

HOUSE BILL NO. HB0190

Barbers.

Sponsored by: Representative(s) Alden, Buchanan, Childers
and Hageman and Senator(s) Anderson, J.

A BILL

for

1 AN ACT relating to professions and occupations; revising
2 laws applicable to barbering; and providing for an
3 effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 33-7-113 and 33-7-212 are created to
8 read:

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10 **33-7-113. Exemptions.**

11

12 (a) Nothing in this act shall prohibit services
13 rendered by licensed physicians, nurses, dentists,
14 chiropractors, physical therapists, morticians,
15 cosmetologists or aestheticians when exclusively engaged in
16 the practice of their respective professions.

1

2 (b) The provisions of this act shall not apply to
3 employees, volunteers and residents of hospitals, health
4 care facilities, nursing homes, senior citizens centers,
5 convalescent or boarding homes or other similar facilities
6 who render services to residents or members of these
7 facilities on the premises.

8

9 **33-7-212. Certificate by endorsement; temporary**
10 **permit.**

11

12 (a) A person who holds a valid registered barber
13 certificate in a state that has license requirements that
14 meet or exceed the qualifications prescribed by board rules
15 and regulations, may be eligible for a registered barber
16 certificate by endorsement, without examination in this
17 state. No person shall obtain a certificate by endorsement
18 if the state in which the person is licensed did not
19 require a board examination, or if the person has not
20 graduated from a state approved program.

21

22 (b) A person who is eligible for a certificate of
23 endorsement may submit an application as prescribed by the
24 board, a certificate from the board or licensing agency of

1 that state in which the applicant is licensed and payment
2 of the required fee.

3

4 (c) Any person who has a valid, unexpired barber's
5 license from another state or has graduated from a barber
6 school or college as prescribed in board rules and
7 regulations may, upon application and payment of the
8 required fee, be issued a temporary permit to practice as a
9 barber under the supervision of a registered barber until
10 the next examination scheduled by the board. Each
11 applicant may only receive one (1) temporary permit.

12

13 **Section 2.** W.S. 33-7-101(b), (c) and by creating a
14 new subsection (d), 33-7-108(a), 33-7-109(a), 33-7-110(a),
15 33-7-201, 33-7-204 by creating a new subsection (g),
16 33-7-205, 33-7-207(a)(intro), (iii), (vii) and (viii),
17 33-7-208(a), 33-7-209(a), (c) and by creating a new
18 subsection (d), 33-7-210, 33-7-211, 33-7-301(a) by creating
19 a new paragraph (v), 33-7-302(a)(intro) and (i), 33-7-303,
20 33-7-305(a)(iii), 33-7-307 through 33-7-310,
21 33-7-311(a)(intro) and (iii) through (v) and 33-7-312
22 through 33-7-314 are amended to read:

23

24 **33-7-101. Definitions.**

1

2 (b) When used in this act, the term "schools of
3 barbering" shall mean ~~such~~ schools where barbering is
4 taught as shall have been recognized and designated by
5 rules and regulations of the state board of barber
6 examiners.

7

8 (c) Whenever used in this act, the term "barbering"
9 shall mean the ~~practice upon any person or persons of any
10 of the following acts (when done for cosmetic purposes, and
11 not for the treatment of disease or physical or mental
12 ailments, and when done for payment, either directly or
13 indirectly, or without payment except for the immediate
14 family); provided, any person or persons operating a beauty
15 parlor or practicing beauty culture and its attendant hair
16 treatment or cutting exclusively shall be exempt from the
17 provisions of this act~~ performing or doing, or offering or
18 attempting to do or perform, for any person, any, all or
19 any combination of the following acts, services, works,
20 treatments or undertakings:

21

22 (i) Arranging, beautifying, coloring,
23 processing, shaving, styling or trimming the mustache or
24 ~~treating the~~ beard by any means or method; or

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(ii) Arranging, beautifying, bleaching, cleansing, coloring, curling, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, waving or otherwise treating the hair as primary services, treatments or undertakings by any means or method, including any bobbing, clipping, cutting ~~the hair,~~ ~~singeing, shampooing~~ or ~~dyeing~~ trimming of the hair, as a necessary incident preparatory or ancillary to the primary services; or

(iii) Applying hair tonics, massaging, applying cosmetic preparations, antiseptics, powder, oil, clay or lotions, to the scalp, face or neck.

