who falsely pretends to  
22 be qualified to practice the occupation of a barber ~~or~~  
23 ~~barber instructor~~ or a person who otherwise violates this  
24 chapter is guilty of a misdemeanor and on conviction shall  
25 be fined not less than \$25 or more than \$200 or imprisoned

1 in the county jail for not less than 10 days or more than 90  
2 days, or both. In addition, the board may after hearing  
3 suspend or revoke a barber's or barber instructor's  
4 certificate of registration or license to operate a  
5 barbershop, school, or college, or both, by reason of the  
6 person willfully violating this chapter or persistently  
7 failing to conform to the rules adopted by the board."

8 **NEW SECTION.** Section 18. Repealer. Section 37-30-302,  
9 MCA, is repealed.

10 **NEW SECTION.** Section 19. Effective date. (1) Except  
11 as provided in subsection (2), this act is effective October  
12 1, 1983.

13 (2) Section 12(1)(i) is effective October 1, 1984.

14 **NEW SECTION.** Section 20. Applicability. This act,  
15 except section 12(1)(i), applies to any barber school or  
16 college seeking an initial or renewal license on or after  
17 October 1, 1983.

18 **NEW SECTION.** Section 21. Codification instruction.  
19 Sections 10 through 14 are intended to be codified as an  
20 integral part of Title 37, chapter 30, and the provisions of  
21 Title 37, chapter 30, apply to sections 10 through 14.

-End-

Approved by Committee  
on Business and Industry

HOUSE BILL NO. 886

INTRODUCED BY PAVLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE LICENSING AND REGULATION OF BARBERS, BARBER APPRENTICES, AND BARBER SCHOOLS AND COLLEGES; AMENDING SECTIONS 37-30-101, 37-30-203, 37-30-301, 37-30-303, 37-30-306, 37-30-307, 37-30-402 THROUGH 37-30-404, 37-30-424, 37-30-425, AND 37-30-501, MCA; REPEALING SECTION 37-30-302, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE."

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

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

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

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

(b) "Board" means the board of barbers provided for in 2-15-1856.

(c) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(2) An "apprentice", under this chapter, is a person

who receives instruction in an approved barber school or college and from a barber authorized to practice barbering in this state.

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

(a) shaving or trimming the beard;

(b) cutting, styling, coloring, or waxing the hair;

~~(c) straightening of the hair by using chemicals;~~

~~(d)~~ giving facial or scalp massage or treatment with oils, creams, lotions, or other preparations, either by hand or mechanical appliances;

~~(e)~~ singeing or shampooing the hair or applying hair tonic or dyeing BLEACHING OR HIGHLIGHTING the hair of male persons;

~~(f)~~ applying cosmetic preparations, antiseptics, powders, oils, lotions, or gels to scalp, face, hands, or neck.

(4) The practice of cosmetology by a licensed cosmetologist, including cutting the hair of any person, does not constitute the practice of barbering."

Section 2. Section 37-30-203, MCA, is amended to read:

"37-30-203. Powers and duties of board and department

1 -- conducting examinations -- rulemaking -- hiring of  
 2 inspectors. (1) The department shall, subject to 37-1-101,  
 3 conduct practical examinations of applicants for apprentice  
 4 cards and for certificates of registration to practice as  
 5 registered barbers ~~or barber instructors~~ not less than four  
 6 times a year at times and places the board determines. The  
 7 examinations shall cover the fundamentals of barbering,  
 8 dermatology, and sanitation. The department shall issue  
 9 apprentice cards and certificates of registration.

10 (2) The board may adopt rules for the administration  
 11 of this chapter.

12 (3) A person hired by the department to make an  
 13 inspection of a barbershop, school, or college shall receive  
 14 a salary plus travel expenses as provided for in 2-18-501  
 15 through 2-18-503, as amended."

16 Section 3. Section 37-30-301, MCA, is amended to read:

17 "37-30-301. Certificate required. A ~~(1) Except as~~  
 18 ~~provided in subsection (2),~~ a person may not practice or  
 19 attempt to practice barbering or serve or attempt to serve  
 20 as a barber apprentice unless he first receives from the  
 21 department a certificate of registration.

22 ~~(2) The board may authorize the department to grant a~~  
 23 ~~temporary certificate to any person qualified to take the~~  
 24 ~~examination required by 37-30-305 who pays a temporary~~  
 25 ~~certification fee prescribed by the board. A person holding~~

1 ~~a temporary certificate may engage in the practice of~~  
 2 ~~barbering under the supervision of a certified barber for a~~  
 3 ~~period of 90 days or until the next examination scheduled by~~  
 4 ~~the board, whichever is longer."~~

5 Section 4. Section 37-30-303, MCA, is amended to read:

6 "37-30-303. Apprenticeship required -- application --  
 7 examination. (1) A person is qualified to receive a  
 8 certificate of registration to practice barbering only by  
 9 serving if he:

10 ~~(a) has served as an apprentice barber and as required~~  
 11 ~~by 37-30-305;~~

12 ~~(b) has successfully passing-on passed the examination~~  
 13 ~~conducted by the department under 37-30-305, subject to~~  
 14 ~~37-1-101, to determine his fitness to practice barbering;~~

15 ~~(c) is at least 18 years old;~~

16 ~~(d) is a graduate of the 8th grade; and~~

17 ~~(e) is of good moral character.~~

18 (2) An apprentice applicant must file with the  
 19 department an application setting forth the following  
 20 information:

21 (a) full name and age of apprentice ~~the applicant;~~

22 (b) name and place of approved ~~the licensed~~ barber  
 23 school ~~or other school which he attended;~~

24 (c) dates of attendance at approved ~~the licensed~~  
 25 barber school ~~or other school;~~

(d) whether the applicant received a certificate of graduation from an approved a licensed barber school or other school; and

(e) other information the board considers necessary.

