

SENATE BILL NO. 342
INTRODUCED BY HALLIGAN

IN THE SENATE

February 7, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
February 19, 1985	Committee recommend bill do pass as amended. Report adopted.
February 20, 1985	Bill printed and placed on members' desks.
February 21, 1985	Second reading, do pass as amended.
February 22, 1985	Correctly engrossed.
February 23, 1985	Third reading, passed. Ayes, 34; Noes, 15. Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 18, 1985	Committee recommend bill be concurred in. Report adopted.
March 20, 1985	Second reading, concurred in.
March 22, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 22, 1985

Received from House.

March 23, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 342
2 INTRODUCED BY *Kelly*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE
5 APPRENTICESHIP REQUIREMENTS AS A PREREQUISITE FOR OBTAINING
6 A CERTIFICATE OF REGISTRATION TO PRACTICE BARBERING;
7 REQUIRING AN APPLICANT WHO FAILS TO PASS THE EXAMINATION FOR
8 A BARBER'S CERTIFICATE OF REGISTRATION TO COMPLETE
9 ADDITIONAL INSTRUCTION BEFORE REAPPLYING TO TAKE THE
10 EXAMINATION; AMENDING SECTIONS 37-30-101, 37-30-203,
11 37-30-301, 37-30-303, AND 37-30-305 THROUGH 37-30-307, MCA;
12 AND REPEALING SECTION 37-30-304, MCA."

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

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

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

22 (b) "Board" means the board of barbers provided for in
23 2-15-1856.

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

1 ~~{2}--An "apprentice" under this chapter, is a person~~
2 ~~who receives instruction in an approved barber school or~~
3 ~~college and from a barber authorized to practice barbering~~
4 ~~in this state.~~

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

- 10 (a) shaving or trimming the beard;
- 11 (b) cutting, styling, coloring, or waving the hair;
- 12 (c) straightening of the hair by using chemicals;
- 13 (d) giving facial or scalp massage or treatment with
14 oils, creams, lotions, or other preparations, either by hand
15 or mechanical appliances;
- 16 (e) singeing or shampooing the hair or applying hair
17 tonic or bleaching or highlighting the hair of male persons;
- 18 (f) applying cosmetic preparations, antiseptics,
19 powders, oils, lotions, or gels to scalp, face, hands, or
20 neck.

21 ~~{4}{3}~~ The practice of cosmetology by a licensed
22 cosmetologist, including cutting the hair of any person,
23 does not constitute the practice of barbering."

24 Section 2. Section 37-30-203, MCA, is amended to read:
25 "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. (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~~ Qualifications --
 7 application ---examination. (1) A person is qualified to
 8 receive a certificate of registration to practice barbering
 9 only if he:

10 (a) ~~has served-as-an-apprentice-barber-as-required-by~~
 11 37-30-305 completed 2,000 hours of instruction at a licensed
 12 barber school or college or other school recognized by the
 13 board and graduated from a licensed barber school or college
 14 or other school recognized by the board;

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

18 (c) is at least 18 years old;

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

20 (e) is of good moral character.

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

24 (a) full name and age of the applicant;

25 (b) name and place of the licensed barber school or

1 college or other school which he attended;

2 (c) dates of attendance at the licensed barber school
3 or college or other school;

4 (d) whether the applicant received a certificate of
5 graduation from a licensed barber school or college or other
6 school; and

7 (e) other information the board considers necessary.

8 ~~{3}--An-apprentice-applicant-must-have-graduated-from-a
9 barber-college-or-school--licensed-under--this--chapter--or
10 completed--a--course-of-study-in-barbering-prescribed-by-the
11 board--of--public--education--and--successfully--passed--an
12 apprentice--examination-conducted-by-the-department--subject
13 to-37-1-101--and-pay-to-the-department-the-required-fee--The
14 department-shall-then-issue--an--apprentice--barbering--card
15 which-expires-2-years-from-the-date-of-examination--"~~

16 Section 5. Section 37-30-305, MCA, is amended to read:

17 "37-30-305. ~~Application--for--barber's--certificate--~~
18 ~~examination~~ Examination. ~~On--completion--of--3--months--of~~
19 ~~apprenticeship-under-the-immediate-personal-supervision-of-a~~
20 ~~licensed--barber--an--apprentice~~ (1) Except as provided in
21 37-30-309, an applicant for a barber's certificate of
22 registration must apply to the department to take the
23 examination for a barber's certificate of registration. An
24 ~~apprentice--may--take--the--examination--for--a--barber's~~
25 ~~certificate-of-registration-as-many-as--three--times--before~~