(d) "This act" means W.S. 33-7-101 through 33-7-212.

33-7-108. Shop license; fee; renewal; application; inspection fees; nontransferable.

(a) No person shall operate or conduct a barbershop, hold himself out as a barber, use the title "barber," "registered barber" or "R.B.," or use the traditional striped, vertical barber pole in the conduct of any

1 barbering business without a valid, unexpired license.
2 Licenses shall be issued by the secretary of the board of
3 barber examiners. The annual license fee shall be set by
4 the board pursuant to W.S. 33-1-201 for each shop, payable
5 in advance, but if not paid on or before July 31 of each
6 year, a ~~renewal~~ late fee set by ~~the~~ board rules and
7 regulations shall be assessed. The licenses shall be
8 conspicuously displayed at all times, and no license shall
9 be issued until all sanitary regulations required by W.S.
10 33-7-101 through 33-7-211 or prescribed by the board have
11 been complied with. Applications for new shops or shops
12 changing locations shall be made in writing on forms
13 furnished by the board, and shall contain such information
14 as required by the board. An inspection fee for a new shop
15 or for a shop changing location shall be set by the board
16 pursuant to W.S. 33-1-201. A shop license is not
17 transferable.

18

19 **33-7-109. Persons afflicted with communicable**
20 **disease, addicted to intoxicating liquors or narcotics.**

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22 (a) No person ~~afflicted with any communicable~~
23 ~~disease, or who is addicted to the~~ whose use of
24 intoxicating ~~liquors, morphine, cocaine,~~ liquor or ~~other~~

1 ~~narcotics~~ drugs renders him unfit to practice or teach
2 barbering, shall be entitled to any license, nor shall any
3 such person work or be employed in any barbershop, and no
4 person afflicted with a communicable disease shall be
5 served therein.

6
7 **33-7-110. Sanitary inspection.**

8
9 (a) The board of barber examiners shall make a
10 sanitary inspection of each barbershop at least ~~once every~~
11 ~~six (6) months~~ annually.

12
13 **33-7-201. When required.**

14
15 Except as provided in W.S. 33-7-306 no person shall
16 practice or attempt to practice barbering without a
17 certificate to practice as a registered barber. No person
18 shall operate a barbershop unless it is at all times under
19 the direct supervision and management of a registered
20 barber. No person shall employ another as a barber unless
21 the person so employed holds an unexpired certificate of
22 registration or temporary permit issued by the board.

23

1 **33-7-204. Fees for examination, certificate and**
2 **permit.**

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4 (g) The board shall set fees in board rules and
5 regulations sufficient to recover costs for the publication
6 and distribution of registers, lists and booklets, for
7 records and affidavits processed and for educational
8 programs.

9

10 **33-7-205. Restoration following expiration or**
11 **retirement.**

12

13 Any formerly registered barber whose certificate of
14 registration has expired may within ~~one (1) year~~ three (3)
15 years of the date of expiration have his certificate
16 restored immediately upon payment of the restoration fee in
17 addition to ~~other~~ all license fees ~~required by the board~~
18 for the lapsed period. Any registered barber who retires
19 from the practice of barbering for ~~not~~ more than three (3)
20 years may not renew his certificate of registration, ~~upon~~
21 ~~payment of the restoration fee in addition to other~~ but
22 shall be required to pass the board administered
23 examination and pay all related examination and license
24 fees required by the board.

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33-7-207. Refusal to issue or renew; revocation.

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(a) The board may refuse to issue or renew, and may revoke, suspend or deny any certificate of registration for any of the following causes:

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(iii) Continued practice by a person having ~~an~~a known or diagnosed infectious or contagious disease;

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(vii) Unprofessional conduct as defined in board rules and regulations; and

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(viii) The ~~commission of any of the offenses described in~~ violation of any provision of this act ~~or~~ board rules and regulations.

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33-7-208. Notice and hearing for revocation.

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(a) Except as provided in W.S. 33-7-207(b) and 33-7-311(b), the board ~~shall not~~ may refuse to renew ~~nor shall it~~ or revoke ~~any shop~~ a license or ~~any certificate of registration of any registered barber or registered apprentice barber for any cause unless the shop, through~~

1 ~~its owner or foreman, or the registered barber or~~
2 ~~registered apprentice barber complained against, shall have~~
3 ~~been given at least~~ temporary permit issued pursuant to
4 this act after twenty (20) days written notice ~~by~~
5 ~~registered mail of the acts or conditions complained of,~~
6 ~~and of the time and place where such owner, foreman,~~
7 ~~registered barber or registered apprentice barber may~~
8 ~~appear before the said board and be heard~~ and a hearing,
9 held pursuant to W.S. 16-3-101 through 16-3-115 for
10 violation of this act or any rule or regulation of the
11 board.