(3) An apprentice applicant must have graduated from a barber college or school licensed under this chapter or completed a course of study in barbering prescribed by the board of public education and successfully ~~pass~~ passed an apprentice examination conducted by the department, subject to 37-1-101, and pay to the department the required fee. The department shall then issue an apprentice barbering card which expires 2 years from the date of examination."

Section 5. Section 37-30-307, MCA, is amended to read:

"37-30-307. Fees -- handicapped persons exempted -- other fees prohibited. (1) The fee to be paid by an apprentice for an apprentice examination and an apprentice card shall be prescribed by the board.

(2) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering and for the issuance of the certificate shall be prescribed by the board.

(3) A person registered as a barber or barber apprentice shall, before July 1 of each year, pay a license fee, set by the board based on clerical and administrative

costs, for the renewal of his certificate of registration. If a barber fails to have the certificate renewed before July 1 of each year, the barber shall on renewal of the certificate of registration pay a penalty prescribed by the board in addition to the regular renewal fee. If a certificate of registration is not renewed within 1 year after the date of expiration, the barber is not entitled to have the certificate of registration renewed or a new certificate of registration issued without first applying for and taking the examination and paying the fees provided for in this section.

(4) However, physically handicapped persons trained for the barber profession by the department of social and rehabilitation services and certified by that department as having ~~successfully completed a 9-month course in a~~ reputable graduated from a barber college licensed by the board are not required to pay fees and are for a period of 1 year immediately following their training exempt from all except the sanitary provisions of this chapter.

(5) No other or additional license or fee may be imposed on barbers or barber apprentices by a municipality or other subdivision of this state."

Section 6. Section 37-30-306, MCA, is amended to read:

"37-30-306. Communicable disease -- physician's certificate required. (1) A barber, barber instructor, or

1 barber apprentice may not receive a certificate of  
2 registration or renewal until he has presented to the board  
3 of barbers a physician's certificate showing him to be free  
4 of physical ailments that would tend to endanger the health  
5 of the public. A person practicing ~~or teaching~~ barbering  
6 without a certificate of registration is guilty of a  
7 violation of this chapter.

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

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

21 Section 7. Section 37-30-402, MCA, is amended to read:

22 "37-30-402. Application procedure ~~for barber shops~~ --  
23 investigation and inspection -- hearing -- grant or refusal  
24 of license. An application for a barbershop, ~~school, or~~  
25 college license shall be in writing and verified on a form

1 prescribed by the board. On receipt by the department of an  
2 application for a license and on payment to the department  
3 of the initial inspection fee, the board shall have an  
4 investigation and inspection made as to the character of the  
5 applicant and, on notice and after hearing, shall report its  
6 findings to the department, which shall grant a license if  
7 the board finds that the applicant is of good character and  
8 that the proposed barbershop, ~~school, or college~~ is equipped  
9 and will be conducted as required under this chapter. The  
10 application must be granted or refused within 30 days from  
11 the date of filing of the application or within 15 days  
12 after the hearing on the application if a hearing is held."

13 Section 8. Section 37-30-403, MCA, is amended to read:

14 "37-30-403. Facilities required for licensure --  
15 inspection. (1) Before a license is issued to conduct a  
16 barbershop, school, or college in this state, the  
17 barbershop, school, or college must be inspected by the  
18 department and approved by the board and shall meet the  
19 following requirements:

20 (a) It must have both hot and cold running water  
21 connected with the city water supply. In villages or towns  
22 where running water is not available, hot-water tanks shall  
23 have not less than a 2-gallon capacity with gravity  
24 pressure. Wastewater shall be disposed of through some  
25 system carrying it away from the building. This shall be

1 done by sewer connections or in a manner meeting the  
2 requirements of the department of health and environmental  
3 sciences rules, city ordinances, and having the approval of  
4 the city or village board of health, as required by law.

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

8 (c) It must have a closed cabinet for each chair, to  
9 keep instruments in when not in use, and must have proper  
10 sterilization equipment for immersing instruments before use  
11 on each customer.

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

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

16 (f) It must pay to the department the required fee.

17 (2) Barbershops, barber schools, or colleges shall be  
18 open for inspection during business hours, to members of the  
19 department.

20 (3) The board shall inspect annually each barbershop,  
21 school, or college to determine compliance with statutory  
22 requirements and board rules. The board may suspend or  
23 revoke the license of any barbershop, school, or college  
24 that violates statutory requirements or board rules.

25 (4) The board may grant a temporary license to a

1 barbershop~~y--school,--or--college~~ until such time as the  
2 initial inspection is completed.

3 ~~(5) Barber schools and colleges must also comply with~~  
4 ~~the provisions of [sections 11 and 12]."~~

5 Section 9. Section 37-30-404, MCA, is amended to read:

6 "37-30-404. Barber schools -- operator -- license fee.

7 (1) A barber school or college operating in this state must  
8 have in charge a person who has had ~~to 2~~ 2 years' continuous  
9 experience as a barber ~~and who is licensed as a barber~~  
10 ~~instructor under [section 13].~~

11 (2) The owner of the school or college shall first  
12 secure a ~~permit license~~ to operate granted by the board and  
13 issued by the department, on payment of an annual license  
14 fee prescribed by the board, and shall keep the ~~permit~~  
15 ~~license~~ prominently displayed.