1 ~~expiration-of-the-apprentice-card--~~

2 (2) If an apprentice applicant fails to pass the
3 examination for a barber's certificate of registration three
4 times, he shall--surrender--the--apprentice--card--to--the
5 department--and--may--not--be--authorized--to--do--the--acts--which
6 constitute-the-practice-of-barbering--may not reapply to
7 take the examination until he has completed 500 hours of
8 additional instruction at a licensed barber school or
9 college. If he again fails to pass the examination, he may
10 not reapply to take the examination until he has completed
11 250 hours of additional instruction at a licensed barber
12 school or college. If he fails the examination a third time,
13 he may not reapply to take the examination."

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

15 "37-30-306. Communicable disease -- physician's
16 certificate required. (1) A barber, or barber instructor, ~~or~~
17 ~~barber--apprentice~~ may not receive a certificate of
18 registration or renewal until he has presented to the board
19 of barbers a physician's certificate showing him to be free
20 of physical ailments that would tend to endanger the health
21 of the public. A person practicing or teaching barbering
22 without a certificate of registration is guilty of a
23 violation of this chapter.

24 (2) It is unlawful for a barber, ~~barber-apprentice,~~
25 barber instructor, or student of barbering to practice the

1 occupation of a barber or do barber work while he has an
2 infectious, contagious, or communicable disease that would
3 endanger the health of the public.

4 (3) If a barber, or barber instructor, ~~or barber~~
5 ~~apprentice~~, after securing his certificate, contracts a
6 communicable, infectious, or contagious disease endangering
7 the public health, the board of barbers shall revoke or
8 suspend his certificate of registration until the board has
9 satisfactory proof that the barber, or barber instructor, ~~or~~
10 ~~barber--apprentice~~ is no longer afflicted with the
11 communicable, infectious, or contagious disease."

12 Section 7. 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}~~(1) 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}~~(2) A person registered as a barber ~~or--barber~~
23 ~~apprentice~~ shall, before the expiration date established by
24 rule of the department, annually pay a license fee, set by
25 the board based on clerical and administrative costs, for

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

12 ~~{4}~~(3) However, physically handicapped persons trained
13 for the barber profession by the department of social and
14 rehabilitation services and certified by that department as
15 having graduated from a barber college licensed by the board
16 are not required to pay fees and are for a period of 1 year
17 immediately following their training exempt from all except
18 the sanitary provisions of this chapter.

19 ~~{5}~~(4) 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 NEW SECTION. Section 8. Repealer. Section 37-30-304,
23 MCA, is repealed.

24 NEW SECTION. Section 9. Extension of authority. Any
25 existing authority of the board of barbers to make rules on

LC 1214/01

1 the subject of the provisions of this act is extended to the
2 provisions of this act.

-End-

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

1 SENATE BILL NO. 342
 2 INTRODUCED BY HALLIGAN
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE
 5 APPRENTICESHIP REQUIREMENTS AS A PREREQUISITE FOR OBTAINING
 6 A CERTIFICATE OF REGISTRATION TO PRACTICE BARBERING;
 7 REQUIRING AN APPLICANT WHO FAILS TO PASS THE EXAMINATION FOR
 8 A BARBER'S CERTIFICATE OF REGISTRATION TO COMPLETE
 9 ADDITIONAL INSTRUCTION BEFORE REAPPLYING TO TAKE THE
 10 EXAMINATION; AMENDING SECTIONS 37-30-101, 37-30-203,
 11 37-30-301, 37-30-303, AND 37-30-305 THROUGH 37-30-307, MCA;
 12 AND REPEALING SECTION 37-30-304, MCA."
 13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 Section 1. Section 37-30-101, MCA, is amended to read:
 16 "37-30-101. Definitions -- practice of barbering. (1)
 17 Unless the context requires otherwise, as used in this
 18 chapter the following definitions apply:
 19 (a) "Barbershop" means a place where a person carries
 20 on, engages in, practices, or causes to be carried on,
 21 engaged in, or practiced the business of barbering.
 22 (b) "Board" means the board of barbers provided for in
 23 2-15-1856.
 24 (c) "Department" means the department of commerce
 25 provided for in Title 2, chapter 15, part 18.