12

13 **33-7-209. Qualifications for registration as barber;**
14 **examination.**

15

16 (a) ~~No~~ A barber license may be issued to any person
17 ~~shall receive a certificate of registration to practice~~
18 ~~barbering, other than a renewal or restoration, unless he~~
19 who:

20

21 (i) Has graduated from an approved barber school
22 or college ~~within the three (3) year period preceding the~~
23 ~~date of his application for registration~~ as set forth in
24 board rules and regulations and passed an examination

1 conducted by the board to determine his fitness to practice
2 barbering, provided the person is at least seventeen (17)
3 years of age and has the equivalent of two (2) years of
4 high school education;

5
6 (ii) On the date of his application, has a
7 valid, unexpired license as a barber from another
8 ~~jurisdiction which similarly permits barbers registered in~~
9 ~~Wyoming to be licensed there without examination or which~~
10 ~~is a party to a reciprocity agreement under subsection (b)~~
11 ~~of this section~~ state and meets the requirements in W.S.
12 33-7-212; or

13
14 (iii) Is a cosmetologist licensed under W.S.
15 ~~33-12-101 through 33-12-118~~ 33-12-119 through 33-12-140,
16 has completed seven hundred fifty (750) hours of training
17 at an approved barber school or college and passed an
18 examination conducted by the board to determine his fitness
19 for practice.

20
21 (c) An applicant for a certificate of registration to
22 practice as a registered barber who fails to pass an
23 examination conducted by the board, may be examined at the
24 next examination. ~~No applicant for a registered barber's~~

1 ~~certificate shall be permitted to take more than four (4)~~
2 ~~examinations.~~

3
4 (d) The holder of a barber license may use the title
5 "barber" and the initials "R.B." following the holder's
6 surname.

7
8 **33-7-210. Application for examination.**

9
10 Each applicant for an examination shall make application to
11 the board on ~~blank~~ forms prepared and furnished by the
12 board. ~~, such~~ The application ~~to~~ shall contain proof under
13 the applicant's oath of the particular qualifications of
14 the applicant. ~~, and which~~ The application shall be signed
15 by the applicant and be accompanied by the fee as in this
16 act specified.

17
18 **33-7-211. Time and character of examinations.**

19
20 The examination required under W.S. 33-7-209(a)(i) shall be
21 conducted at a time and place chosen by the board and given
22 at least once every six (6) months. Examinations ~~shall be~~
23 may consist of oral, written and ~~practical, and performance~~
24 examinations, the scope and character of which shall

1 demonstrate that a person who passes the examination is
2 qualified to receive a registered barber license. The
3 examinations shall be held in the presence of at least one
4 (1) member of the board or ~~some registered barber selected~~
5 ~~by the~~ a qualified examiner as determined by the board.

6

7 **33-7-301. Definitions.**

8

9 (a) As used in this act, the following words and
10 phrases shall mean:

11

12 (v) This act. - W.S. 33-7-301 through 33-7-314.

13

14 **33-7-302. Application for license; contents.**

15

16 (a) It shall be unlawful for any person, association,
17 partnership, or corporation to establish or operate a
18 school of barbering in the state without first securing and
19 holding a license from the board as provided in this act.
20 Application for such license shall be made in writing on
21 forms furnished by the board and shall be signed and sworn
22 to by the applicant as to the particular qualifications of
23 the applicant before an officer authorized to administer
24 oaths. The board may require to be furnished such

1 information as appears reasonably necessary for its
2 purposes including the following:

3

4 (i) Name and address of applicant and if an
5 association or partnership the names and addresses of all
6 members thereof. If a corporation, the state of
7 incorporation, and the name ~~and address of its principal~~
8 ~~officers and the name and address of its managing agent or~~
9 ~~agents, if any, residing~~ of persons authorized to accept
10 service of process in this state;