16 (3) The owner shall, before commencing business, file  
17 with the secretary of state a bond to this state, which  
18 shall be approved by the attorney general, in the sum of  
19 ~~\$2,000~~ \$5,000, conditioned on the faithful compliance of the  
20 barber school or college with this chapter and the payment  
21 of judgments that may be obtained against the school,  
22 college, or owner on account of fraud, misrepresentation, or  
23 deceit practiced by them or by their agents.

24 (4) All barber schools or colleges shall keep  
25 prominently displayed a substantial sign as a barber school

1 or barber college.

2 (5) On receiving students, all barber schools or  
3 colleges shall immediately apply to the department for  
4 student permits on blank forms prescribed by the board."

5 NEW SECTION. Section 10. Barber school license --  
6 application procedure. (1) A person desiring to conduct a  
7 barber school or college must make application for the  
8 license required by 37-30-401 on forms provided by the  
9 department. The application must:

10 (a) include the name and address of the owners of the  
11 school and of the school itself;

12 (b) show that the person in charge has the experience  
13 required by 37-30-404;

14 (c) show that the applicant is of good moral character  
15 and possesses any education, training, and experience  
16 required by this chapter and any reasonable rules of the  
17 board;

18 (d) include a detailed floor plan of the school  
19 showing that it will have adequate space to conduct the  
20 activities of the school and that it will have at least two  
21 public restrooms, a storage room, a classroom, and a  
22 manager's office;

23 (e) include the names and addresses of the  
24 instructors;

25 (f) include a copy of any school rules;

1 (g) show that the school and its owner or manager can  
2 and will comply with the requirements of this chapter and  
3 the rules of the board; and

4 (h) be accompanied by the application and initial  
5 inspection fee established by the board.

6 (2) Upon receipt of a completed application, the  
7 department must conduct an inspection of the school to  
8 determine its compliance with 37-30-403, [section 11],  
9 [section 12], and this section. The board must issue the  
10 license if the school, its owner, and manager have:

11 (a) filed the bond required under 37-30-404; and

12 (b) complied with the requirements of this chapter and  
13 the rules of the board.

14 NEW SECTION. Section 11. Barber schools -- curriculum  
15 and students. (1) A barber school or college licensed under  
16 this chapter shall require the completion by every student  
17 in not less than 11 months and not more than 15 months of  
18 2,000 hours of instruction for graduation. Hours of  
19 training must be allocated in the following amounts to the  
20 courses or subjects specified:

21 (a) haircutting, 300 hours;

22 (b) shampooing, 150 hours;

23 (c) facials, 50 hours;

24 (d) styling, 300 hours;

25 (e) permanent waving, 300 hours;

1 (f) hair replacements, 50 hours;  
 2 (g) scalp treatments, 50 hours;  
 3 (h) chemical straightening, 50 hours;  
 4 (i) hair coloring, 200 hours;  
 5 (j) shaving, 25 hours;  
 6 (k) sales and products knowledge, 125 hours;  
 7 (l) shop management and bookkeeping, 50 hours;  
 8 (n) state barber laws, rules, and regulations, 25  
 9 hours;  
 10 (n) business ethics and personal grooming, 25 hours;  
 11 and  
 12 (o) balance to be used at the discretion of the  
 13 school, 300 hours.  
 14 (2) Within the limits prescribed by subsection (1),  
 15 the course of study at a school or college must be designed  
 16 to prepare a student to successfully complete the  
 17 examinations required by 37-30-303 and 37-30-305.  
 18 (3) A barber school or college licensed under this  
 19 chapter:  
 20 (a) shall use a grading system for each student, keep  
 21 a record of the attendance of each student, and require  
 22 satisfactory completion of regular examinations, of which  
 23 records must be kept;  
 24 (b) shall maintain the records required by subsection  
 25 (3)(a) for inspection by the board;

1 (c) shall certify to the board a copy of a student's  
 2 transcript within 3 days of his completion of 2,000 hours of  
 3 study and graduation;  
 4 (d) shall furnish to a student at the time of his  
 5 initial registration a statement showing the cost of  
 6 tuition, books, equipment, supplies, and any other charges  
 7 to be made prior to graduation;  
 8 (e) shall employ one instructor for every 15 students;  
 9 (f) may not begin instruction at the beginning of a  
 10 school year with less than 7 students;  
 11 (g) may not require a student to take more than 8  
 12 hours of classroom instruction a day;  
 13 (h) may not allow a student to engage in the practice  
 14 of barbering upon the public until he has completed 100  
 15 hours of instruction at the school; and  
 16 (i) may not enroll any student transferring from  
 17 another school until a certified transcript of the student's  
 18 course work has been received and approved by the board.  
 19 NEW SECTION. Section 12. Barber schools -- operating  
 20 requirements. (1) A barber school or college licensed or to  
 21 be licensed under this chapter:  
 22 (a) may not allow any person to sleep in or use for  
 23 residential or any other purpose tending to make unsanitary  
 24 any part of the school or college used for instructional  
 25 purposes;

(b) may not allow a barbershop to be operated in conjunction with the school or college;

(c) may not allow a student, other than a student teacher, to teach other students;

(d) may not advertise the price of any barbering service offered to members of the public;

(e) shall use any schedule of prices adopted by rule of the board;

(f) may not engage in false or deceptive advertising;

(g) may not advertise in any manner until a license has been received;

(h) shall notify the board of any change in the management of the school or college and of the discharge of any barber certified under this chapter; and

(i) may employ only instructors licensed under this chapter.