1 ~~{2}--An-"apprentice"--under--this--chapter--is--a--person~~
 2 ~~who--receives--instruction--in--an--approved--barber--school--or~~
 3 ~~college--and--from--a--barber--authorized--to--practice--barbering~~
 4 ~~in--this--state.~~
 5 ~~{3}{2}~~ Any one or any combination of the following
 6 practices, when done upon the human body for tonsorial
 7 purposes and not for the treatment of disease or physical or
 8 mental ailments and when done for payment, either directly
 9 or indirectly, constitutes the practice of barbering:
 10 (a) shaving or trimming the beard;
 11 (b) cutting, styling, coloring, or waving the hair;
 12 (c) straightening of the hair by using chemicals;
 13 (d) giving facial or scalp massage or treatment with
 14 oils, creams, lotions, or other preparations, either by hand
 15 or mechanical appliances;
 16 (e) singeing or shampooing the hair or applying hair
 17 tonic or bleaching or highlighting the hair of male persons;
 18 (f) applying cosmetic preparations, antiseptics,
 19 powders, oils, lotions, or gels to scalp, face, hands, or
 20 neck.
 21 ~~{4}{3}~~ The practice of cosmetology by a licensed
 22 cosmetologist, including cutting the hair of any person,
 23 does not constitute the practice of barbering."
 24 Section 2. Section 37-30-203, MCA, is amended to read:
 25 "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. (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 Qualifications --
 7 application ---examination. (1) A person is qualified to
 8 receive a certificate of registration to practice barbering
 9 only if he:

10 (a) ~~has served-as-an-apprentice-barber-as-required--by~~
 11 37-30-305 completed 2,000 hours of instruction at a licensed
 12 barber school or college or other school recognized by the
 13 board and graduated from a licensed barber school or college
 14 or other school recognized by the board;

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

18 (c) is at least 18 years old;

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

20 (e) is of good moral character.

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

24 (a) full name and age of the applicant;

25 (b) name and place of the licensed barber school or

1 college or other school which he attended;

2 (c) dates of attendance at the licensed barber school

3 or college or other school;

4 (d) whether the applicant received a certificate of

5 graduation from a licensed barber school or college or other

6 school; and

7 (e) other information the board considers necessary.

8 ~~(3) An apprentice applicant must have graduated from a~~

9 ~~barber college or school licensed under this chapter or~~

10 ~~completed a course of study in barbering prescribed by the~~

11 ~~board of public education and successfully passed an~~

12 ~~apprentice examination conducted by the department, subject~~

13 ~~to 37-1-101, and pay to the department the required fee. The~~

14 ~~department shall then issue an apprentice barbering card~~

15 ~~which expires 2 years from the date of examination."~~

16 Section 5. Section 37-30-305, MCA, is amended to read:

17 "37-30-305. Application for barber's certificate

18 examination Examination. On completion of 3 months of

19 apprenticeship under the immediate personal supervision of a

20 ~~licensed barber, an apprentice~~ (1) Except as provided in

21 37-30-309, an applicant for a barber's certificate of

22 registration must apply to the department to take the

23 examination for a barber's certificate of registration. An

24 ~~apprentice may take the examination for a barber's~~

25 ~~certificate of registration as many as three times before~~

1 expiration of the apprentice card;

2 ~~(2) If an apprentice applicant fails to pass the~~

3 ~~examination for a barber's certificate of registration three~~

4 ~~times, he shall surrender the apprentice card to the~~

5 ~~department and may not be authorized to do the acts which~~

6 ~~constitute the practice of barbering. may not reapply to~~

7 ~~take the examination until he has completed 500 hours of~~

8 ~~additional instruction at a licensed barber school or~~

9 ~~college. If he again fails to pass the examination, he may~~

10 ~~not reapply to take the examination until he has completed~~

11 ~~250 hours of additional instruction at a licensed barber~~

12 ~~school or college. If he fails the examination a third time,~~

13 ~~he may not reapply to take the examination."~~

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

15 "37-30-306. Communicable disease -- physician's

16 certificate required. (1) A barber, or barber instructor, or

17 barber-apprentice may not receive a certificate of

18 registration or renewal until he has presented to the board

19 of barbers a physician's certificate showing him to be free

20 of physical ailments that would tend to endanger the health

21 of the public. A person practicing or teaching barbering

22 without a certificate of registration is guilty of a

23 violation of this chapter.

