

By: Senator(s) Thomas

To: Public Health and Welfare

SENATE BILL NO. 2162

1 AN ACT RELATING TO THE PRACTICING OF BARBERING IN
 2 MISSISSIPPI; TO AMEND SECTION 73-5-9, MISSISSIPPI CODE OF 1972,
 3 TO PROHIBIT AN ESTABLISHMENT FROM ADVERTISING BARBERING SERVICES
 4 WITHOUT A LICENSE; TO AMEND SECTION 73-5-11, MISSISSIPPI CODE OF
 5 1972, TO REQUIRE APPLICANTS FOR BARBER SCHOOL TO COMPLETE A
 6 CRIMINAL BACKGROUND CHECK, TO PROHIBIT ENROLLMENT FOR APPLICANTS
 7 WITH FELONY CONVICTIONS AND TO AUTHORIZE THE BOARD OF BARBER
 8 EXAMINERS TO ISSUE TEMPORARY PERMITS TO PRACTICE BARBERING; TO
 9 AMEND SECTION 73-5-29, MISSISSIPPI CODE OF 1972, TO PRESCRIBE A
 10 FEE FOR THE ISSUANCE OF A TEMPORARY PERMIT TO PRACTICE BARBERING;
 11 TO AMEND SECTION 73-5-33, MISSISSIPPI CODE OF 1972, TO INCREASE
 12 THE ADMINISTRATIVE FINE FOR UNLICENSED PRACTICE OF BARBERING; TO
 13 AMEND SECTION 73-5-43, MISSISSIPPI CODE OF 1972, TO INCREASE THE
 14 FINE FOR VIOLATIONS OF THE CRIMINAL STATUTE AGAINST THE UNLICENSED
 15 PRACTICE OF BARBERING; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** Section 73-5-9, Mississippi Code of 1972, is
 18 amended as follows:

19 73-5-9. No person shall practice or attempt to practice
 20 barbering in the State of Mississippi without a certificate of
 21 registration as a registered barber issued pursuant to the
 22 provisions of this chapter.

23 No person shall be a barber instructor in the State of
 24 Mississippi without a certificate of registration as a barber
 25 instructor issued pursuant to the provisions of this chapter.

26 No establishment shall display a barber pole, barber sign or
 27 advertise barbering services unless it is licensed by the State
 28 Board of Barber Examiners.

29 **SECTION 2.** Section 73-5-11, Mississippi Code of 1972, is
 30 amended as follows:

31 73-5-11. (1) To be eligible for enrollment at a barbering
 32 school approved by the Board of Barber Examiners, a person shall
 33 have a high school education or its equivalent, and/or shall have

34 satisfactorily passed the ability-to-benefit examinations approved
35 by the U.S. Department of Education. In addition, each applicant
36 for enrollment must provide a criminal background check performed
37 within thirty (30) days prior to application for enrollment.
38 Applicants with felony convictions shall not be allowed to enroll
39 until such time as they have appeared before the Board of Barber
40 Examiners and have received the board's approval for enrollment.

41 (2) Any person is qualified to receive a certificate of
42 registration to practice barbering:

43 (a) Who is qualified under the provisions of this
44 chapter;

45 (b) Who is of good moral character and temperate
46 habits;

47 (c) Who has completed not less than fifteen hundred
48 (1,500) hours at a barbering school approved by the State Board of
49 Barber Examiners; and

50 (d) Who has passed a satisfactory examination conducted
51 by the board of examiners to determine his fitness to practice
52 barbering.

53 (3) A temporary permit to practice barbering until the next
54 examination is given may be issued to a student who has completed
55 not less than fifteen hundred (1,500) hours at a barbering school
56 approved by the Board of Barber Examiners. In no event shall a
57 person be allowed to practice barbering on a temporary permit
58 beyond the date the next examination is given, except because of
59 personal illness.

60 (4) A temporary permit to practice barbering one (1) day per
61 week may be issued to a student that has completed not less than
62 one thousand (1,000) hours at a barbering school approved by the
63 Board of Barber Examiners, who has at least a B average in
64 practical and academic coursework and who has been recommended by
65 the barbering school for such permit.

66 **SECTION 3.** Section 73-5-29, Mississippi Code of 1972, is
67 amended as follows:

68 73-5-29. The fee for taking an examination as a registered
69 barber shall be in the sum of not more than Fifty-five Dollars
70 (\$55.00), and the further sum of not more than Thirty-five Dollars
71 (\$35.00) shall be required for the issuance of a certificate for
72 the registered barber. The fee for taking an examination as a
73 registered barber instructor shall be in the sum of not more than
74 Fifty-five Dollars (\$55.00), and the further sum of not more than
75 Forty Dollars (\$40.00) shall be required for the issuance of a
76 certificate of registration for the registered barber instructor.
77 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall
78 be required for the issuance of a certificate of registration to a
79 practicing barber of another state as authorized by Section
80 73-5-21. Likewise, an annual renewal fee payable on the
81 anniversary date of the issuance of each certificate of
82 registration as a registered barber of not more than Thirty-five
83 Dollars (\$35.00) shall be charged for the issuance of the renewal
84 of the certificate; an annual renewal fee payable on the
85 anniversary date of the issuance of each certificate of
86 registration as a registered barber instructor of not more than
87 Forty Dollars (\$40.00) shall be charged for the issuance of the
88 renewal of the certificate; however, the renewal fee for a
89 registered barber who is sixty-five (65) years of age or older
90 shall be not more than Thirty Dollars (\$30.00); no renewal fee
91 shall be charged to register barbers at least eighty (80) years of
92 age. A fee of Ten Dollars (\$10.00) for each year or any portion
93 thereof in addition to payment of all unpaid renewal fees in
94 arrears and the regular renewal fee shall be required for the
95 restoration of expired certificates of registration issued
96 pursuant to this chapter. Additionally, in order to restore any
97 certificate of registration issued under this chapter that has
98 been expired for a period of five (5) years or longer, the holder