(2) It is the intent of the legislature, for the purposes of (d) and (e) of subsection (1) to avail itself of the immunity from the Sherman Antitrust Act (15 U.S.C. 1, et seq.) provided under the decision of the United States supreme court in Parker v. Brown, 317 US 341 (1943).

~~NEW SECTION.~~ Section 13. Instructor's certificate required -- application and qualification -- fees. (1) Except as provided in subsection (3), no person may for a fee instruct another in the practice of barbering unless

that person holds an instructor's certificate issued by the board.

(2) The board shall issue an instructor's certificate to any person who passes the instructor's examination given by the department and pays a certification fee established by the board.

(3) This section does not apply to persons paying the annual license fee required by 37-30-424.

~~NEW SECTION.~~ Section 14. Instructor's certification examination. (1) An instructor's examination may be administered only to those persons who:

~~(a)~~ are high school graduates or possess the equivalent of a high school diploma ~~AND WHO:~~

~~(b)(1)~~ have been actively and continuously engaged in the practice of barbering in this state or in any other state requiring a barber's certificate or license, under laws substantially equivalent to this chapter, for at least 3 years immediately prior to application to take the instructor's certification examination; and ~~OR~~

~~(c)(1)~~ have completed a course in barber instructor training of at least 500 hours of instruction at a barber school or college licensed by the board under this chapter.

(2) Instructor's examinations must be held at the time and place specified by the board, but must be held at least once a year.

1 (3) Anyone failing twice to pass an examination may  
2 not apply to retake the examination:

3 (a) sooner than 6 months after the date of the second  
4 failure; or

5 (b) until he has taken 200 hours of additional  
6 instructor training at a barber school or college licensed  
7 by the board.

8 Section 15. Section 37-30-424, MCA, is amended to  
9 read:

10 "37-30-424. Fee for advanced barber training program,  
11 clinic, or seminar. Any person not a resident of this state  
12 conducting in this state any advanced barber training  
13 program, clinic, or seminar for barbers as defined in this  
14 chapter shall pay an annual license fee prescribed by the  
15 board to the department or a 10-day license fee prescribed  
16 by the board and display the license while operating. Any  
17 such advanced barber training program, clinic, or seminar  
18 may be inspected by the department at reasonable times  
19 during operation."

20 Section 16. Section 37-30-425, MCA, is amended to  
21 read:

22 "37-30-425. Refusal, suspension, or revocation of  
23 license. The board may, after notice and opportunity for a  
24 hearing, either refuse to issue or renew or may suspend or  
25 revoke a barbershop or barber school or college license for

1 any one or combination of the following causes:

2 (1) the violation of any of the provisions of  
3 37-30-308; 37-30-403, except subsection (1)(f); ~~section~~  
4 ~~11~~; ~~section 12~~; 37-30-412; 37-30-413; and 37-30-421;

5 (2) gross malpractice or gross incompetency;

6 (3) continued practice by a person knowingly having an  
7 infectious or contagious disease;

8 (4) advertising by means of knowingly false or  
9 deceptive statements;

10 (5) advertising, practicing, or attempting to practice  
11 under a trade name other than one's own;

12 (6) habitual drunkenness or addiction to the use of  
13 morphine, cocaine, or other habit-forming drugs;

14 (7) the commission of any of the offenses described in  
15 37-30-203."

16 Section 17. Section 37-30-501, MCA, is amended to  
17 read:

18 "37-30-501. Penalty. A person practicing the  
19 occupation of a barber or barber instructor without first  
20 having obtained a license under this chapter or a person  
21 knowingly employing a barber or barber instructor who has  
22 not obtained a license or a person who falsely pretends to  
23 be qualified to practice the occupation of a barber or  
24 barber instructor or a person who otherwise violates this  
25 chapter is guilty of a misdemeanor and on conviction shall

1 be fined not less than \$25 or more than \$200 or imprisoned  
2 in the county jail for not less than 10 days or more than 90  
3 days, or both. In addition, the board may after hearing  
4 suspend or revoke a barber's ~~or barber instructor's~~  
5 certificate of registration or license to operate a  
6 barbershop, school, or college, or both, by reason of the  
7 person willfully violating this chapter or persistently  
8 failing to conform to the rules adopted by the board."

9 **NEW SECTION.** Section 18. Repealer. Section 37-30-302,  
10 MCA, is repealed.

11 **NEW SECTION.** Section 19. Effective date. (1) Except  
12 as provided in subsection (2), this act is effective October  
13 1, 1983.

14 (2) Section 12(1)(i) is effective October 1, 1984.

15 **NEW SECTION.** Section 20. Applicability. This act,  
16 except section 12(1)(i), applies to any barber school or  
17 college seeking an initial or renewal license on or after  
18 October 1, 1983.

19 **NEW SECTION.** Section 21. Codification instruction.  
20 Sections 10 through 14 are intended to be codified as an  
21 integral part of Title 37, chapter 30, and the provisions of  
22 Title 37, chapter 30, apply to sections 10 through 14.

-End-

## 1 HOUSE BILL NO. 886

2 INTRODUCED BY PAVLOVICH

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 LAWS RELATING TO THE LICENSING AND REGULATION OF BARBERS,  
6 BARBER APPRENTICES, AND BARBER SCHOOLS AND COLLEGES;  
7 AMENDING SECTIONS 37-30-101, 37-30-203, 37-30-301,  
8 37-30-303, 37-30-306, 37-30-307, 37-30-402 THROUGH  
9 37-30-404, 37-30-424, 37-30-425, AND 37-30-501, MCA;  
10 REPEALING SECTION 37-30-302, MCA; AND PROVIDING EFFECTIVE  
11 DATES AND AN APPLICABILITY DATE."