24 (2) It is unlawful for a barber, barber-apprentice,

25 barber instructor, or student of barbering to practice the

1 occupation of a barber or do barber work while he has an
2 infectious, contagious, or communicable disease that would
3 endanger the health of the public.

4 (3) If a barber, or barber instructor, ~~or barber~~
5 ~~apprentice~~, after securing his certificate, contracts a
6 communicable, infectious, or contagious disease endangering
7 the public health, the board of barbers shall revoke or
8 suspend his certificate of registration until the board has
9 satisfactory proof that the barber, or barber instructor ~~or~~
10 ~~barber--apprentice~~ is no longer afflicted with the
11 communicable, infectious, or contagious disease."

12 Section 7. 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)(1)~~ 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)(2)~~ A person registered as a barber ~~or--barber~~
23 ~~apprentice~~ shall, before the expiration date established by
24 rule of the department, annually pay a license fee, set by
25 the board based on clerical and administrative costs, for

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

12 ~~(4)(3)~~ However, physically handicapped persons trained
13 for the barber profession by the department of social and
14 rehabilitation services and certified by that department as
15 having graduated from a barber college licensed by the board
16 are not required to pay fees and are for a period of 1 year
17 immediately following their training exempt from all except
18 the sanitary provisions of this chapter.

19 ~~(5)(4)~~ 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 NEW SECTION. Section 8. Repealer. Section 37-30-304,
23 MCA, is repealed.

24 NEW SECTION. Section 9. Extension of authority. Any
25 existing authority of the board of barbers to make rules on

SB 0342/02

- 1 the subject of the provisions of this act is extended to the
- 2 provisions of this act.

-End-

SENATE BILL NO. 342

INTRODUCED BY HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE APPRENTICESHIP REQUIREMENTS AS A PREREQUISITE FOR OBTAINING A CERTIFICATE OF REGISTRATION TO PRACTICE BARBERING; ~~REQUIRING AN APPLICANT WHO FAILS TO PASS THE EXAMINATION FOR A BARBER'S CERTIFICATE OF REGISTRATION TO COMPLETE ADDITIONAL INSTRUCTION BEFORE REAPPLYING TO TAKE THE EXAMINATION;~~ AMENDING SECTIONS 37-30-101, 37-30-203, 37-30-301, 37-30-303, AND 37-30-305 THROUGH 37-30-307, MCA; AND REPEALING SECTION 37-30-304, MCA."

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)~~(2) 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 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)~~(3) 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. (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~~ Qualifications --
 7 application ~~---examination~~. (1) A person is qualified to
 8 receive a certificate of registration to practice barbering
 9 only if he:

10 (a) ~~has served-as-an-apprentice-barber-as-required--by~~
 11 37-30-305 completed 2,000 hours of instruction at a licensed
 12 barber school or college or other school recognized by the
 13 board and graduated from a licensed barber school or college
 14 or other school recognized by the board;

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

18 (c) is at least 18 years old;

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

20 (e) is of good moral character.

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

24 (a) full name and age of the applicant;

25 (b) name and place of the licensed barber school or

1 college or other school which he attended;

2 (c) dates of attendance at the licensed barber school
3 or college or other school;

4 (d) whether the applicant received a certificate of
5 graduation from a licensed barber school or college or other
6 school; and

7 (e) other information the board considers necessary.

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

16 Section 5. Section 37-30-305, MCA, is amended to read:

17 "37-30-305. Application for barber's certificate
18 examination Examination. On completion of 3 months of
19 apprenticeship under the immediate personal supervision of a
20 licensed barber, an apprentice ~~{1}~~ Except as provided in
21 37-30-309, an applicant for a barber's certificate of
22 registration must apply to the department to take the
23 examination for a barber's certificate of registration. An
24 apprentice may take the examination for a barber's
25 certificate of registration as many as three times before

1 expiration of the apprentice card.

2 ~~{2}--If an apprentice applicant fails to pass the
3 examination for a barber's certificate of registration three
4 times, he shall surrender the apprentice card to the
5 department and may not be authorized to do the acts which
6 constitute the practice of barbering; may not reapply to
7 take the examination until he has completed 500 hours of
8 additional instruction at a licensed barber school or
9 college; if he again fails to pass the examination, he may
10 not reapply to take the examination until he has completed
11 250 hours of additional instruction at a licensed barber
12 school or college; if he fails the examination a third time,
13 he may not reapply to take the examination."~~

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

15 "37-30-306. Communicable disease -- physician's
16 certificate required. (1) A barber, or barber instructor, or
17 barber apprentice may not receive a certificate of
18 registration or renewal until he has presented to the board
19 of barbers a physician's certificate showing him to be free
20 of physical ailments that would tend to endanger the health
21 of the public. A person practicing or teaching barbering
22 without a certificate of registration is guilty of a
23 violation of this chapter.