11

12 **33-7-303. Application fee; annual license fee; bond.**

13

14 The application for a license for a school of barbering
15 shall be accompanied by a nonrefundable fee as set by the
16 board pursuant to W.S. 33-1-201. The annual license fee for
17 a school of barbering shall be set by the board pursuant to
18 W.S. 33-1-201 and is payable at the time application is
19 made for a new license or for renewal. ~~Before a license is~~
20 ~~issued or renewed and in order to maintain the license the~~
21 ~~applicant shall file with the board and keep in full force~~
22 ~~and effect a surety bond in the penal sum of five thousand~~
23 ~~dollars (\$5,000.00) for each twenty (20) students enrolled~~

1 ~~conditioned that the school shall faithfully perform its~~
2 ~~obligations to the students enrolled.~~

3

4 **33-7-305. School requirements prerequisite to**
5 **issuance of license.**

6

7 (a) No license for a school of barbering shall be
8 issued by the board unless the school requires:

9

10 (iii) As a prerequisite for graduation, regular
11 attendance each working day ~~of not more than eight (8)~~
12 ~~hours over a period of not less than twelve (12) months~~ and
13 the satisfactory completion of a course of study ~~of not~~
14 ~~less than one thousand five hundred (1,500) hours~~ as
15 prescribed by board rules and regulations, consisting of
16 the scientific and practical fundamentals of barbering as
17 defined in W.S. 33-7-101, sanitation and shop management;

18

19 **33-7-307. School facilities, equipment and supplies;**
20 **public information.**

21

22 A school of barbering shall provide and maintain such
23 facilities, fixtures, equipment and supplies as may be
24 required by ~~the board and deemed reasonably necessary to~~

1 ~~assure the adequate teaching of students and protection to~~
2 ~~the public. For the information of the public said school~~
3 ~~shall at all times display on the door of the entryway~~
4 ~~thereof and on a window facing the street a sign in plain~~
5 ~~letters at least six (6) inches high containing the~~
6 ~~following: "SCHOOL OF BARBERING WORK DONE BY STUDENTS ONLY"~~
7 rules and regulations. Any member of the board, its
8 employees or authorized agents may enter and inspect any
9 school of barbering during business hours.

10
11 **33-7-308. Instructor's license; prerequisite to**
12 **employment as instructor; qualifications.**

13
14 No person shall be employed or act as an instructor in a
15 school of barbering without first securing and holding an
16 instructor's license ~~from the~~ issued in compliance with
17 this act as prescribed in board rules and regulations. ~~To~~
18 ~~qualify as an instructor such person must be not less than~~
19 ~~twenty-five (25) years of age, must have graduated from a~~
20 ~~public or private high school, must be of good moral~~
21 ~~character and must have had five (5) years experience as a~~
22 ~~licensed barber in any state or have graduated from a~~
23 ~~school for barber instructors recognized by the board and~~
24 ~~shall pass a satisfactory examination by the board to~~

1 ~~determine the fitness of such person to instruct in a~~
2 ~~school of barbering; provided, that the board may, in its~~
3 ~~discretion, dispense with such examination if applicant has~~
4 ~~been licensed in another state.~~

5
6 **33-7-309. Instructor's license; application fee;**
7 **annual renewal.**

8
9 Each applicant for an instructor's license shall make
10 application to the board on a form ~~prepared and~~ furnished
11 by the board, and meet all requirements set forth in board
12 rules and regulations. The application shall be signed and
13 verified under oath by the applicant ~~and shall be~~
14 ~~accompanied by a nonrefundable fee as set by the board~~
15 ~~pursuant to W.S. 33-1-201.~~ The annual fee for an
16 ~~instructor's license as set by the board pursuant to W.S.~~
17 ~~33-1-201 is payable at the time application is made for a~~
18 ~~new license or for renewal of an existing license~~ as to the
19 particular qualifications of the applicant.

20
21 **33-7-310. Rules and regulations; inspection; deposit**
22 **of funds.**

23

1 The board may adopt reasonable rules and regulations for
2 the administration and ~~enforcement~~ implementation of W.S.
3 33-7-101 through 33-7-314. ~~All requirements with respect to~~
4 ~~sanitation shall be subject to approval by the department~~
5 ~~of health. Any member of the board, its employees or~~
6 ~~authorized agents may enter and inspect any school of~~
7 ~~barbering during business hours.~~ All fees received by the
8 board hereunder shall be deposited in the account created
9 in W.S. 33-7-103.