12

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

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

15 "37-30-101. Definitions -- practice of barbering. (1)  
16 Unless the context requires otherwise, as used in this  
17 chapter the following definitions apply:

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

21 (b) "Board" means the board of barbers provided for in  
22 2-15-1856.

23 (c) "Department" means the department of commerce  
24 provided for in Title 2, chapter 15, part 18.

25 (2) An "apprentice", under this chapter, is a person

## THIRD READING

There are no changes on HB 886 second  
reading (yellow). Please refer to it  
for complete text.

HB 886

March 23, 1983

SENATE STANDING COMMITTEE REPORT  
(Business & Industry)

That House Bill No. 886 be amended as follows:

1. Page 14, line 9.

Following: "at"

Strike: remainder of line 9 through "year" on line 10.

Insert: "a new school"

2. Page 16, line 4.

Following: "to"

Insert: ": (a) any person engaged as an instructor in a barber college on October 1, 1983, upon payment of the certification fee; or

(b)

HOUSE BILL NO. 886  
INTRODUCED BY PAVLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE LICENSING AND REGULATION OF BARBERS, BARBER APPRENTICES, AND BARBER SCHOOLS AND COLLEGES; AMENDING SECTIONS 37-30-101, 37-30-203, 37-30-301, 37-30-303, 37-30-306, 37-30-307, 37-30-402 THROUGH 37-30-404, 37-30-424, 37-30-425, AND 37-30-501, MCA; REPEALING SECTION 37-30-302, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE."

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

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

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

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

(b) "Board" means the board of barbers provided for in 2-15-1856.

(c) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(2) An "apprentice", under this chapter, is a person

who receives instruction in an approved barber school or college and from a barber authorized to practice barbering in this state.

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

(a) shaving or trimming the beard;

(b) cutting, ~~styling, coloring, or waving~~ the hair;

~~(c) straightening of the hair by using chemicals;~~

~~(d)~~ giving facial or scalp massage or treatment with oils, creams, lotions, or other preparations, either by hand or mechanical appliances;

~~(e)~~ singeing or shampooing the hair or applying hair tonic or dyeing ~~BLEACHING OR HIGHLIGHTING~~ the hair of male persons;

~~(f)~~ applying cosmetic preparations, antiseptics, powders, oils, lotions, ~~or gels~~ to scalp, face, ~~hands,~~ or neck.

(4) The practice of cosmetology by a licensed cosmetologist, including cutting the hair of any person, does not constitute the practice of barbering."

Section 2. Section 37-30-203, MCA, is amended to read:

"37-30-203. Powers and duties of board and department

1 -- conducting examinations -- rulemaking -- hiring of  
 2 inspectors. (1) The department shall, subject to 37-1-101,  
 3 conduct practical examinations of applicants for apprentice  
 4 cards and for certificates of registration to practice as  
 5 registered barbers or barber instructors not less than four  
 6 times a year at times and places the board determines. The  
 7 examinations shall cover the fundamentals of barbering,  
 8 dermatology, and sanitation. The department shall issue  
 9 apprentice cards and certificates of registration.

10 (2) The board may adopt rules for the administration  
 11 of this chapter.

12 (3) A person hired by the department to make an  
 13 inspection of a barbershop, school, or college shall receive  
 14 a salary plus travel expenses as provided for in 2-18-501  
 15 through 2-18-503, as amended."

16 Section 3. Section 37-30-301, MCA, is amended to read:

17 "37-30-301. Certificate required. A (1) Except as  
 18 provided in subsection (2), a person may not practice or  
 19 attempt to practice barbering or serve or attempt to serve  
 20 as a barber apprentice unless he first receives from the  
 21 department a certificate of registration.

22 (2) The board may authorize the department to grant a  
 23 temporary certificate to any person qualified to take the  
 24 examination required by 37-30-305 who pays a temporary  
 25 certification fee prescribed by the board. A person holding

1 a temporary certificate may engage in the practice of  
 2 barbering under the supervision of a certified barber for a  
 3 period of 90 days or until the next examination scheduled by  
 4 the board, whichever is longer."

5 Section 4. Section 37-30-303, MCA, is amended to read:

6 "37-30-303. Apprenticeship required -- application --  
 7 examination. (1) A person is qualified to receive a  
 8 certificate of registration to practice barbering only by  
 9 serving if he:

10 (a) has served as an apprentice barber and as required  
 11 by 37-30-305;

12 (b) has successfully passing-on passed the examination  
 13 conducted by the department under 37-30-305, subject to  
 14 37-1-101, to determine his fitness to practice barbering;

15 (c) is at least 18 years old;

16 (d) is a graduate of the 8th grade; and

17 (e) is of good moral character.

18 (2) An apprentice applicant must file with the  
 19 department an application setting forth the following  
 20 information:

21 (a) full name and age of apprentice the applicant;

22 (b) name and place of approved the licensed barber  
 23 school or other school which he attended;

24 (c) dates of attendance at approved the licensed  
 25 barber school or other school;

(d) whether the applicant received a certificate of graduation from an approved a licensed barber school or other school; and

(e) other information the board considers necessary.

(3) An apprentice applicant must have graduated from a barber college or school licensed under this chapter or completed a course of study in barbering prescribed by the board of public education and successfully pass passed an apprentice examination conducted by the department, subject to 37-1-101, and pay to the department the required fee. The department shall then issue an apprentice barbering card which expires 2 years from the date of examination."