24 (2) It is unlawful for a barber, barber apprentice,
25 barber instructor, or student of barbering to practice the

1 occupation of a barber or do barber work while he has an
2 infectious, contagious, or communicable disease that would
3 endanger the health of the public.

4 (3) If a barber, or barber instructor, ~~or barber~~
5 ~~apprentice~~, after securing his certificate, contracts a
6 communicable, infectious, or contagious disease endangering
7 the public health, the board of barbers shall revoke or
8 suspend his certificate of registration until the board has
9 satisfactory proof that the barber, or barber instructor, ~~or~~
10 ~~barber--apprentice~~ is no longer afflicted with the
11 communicable, infectious, or contagious disease."

12 Section 7. 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)~~(1) 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)~~(2) A person registered as a barber ~~or--barber~~
23 ~~apprentice~~ shall, before the expiration date established by
24 rule of the department, annually pay a license fee, set by
25 the board based on clerical and administrative costs, for

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

12 ~~(4)~~(3) However, physically handicapped persons trained
13 for the barber profession by the department of social and
14 rehabilitation services and certified by that department as
15 having graduated from a barber college licensed by the board
16 are not required to pay fees and are for a period of 1 year
17 immediately following their training exempt from all except
18 the sanitary provisions of this chapter.

19 ~~(5)~~(4) 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 NEW SECTION. Section 8. Repealer. Section 37-30-304,
23 MCA, is repealed.

24 NEW SECTION. Section 9. Extension of authority. Any
25 existing authority of the board of barbers to make rules on

SB 0342/03

- 1 the subject of the provisions of this act is extended to the
- 2 provisions of this act.

-End-

1 SENATE BILL NO. 342

2 INTRODUCED BY HALLIGAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE
5 APPRENTICESHIP REQUIREMENTS AS A PREREQUISITE FOR OBTAINING
6 A CERTIFICATE OF REGISTRATION TO PRACTICE BARBERING;
7 ~~REQUIRING AN APPLICANT WHO FAILS TO PASS THE EXAMINATION FOR~~
8 ~~A BARBER'S CERTIFICATE OF REGISTRATION TO COMPLETE~~
9 ~~ADDITIONAL INSTRUCTION BEFORE REAPPLYING TO TAKE THE~~
10 ~~EXAMINATION;~~ AMENDING SECTIONS 37-30-101, 37-30-203,
11 37-30-301, 37-30-303, AND 37-30-305 THROUGH 37-30-307, MCA;
12 AND REPEALING SECTION 37-30-304, MCA."

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

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

16 "37-30-101. Definitions -- practice of barbering. (1)

17 Unless the context requires otherwise, as used in this
18 chapter the following definitions apply:19 (a) "Barbershop" means a place where a person carries
20 on, engages in, practices, or causes to be carried on,
21 engaged in, or practiced the business of barbering.22 (b) "Board" means the board of barbers provided for in
23 2-15-1856.24 (c) "Department" means the department of commerce
25 provided for in Title 2, chapter 15, part 18.

1 ~~{2}--An "apprentice", under this chapter, is a person~~
2 ~~who receives instruction in an approved barber school or~~
3 ~~college and from a barber authorized to practice barbering~~
4 ~~in this state.~~

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

10 (a) shaving or trimming the beard;

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

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

13 (d) giving facial or scalp massage or treatment with
14 oils, creams, lotions, or other preparations, either by hand
15 or mechanical appliances;16 (e) singeing or shampooing the hair or applying hair
17 tonic or bleaching or highlighting the hair of male persons;18 (f) applying cosmetic preparations, antiseptics,
19 powders, oils, lotions, or gels to scalp, face, hands, or
20 neck.21 ~~{4}{3}~~ The practice of cosmetology by a licensed
22 cosmetologist, including cutting the hair of any person,
23 does not constitute the practice of barbering."