10

11 **33-7-311. Grounds for denial, revocation or**
12 **suspension of licenses.**

13

14 (a) The board may refuse to issue or renew any
15 license or revoke or suspend licenses, or otherwise censure
16 the licensee, provided for in ~~this act~~ W.S. 33-7-301
17 through 33-7-314 for any of the following causes:

18

19 (iii) Conviction of a felony, or misdemeanor
20 involving turpitude or impacting upon the licensee's
21 ability to practice barbering, provided that a certified
22 copy of a judgment of conviction shall be sufficient proof
23 of a violation of this act; ~~and a certified copy of a~~

1 ~~judgment of conviction for any of such offenses shall be~~
2 ~~sufficient for summary action by the board;~~

3
4 (iv) ~~Addiction to~~ Use of intoxicating liquor or
5 drugs to the extent that licensee is rendered unfit to
6 perform the licensed services;

7
8 (v) ~~Such immoral or~~ Unprofessional conduct ~~in~~
9 ~~and about the school of barbering or on the part of an~~
10 ~~instructor that would render licensee unfit to perform the~~
11 ~~licensed services~~ as defined in board rules and
12 regulations.

13
14 **33-7-312. Notice prerequisite to suspension,**
15 **revocation or failure to renew license; exception.**

16
17 ~~Other than the summary proceeding authorized in W.S.~~
18 ~~33-7-311(a)(iii) or a court order to withhold or suspend a~~
19 ~~license under W.S. 33-7-311(b)~~ The board may ~~not~~ refuse to
20 renew a license or proceed to revoke or suspend a license
21 ~~hereunder unless written notice of the contemplated action~~
22 ~~of the board shall be sent to the last known address of the~~
23 ~~accused by registered or certified mail containing a~~
24 ~~concise statement of the charges made against the licensee~~

1 pursuant to W.S. 16-3-113 of the Wyoming Administrative
2 Procedure Act. The accused shall have fifteen (15) days
3 after mailing of ~~the said~~ notice within which to file with
4 the board his response to the charges made and if a hearing
5 is requested by the accused the board shall expeditiously
6 proceed to hold such hearing.

7

8 **33-7-313. Penalty for violation.**

9

10 Any violation of any of the provisions or requirements of
11 this act shall constitute a misdemeanor and any person
12 being found guilty thereof shall be fined in a sum ~~not less~~
13 ~~than ten dollars (\$10.00) nor more than~~ of one hundred
14 dollars (\$100.00), or imprisonment not to exceed ninety
15 (90) days in the county jail, or both fine and
16 imprisonment.

17

18 **33-7-314. Appeal from determination of board.**

19

20 Any licensee considering himself aggrieved by any
21 determination of the board may file an appeal ~~to the~~
22 ~~district court of the county in which said person resides.~~
23 ~~The person appealing shall, within thirty (30) days after~~
24 ~~the determination of the board from which the appeal is~~

1 ~~taken, file in the district court to which the appeal is~~
2 ~~taken, a notice in writing, stating that such person~~
3 ~~appeals to such court from the determination or order of~~
4 ~~the board. The clerk of the court to which such appeal is~~
5 ~~taken shall, immediately upon the filing of such notice,~~
6 ~~transmit a copy of such notice to the board. The trial of~~
7 ~~the district court upon such appeal shall be de novo and~~
8 ~~the proceedings shall be conducted according to the rules~~
9 ~~of civil procedure. In the event the licensee appeals, the~~
10 ~~decision of the board shall not be stayed by the~~
11 ~~proceedings on the appeal and such appeal shall not operate~~
12 ~~to restore the right of the licensee to practice pending~~
13 ~~such appeal, unless bond, with sufficient surety, to be~~
14 ~~approved by said clerk of the district court, shall be~~
15 ~~posted with said clerk of the district court, in such sum~~
16 ~~as the judge or court commissioner may require, conditioned~~
17 ~~that such appeal shall be prosecuted without unnecessary~~
18 ~~delay and in case the decision appealed from be confirmed~~
19 ~~the licensee shall pay all costs pursuant to the Wyoming~~
20 ~~Administrative Procedure Act.~~

21

22 **Section 3.** W.S. 33-7-111(a) and (b), 33-7-203,
23 33-7-204(e) and (f), 33-7-207(a)(vi), 33-7-209(b),

1 33-7-302(a)(iii) and 33-7-305(a)(i), (ii) and (iv) are
2 repealed.

3

4 **Section 4.** This act is effective July 1, 2003.

5

6

(END)