Section 5. Section 37-30-307, MCA, is amended to read:

"37-30-307. Fees -- handicapped persons exempted -- other fees prohibited. (1) The fee to be paid by an apprentice for an apprentice examination and an apprentice card shall be prescribed by the board.

(2) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering and for the issuance of the certificate shall be prescribed by the board.

(3) A person registered as a barber or barber apprentice shall, before July 1 of each year, pay a license fee, set by the board based on clerical and administrative

costs, for the renewal of his certificate of registration. If a barber fails to have the certificate renewed before July 1 of each year, the barber shall on renewal of the certificate of registration pay a penalty prescribed by the board in addition to the regular renewal fee. If a certificate of registration is not renewed within 1 year after the date of expiration, the barber is not entitled to have the certificate of registration renewed or a new certificate of registration issued without first applying for and taking the examination and paying the fees provided for in this section.

(4) However, physically handicapped persons trained for the barber profession by the department of social and rehabilitation services and certified by that department as having ~~successfully completed a 9-month course in a~~ reputable graduated from a barber college licensed by the board are not required to pay fees and are for a period of 1 year immediately following their training exempt from all except the sanitary provisions of this chapter.

(5) No other or additional license or fee may be imposed on barbers or barber apprentices by a municipality or other subdivision of this state."

Section 6. Section 37-30-306, MCA, is amended to read:

"37-30-306. Communicable disease -- physician's certificate required. (1) A barber, barber instructor, or

1 barber apprentice may not receive a certificate of  
 2 registration or renewal until he has presented to the board  
 3 of barbers a physician's certificate showing him to be free  
 4 of physical ailments that would tend to endanger the health  
 5 of the public. A person practicing ~~or teaching~~ barbering  
 6 without a certificate of registration is guilty of a  
 7 violation of this chapter.

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

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

21 Section 7. Section 37-30-402, MCA, is amended to read:

22 "37-30-402. Application procedure ~~for barber shops~~ --  
 23 investigation and inspection -- hearing -- grant or refusal  
 24 of license. An application for a barbershop, ~~school, or~~  
 25 college license shall be in writing and verified on a form

1 prescribed by the board. On receipt by the department of an  
 2 application for a license and on payment to the department  
 3 of the initial inspection fee, the board shall have an  
 4 investigation and inspection made as to the character of the  
 5 applicant and, on notice and after hearing, shall report its  
 6 findings to the department, which shall grant a license if  
 7 the board finds that the applicant is of good character and  
 8 that the proposed barbershop, ~~school, or college~~ is equipped  
 9 and will be conducted as required under this chapter. The  
 10 application must be granted or refused within 30 days from  
 11 the date of filing of the application or within 15 days  
 12 after the hearing on the application if a hearing is held."

13 Section 8. Section 37-30-403, MCA, is amended to read:

14 "37-30-403. Facilities required for licensure --  
 15 inspection. (1) Before a license is issued to conduct a  
 16 barbershop, school, or college in this state, the  
 17 barbershop, school, or college must be inspected by the  
 18 department and approved by the board and shall meet the  
 19 following requirements:

20 (a) It must have both hot and cold running water  
 21 connected with the city water supply. In villages or towns  
 22 where running water is not available, hot-water tanks shall  
 23 have not less than a 2-gallon capacity with gravity  
 24 pressure. Wastewater shall be disposed of through some  
 25 system carrying it away from the building. This shall be

1 done by sewer connections or in a manner meeting the  
2 requirements of the department of health and environmental  
3 sciences rules, city ordinances, and having the approval of  
4 the city or village board of health, as required by law.

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

8 (c) It must have a closed cabinet for each chair, to  
9 keep instruments in when not in use, and must have proper  
10 sterilization equipment for immersing instruments before use  
11 on each customer.

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

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

16 (f) It must pay to the department the required fee.

17 (2) Barbershops, barber schools, or colleges shall be  
18 open for inspection during business hours, to members of the  
19 department.

20 (3) The board shall inspect annually each barbershop,  
21 school, or college to determine compliance with statutory  
22 requirements and board rules. The board may suspend or  
23 revoke the license of any barbershop, school, or college  
24 that violates statutory requirements or board rules.

25 (4) The board may grant a temporary license to a

1 barbershop, school, or college until such time as the  
2 initial inspection is completed.

3 ~~(5) Barber schools and colleges must also comply with~~  
4 ~~the provisions of [sections 11 and 12]."~~

5 Section 9. Section 37-30-404, MCA, is amended to read:

6 "37-30-404. Barber schools -- operator -- license fee.

7 (1) A barber school or college operating in this state must  
8 have in charge a person who has had ~~at least~~ 3 years' continuous  
9 experience as a barber ~~and who is licensed as a barber~~  
10 ~~instructor under [section 13].~~

11 (2) The owner of the school or college shall first  
12 secure a permit license to operate granted by the board and  
13 issued by the department, on payment of an annual license  
14 fee prescribed by the board, and shall keep the permit  
15 license prominently displayed.

16 (3) The owner shall, before commencing business, file  
17 with the secretary of state a bond to this state, which  
18 shall be approved by the attorney general, in the sum of  
19 ~~\$2,000~~ \$5,000, conditioned on the faithful compliance of the  
20 barber school or college with this chapter and the payment  
21 of judgments that may be obtained against the school,  
22 college, or owner on account of fraud, misrepresentation, or  
23 deceit practiced by them or by their agents.

24 (4) All barber schools or colleges shall keep  
25 prominently displayed a substantial sign as a barber school

1 or barber college.