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

25 "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. (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~~ Qualifications --
 7 application ---examination. (1) A person is qualified to
 8 receive a certificate of registration to practice barbering
 9 only if he:

10 (a) ~~has served-as-an-apprentice-barber-as-required--by~~
 11 37-30-305 completed 2,000 hours of instruction at a licensed
 12 barber school or college or other school recognized by the
 13 board and graduated from a licensed barber school or college
 14 or other school recognized by the board;

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

18 (c) is at least 18 years old;

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

20 (e) is of good moral character.

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

24 (a) full name and age of the applicant;

25 (b) name and place of the licensed barber school or

1 college or other school which he attended;

2 (c) dates of attendance at the licensed barber school

3 or college or other school;

4 (d) whether the applicant received a certificate of

5 graduation from a licensed barber school or college or other

6 school; and

7 (e) other information the board considers necessary.

8 ~~(3) An apprentice applicant must have graduated from a~~

9 ~~barber college or school licensed under this chapter or~~

10 ~~completed a course of study in barbering prescribed by the~~

11 ~~board of public education and successfully passed an~~

12 ~~apprentice examination conducted by the department, subject~~

13 ~~to 37-1-101, and pay to the department the required fee. The~~

14 ~~department shall then issue an apprentice barbering card~~

15 ~~which expires 2 years from the date of examination."~~

16 Section 5. Section 37-30-305, MCA, is amended to read:

17 "37-30-305. Application for barber's certificate

18 examination Examination. On completion of 3 months of

19 apprenticeship under the immediate personal supervision of a

20 licensed barber, an apprentice ~~(1)~~ Except as provided in

21 37-30-309, an applicant for a barber's certificate of

22 registration must apply to the department to take the

23 examination for a barber's certificate of registration. An

24 apprentice may take the examination for a barber's

25 certificate of registration as many as three times before

1 expiration of the apprentice card,

2 ~~(2) If an apprentice applicant fails to pass the~~

3 ~~examination for a barber's certificate of registration three~~

4 ~~times, he shall surrender the apprentice card to the~~

5 ~~department and may not be authorized to do the acts which~~

6 ~~constitute the practice of barbering; may not reapply to~~

7 ~~take the examination until he has completed 500 hours of~~

8 ~~additional instruction at a licensed barber school or~~

9 ~~college; if he again fails to pass the examination, he may~~

10 ~~not reapply to take the examination until he has completed~~

11 ~~250 hours of additional instruction at a licensed barber~~

12 ~~school or college; if he fails the examination a third time,~~

13 ~~he may not reapply to take the examination."~~

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

15 "37-30-306. Communicable disease -- physician's

16 certificate required. (1) A barber, or barber instructor, or

17 barber apprentice may not receive a certificate of

18 registration or renewal until he has presented to the board

19 of barbers a physician's certificate showing him to be free

20 of physical ailments that would tend to endanger the health

21 of the public. A person practicing or teaching barbering

22 without a certificate of registration is guilty of a

23 violation of this chapter.

24 (2) It is unlawful for a barber, barber apprentice,

25 barber instructor, or student of barbering to practice the

1 occupation of a barber or do barber work while he has an
2 infectious, contagious, or communicable disease that would
3 endanger the health of the public.

4 (3) If a barber, or barber instructor, ~~or barber~~
5 ~~apprentice~~, after securing his certificate, contracts a
6 communicable, infectious, or contagious disease endangering
7 the public health, the board of barbers shall revoke or
8 suspend his certificate of registration until the board has
9 satisfactory proof that the barber, or barber instructor, ~~or~~
10 ~~barber--apprentice~~ is no longer afflicted with the
11 communicable, infectious, or contagious disease."

12 Section 7. 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)~~(1) 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)~~(2) A person registered as a barber ~~or--barber~~
23 ~~apprentice~~ shall, before the expiration date established by
24 rule of the department, annually pay a license fee, set by
25 the board based on clerical and administrative costs, for

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

12 ~~(4)~~(3) However, physically handicapped persons trained
13 for the barber profession by the department of social and
14 rehabilitation services and certified by that department as
15 having graduated from a barber college licensed by the board
16 are not required to pay fees and are for a period of 1 year
17 immediately following their training exempt from all except
18 the sanitary provisions of this chapter.

19 ~~(5)~~(4) 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 NEW SECTION. Section 8. Repealer. Section 37-30-304,
23 MCA, is repealed.

24 NEW SECTION. Section 9. Extension of authority. Any
25 existing authority of the board of barbers to make rules on

SB 0342/03

1 the subject of the provisions of this act is extended to the
2 provisions of this act.

-End-