99 thereof must retake and pass the appropriate examination. A
100 penalty of Ten Dollars (\$10.00) in addition to payment of all
101 unpaid renewal fees in arrears and the regular renewal fee shall
102 be required for the restoration of certificates that have expired
103 for a period of thirty (30) to sixty (60) days. A penalty of
104 Twenty-five Dollars (\$25.00) in addition to payment of all unpaid
105 renewal fees in arrears and the regular renewal fee shall be
106 required for the restoration of certificates that have been
107 expired for a period greater than sixty (60) days.

108 The board may adopt and spread upon its minutes the rules and
109 regulations for the issuance of a duplicate certificate for which
110 a fee of not more than Ten Dollars (\$10.00) may be charged.
111 However, each duplicate certificate issued shall have stamped
112 across its face the word "duplicate" and shall bear the number of
113 the original certificate in lieu of which it is issued.

114 A fee of Twenty-five Dollars (\$25.00) shall be required for
115 the issuance of a temporary permit to practice barbering one (1)
116 day a week as authorized in Section 73-5-11(4).

117 **SECTION 4.** Section 73-5-33, Mississippi Code of 1972, is
118 amended as follows:

119 73-5-33. (1) The board shall issue a license for each
120 barbershop in operation in the State of Mississippi, and the board
121 shall prescribe the rules and regulations and circulate the
122 information necessary to obtain a license for the barbershop. A
123 fee of not more than Fifteen Dollars (\$15.00) for each chair
124 manned by a registered barber located in the shop shall be
125 required for the issuance of the license, and the same fee shall
126 be required for a renewal of the license to the shop, the renewal
127 due on the anniversary date of each year. A fee of not more than
128 Twenty-five Dollars (\$25.00) in addition to the regular renewal
129 fee shall be required for restoration of any license that has
130 expired for more than thirty (30) days. Any barbershop license
131 having passed the second year anniversary date, in delinquency,

132 shall be required to have a new shop inspection and shall
133 hereafter pay an initial fee of not more than Forty-five Dollars
134 (\$45.00) in addition to all other fees required for restoration.

135 (2) All barbershop owners shall be responsible for employing
136 only licensed barbers in the shop. Any barbershop owner found by
137 the Board of Barber Examiners to employ an unlicensed barber or
138 barbers shall be fined Four Hundred Fifty Dollars (\$450.00)
139 payable into the State General Fund, and shall be subject to
140 closure until those violations are corrected. Any barbershop
141 operating within the State of Mississippi without a license after
142 July 1, 1968, shall be subjected to closing by a proper order of a
143 court of competent jurisdiction upon a proper showing that it has
144 failed to comply with the terms of this chapter.

145 (3) The board may assess against any barbershop owner found
146 to employ an unlicensed barber or barbers any of the following
147 costs that are expended by the board in the conduct of a
148 proceeding for violation of subsection (2): court filing fees,
149 court costs and the cost of serving process. Any monies collected
150 by the board under this subsection (3) shall be deposited into the
151 special fund operating account of the board.

152 (4) All new barbershops or change of ownership or location
153 of barbershops shall hereafter pay an initial fee of not more than
154 Twenty-five Dollars (\$25.00) in addition to all other fees
155 required before beginning business. The fee shall not be
156 transferable upon change of ownership or location.

157 (5) All licensees shall notify the State Board of Barber
158 Examiners of the location of the barbershop at which they are
159 employed.

160 **SECTION 5.** Section 73-5-43, Mississippi Code of 1972, is
161 amended as follows:

162 73-5-43. Each of the following constitutes a misdemeanor,
163 punishable in any court of competent jurisdiction, upon conviction

164 thereof, by a fine of not less than One Hundred Dollars (\$100.00)

165 nor more than Nine Hundred Fifty Dollars (\$950.00), to-wit:

166 The violation of any of the provisions of Section 73-5-9; or

167 Obtaining or attempting to obtain a certificate of

168 registration for money other than the required fee, or any other

169 thing of value, or by fraudulent misrepresentation; or

170 Practicing or attempting to practice by fraudulent

171 misrepresentations; or

172 The willful failure to display a certificate of

173 registration * * *; or

174 The use of any room or place for barbering which is also used

175 for residential or business purpose (except for the sale of hair

176 tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco

177 and such commodities as are used or sold in a barbershop) unless a

178 substantial partition of ceiling height separates the portion used

179 for the residence or business purpose from that in which such

180 practice of barbering is carried on.

181 **SECTION 6.** This act shall take effect and be in force from

182 and after July 1, 2007.