2 (5) On receiving students, all barber schools or  
3 colleges shall immediately apply to the department for  
4 student permits on blank forms prescribed by the board."

5 NEW SECTION. Section 10. Barber school license --  
6 application procedure. (1) A person desiring to conduct a  
7 barber school or college must make application for the  
8 license required by 37-30-401 on forms provided by the  
9 department. The application must:

10 (a) include the name and address of the owners of the  
11 school and of the school itself;

12 (b) show that the person in charge has the experience  
13 required by 37-30-404;

14 (c) show that the applicant is of good moral character  
15 and possesses any education, training, and experience  
16 required by this chapter and any reasonable rules of the  
17 board;

18 (d) include a detailed floor plan of the school  
19 showing that it will have adequate space to conduct the  
20 activities of the school and that it will have at least two  
21 public restrooms, a storage room, a classroom, and a  
22 manager's office;

23 (e) include the names and addresses of the  
24 instructors;

25 (f) include a copy of any school rules;

1 (g) show that the school and its owner or manager can  
2 and will comply with the requirements of this chapter and  
3 the rules of the board; and

4 (h) be accompanied by the application and initial  
5 inspection fee established by the board.

6 (2) Upon receipt of a completed application, the  
7 department must conduct an inspection of the school to  
8 determine its compliance with 37-30-403, [section 11],  
9 [section 12], and this section. The board must issue the  
10 license if the school, its owner, and manager have:

11 (a) filed the bond required under 37-30-404; and

12 (b) complied with the requirements of this chapter and  
13 the rules of the board.

14 NEW SECTION. Section 11. Barber schools -- curriculum  
15 and students. (1) A barber school or college licensed under  
16 this chapter shall require the completion by every student  
17 in not less than 11 months and not more than 15 months of  
18 2,000 hours of instruction for graduation. Hours of  
19 training must be allocated in the following amounts to the  
20 courses or subjects specified:

21 (a) haircutting, 300 hours;

22 (b) shampooing, 150 hours;

23 (c) facials, 50 hours;

24 (d) styling, 300 hours;

25 (e) permanent waving, 300 hours;

1 (f) hair replacements, 50 hours;  
 2 (g) scalp treatments, 50 hours;  
 3 (h) chemical straightening, 50 hours;  
 4 (i) hair coloring, 200 hours;  
 5 (j) shaving, 25 hours;  
 6 (k) sales and products knowledge, 125 hours;  
 7 (l) shop management and bookkeeping, 50 hours;  
 8 (m) state barber laws, rules, and regulations, 25  
 9 hours;  
 10 (n) business ethics and personal grooming, 25 hours;  
 11 and  
 12 (o) balance to be used at the discretion of the  
 13 school, 300 hours.  
 14 (2) Within the limits prescribed by subsection (1),  
 15 the course of study at a school or college must be designed  
 16 to prepare a student to successfully complete the  
 17 examinations required by 37-30-303 and 37-30-305.  
 18 (3) A barber school or college licensed under this  
 19 chapter:  
 20 (a) shall use a grading system for each student, keep  
 21 a record of the attendance of each student, and require  
 22 satisfactory completion of regular examinations, of which  
 23 records must be kept;  
 24 (b) shall maintain the records required by subsection  
 25 (3)(a) for inspection by the board;

1 (c) shall certify to the board a copy of a student's  
 2 transcript within 3 days of his completion of 2,000 hours of  
 3 study and graduation;  
 4 (d) shall furnish to a student at the time of his  
 5 initial registration a statement showing the cost of  
 6 tuition, books, equipment, supplies, and any other charges  
 7 to be made prior to graduation;  
 8 (e) shall employ one instructor for every 15 students;  
 9 (f) may not begin instruction at the beginning of a  
 10 school-year A NEW SCHOOL with less than 7 students;  
 11 (g) may not require a student to take more than 8  
 12 hours of classroom instruction a day;  
 13 (h) may not allow a student to engage in the practice  
 14 of barbering upon the public until he has completed 100  
 15 hours of instruction at the school; and  
 16 (i) may not enroll any student transferring from  
 17 another school until a certified transcript of the student's  
 18 course work has been received and approved by the board.  
 19 NEW SECTION. Section 12. Barber schools -- operating  
 20 requirements. (1) A barber school or college licensed or to  
 21 be licensed under this chapter:  
 22 (a) may not allow any person to sleep in or use for  
 23 residential or any other purpose tending to make unsanitary  
 24 any part of the school or college used for instructional  
 25 purposes;

1 (b) may not allow a barbershop to be operated in  
 2 conjunction with the school or college;  
 3 (c) may not allow a student, other than a student  
 4 teacher, to teach other students;  
 5 (d) may not advertise the price of any barbering  
 6 service offered to members of the public;  
 7 (e) shall use any schedule of prices adopted by rule  
 8 of the board;  
 9 (f) may not engage in false or deceptive advertising;  
 10 (g) may not advertise in any manner until a license  
 11 has been received;  
 12 (h) shall notify the board of any change in the  
 13 management of the school or college and of the discharge of  
 14 any barber certified under this chapter; and  
 15 (i) may employ only instructors licensed under this  
 16 chapter.  
 17 (2) It is the intent of the legislature, for the  
 18 purposes of (d) and (e) of subsection (1) to avail itself of  
 19 the immunity from the Sherman Antitrust Act (15 U.S.C. 1, et  
 20 seq.) provided under the decision of the United States  
 21 supreme court in Parker v. Brown, 317 US 341 (1943).  
 22 ~~NEW SECTION.~~ Section 13. Instructor's certificate  
 23 required -- application and qualification -- fees. (1)  
 24 Except as provided in subsection (3), no person may for a  
 25 fee instruct another in the practice of barbering unless

1 that person holds an instructor's certificate issued by the  
 2 board.  
 3 (2) The board shall issue an instructor's certificate  
 4 to:  
 5 ~~(A) ANY PERSON ENGAGED AS AN INSTRUCTOR IN A BARBER~~  
 6 ~~COLLEGE ON OCTOBER 1, 1983, UPON PAYMENT OF THE~~  
 7 ~~CERTIFICATION FEE; OR~~  
 8 ~~(B) any person who passes the instructor's examination~~  
 9 ~~given by the department and pays a certification fee~~  
 10 ~~established by the board.~~  
 11 (3) This section does not apply to persons paying the  
 12 annual license fee required by 37-30-424.  
 13 ~~NEW SECTION.~~ Section 14. Instructor's certification  
 14 examination. (1) An instructor's examination may be  
 15 administered only to those persons who:  
 16 ~~(a) are high school graduates or possess the~~  
 17 ~~equivalent of a high school diploma; AND WHO:~~  
 18 ~~(a)(A) have been actively and continuously engaged in~~  
 19 ~~the practice of barbering in this state or in any other~~  
 20 ~~state requiring a barber's certificate or license, under~~  
 21 ~~laws substantially equivalent to this chapter, for at least~~  
 22 ~~3 years immediately prior to application to take the~~  
 23 ~~instructor's certification examination; and OR~~  
 24 ~~(a)(B) have completed a course in barber instructor~~  
 25 ~~training of at least 500 hours of instruction at a barber~~

1 school or college licensed by the board under this chapter.

2 (2) Instructor's examinations must be held at the time  
3 and place specified by the board, but must be held at least  
4 once a year.

5 (3) Anyone failing twice to pass an examination may  
6 not apply to retake the examination:

7 (a) sooner than 6 months after the date of the second  
8 failure; or

9 (b) until he has taken 200 hours of additional  
10 instructor training at a barber school or college licensed  
11 by the board.

12 Section 15. Section 37-30-424, MCA, is amended to  
13 read:

14 "37-30-424. Fee for advanced barber training program,  
15 clinic, or seminar. Any person ~~not a resident of this state~~  
16 conducting in this state any advanced barber training  
17 program, clinic, or seminar for barbers as defined in this  
18 chapter shall pay an annual license fee prescribed by the  
19 board to the department or a 10-day license fee prescribed  
20 by the board and display the license while operating. Any  
21 such advanced barber training program, clinic, or seminar  
22 may be inspected by the department at reasonable times  
23 during operation."

24 Section 16. Section 37-30-425, MCA, is amended to  
25 read:

1 "37-30-425. Refusal, suspension, or revocation of  
2 license. The board may, after notice and opportunity for a  
3 hearing, either refuse to issue or renew or may suspend or  
4 revoke a barbershop or barber school or college license for  
5 any one or combination of the following causes:

6 (1) the violation of any of the provisions of  
7 37-30-308; 37-30-403, except subsection (1)(f); ~~section~~  
8 ~~11~~; ~~section 12~~; 37-30-412; 37-30-413; and 37-30-421;

9 (2) gross malpractice or gross incompetency;

10 (3) continued practice by a person knowingly having an  
11 infectious or contagious disease;

12 (4) advertising by means of knowingly false or  
13 deceptive statements;

14 (5) advertising, practicing, or attempting to practice  
15 under a trade name other than one's own;

16 (6) habitual drunkenness or addiction to the use of  
17 morphine, cocaine, or other habit-forming drugs;

18 (7) the commission of any of the offenses described in  
19 37-30-203."

20 Section 17. Section 37-30-501, MCA, is amended to  
21 read:

22 "37-30-501. Penalty. A person practicing the  
23 occupation of a barber ~~or barber instructor~~ without first  
24 having obtained a license under this chapter or a person  
25 knowingly employing a barber ~~or barber instructor~~ who has

1 not obtained a license or a person who falsely pretends to  
 2 be qualified to practice the occupation of a barber ~~or~~  
 3 ~~barber instructor~~ or a person who otherwise violates this  
 4 chapter is guilty of a misdemeanor and on conviction shall  
 5 be fined not less than \$25 or more than \$200 or imprisoned  
 6 in the county jail for not less than 10 days or more than 90  
 7 days, or both. In addition, the board may after hearing  
 8 suspend or revoke a barber's ~~or barber instructor's~~  
 9 certificate of registration or license to operate a  
 10 barbershop, school, or college, or both, by reason of the  
 11 person willfully violating this chapter or persistently  
 12 failing to conform to the rules adopted by the board."

13 ~~NEW SECTION.~~ Section 18. Repealer. Section 37-30-302,  
 14 MCA, is repealed.

15 ~~NEW SECTION.~~ Section 19. Effective date. (1) Except  
 16 as provided in subsection (2), this act is effective October  
 17 1, 1983.

18 (2) Section 12(1)(i) is effective October 1, 1984.

19 ~~NEW SECTION.~~ Section 20. Applicability. This act,  
 20 except section 12(1)(i), applies to any barber school or  
 21 college seeking an initial or renewal license on or after  
 22 October 1, 1983.

23 ~~NEW SECTION.~~ Section 21. Codification instruction.  
 24 Sections 10 through 14 are intended to be codified as an  
 25 integral part of Title 37, chapter 30, and the provisions of

1 Title 37, chapter 30, apply to sections 10 through 14.

-End-