

By: Senator(s) Dearing

To: Public Health and Welfare

SENATE BILL NO. 2409

1 AN ACT TO AMEND SECTION 73-5-11, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE ISSUANCE OF TEMPORARY PERMITS TO PRACTICE BARBERING  
3 TO CERTAIN STUDENTS RECOMMENDED BY THE BARBERING SCHOOL; TO AMEND  
4 SECTION 73-5-29, MISSISSIPPI CODE OF 1972, TO REQUIRE A FEE FOR  
5 THE ISSUANCE OF A TEMPORARY PERMIT TO CERTAIN BARBERING STUDENTS;  
6 TO AMEND SECTION 73-5-33, MISSISSIPPI CODE OF 1972, TO INCREASE  
7 THE PENALTY FOR EMPLOYING AN UNLICENSED BARBER OR BARBERS; TO  
8 AMEND SECTION 73-5-43, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
9 PENALTY FOR THE VIOLATION OF CERTAIN PROHIBITED ACTS UNDER THE  
10 BARBER LAW; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 73-5-11, Mississippi Code of 1972, is  
13 amended as follows:

14 73-5-11. (1) To be eligible for enrollment at a barbering  
15 school approved by the Board of Barber Examiners, a person shall  
16 have a high school education or its equivalent, and/or shall have  
17 satisfactorily passed the ability-to-benefit examinations approved  
18 by the U.S. Department of Education.

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

21 (a) Who is qualified under the provisions of this  
22 chapter;

23 (b) Who is of good moral character and temperate  
24 habits;

25 (c) Who has completed not less than fifteen hundred  
26 (1500) hours at a barbering school approved by the State Board of  
27 Barber Examiners; and

28 (d) Who has passed a satisfactory examination conducted  
29 by the board of examiners to determine his fitness to practice  
30 barbering.

31 (3) A temporary permit to practice barbering until the next  
32 examination is given may be issued to a student who has completed  
33 not less than fifteen hundred (1500) hours at a barbering school  
34 approved by the Board of Barber Examiners. In no event shall a  
35 person be allowed to practice barbering on a temporary permit  
36 beyond the date the next examination is given, except because of  
37 personal illness.

38 (4) A temporary permit to practice barbering may be issued  
39 to a student that has completed not less than one thousand three  
40 hundred (1,300) hours at a barbering school approved by the Board  
41 of Barber Examiners, who has at least a "B" average in practical  
42 and academic course work and who has been recommended by the  
43 barbering school for such permit. Hours worked in a barbershop  
44 will not be counted toward school hours. Students are not allowed  
45 to work in a barbershop during school hours.

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

48 73-5-29. The fee for taking an examination as a registered  
49 barber shall be in the sum of not more than Fifty-five Dollars  
50 (\$55.00), and the further sum of not more than Thirty-five Dollars  
51 (\$35.00) shall be required for the issuance of a certificate for  
52 the registered barber. The fee for taking an examination as a  
53 registered barber instructor shall be in the sum of not more than  
54 Fifty-five Dollars (\$55.00), and the further sum of not more than  
55 Forty Dollars (\$40.00) shall be required for the issuance of a  
56 certificate of registration for the registered barber instructor.  
57 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall  
58 be required for the issuance of a certificate of registration to a  
59 practicing barber of another state as authorized by Section  
60 73-5-21. Likewise, an annual renewal fee payable on the  
61 anniversary date of the issuance of each certificate of  
62 registration as a registered barber of not more than Thirty-five  
63 Dollars (\$35.00) shall be charged for the issuance of the renewal

64 of the certificate; an annual renewal fee payable on the  
65 anniversary date of the issuance of each certificate of  
66 registration as a registered barber instructor of not more than  
67 Forty Dollars (\$40.00) shall be charged for the issuance of the  
68 renewal of the certificate; however, the renewal fee for a  
69 registered barber who is sixty-five (65) years of age or older  
70 shall be not more than Thirty Dollars (\$30.00). A fee of Ten  
71 Dollars (\$10.00) for each year or any portion thereof in addition  
72 to payment of all unpaid renewal fees in arrears and the regular  
73 renewal fee shall be required for the restoration of expired  
74 certificates of registration issued pursuant to this chapter.  
75 Additionally, in order to restore any certificate of registration  
76 issued under this chapter that has been expired for a period of  
77 five (5) years or longer, the holder thereof must retake and pass  
78 the appropriate examination. A penalty of Ten Dollars (\$10.00) in  
79 addition to payment of all unpaid renewal fees in arrears and the  
80 regular renewal fee shall be required for the restoration of  
81 certificates that have expired for a period of thirty (30) to  
82 sixty (60) days. A penalty of Twenty-five Dollars (\$25.00) in  
83 addition to payment of all unpaid renewal fees in arrears and the  
84 regular renewal fee shall be required for the restoration of  
85 certificates that have been expired for a period greater than  
86 sixty (60) days.

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

93 A fee of Twenty-five Dollars (\$25.00) shall be required for  
94 the issuance of a temporary permit to practice barbering as  
95 authorized in Section 73-5-11(4).

96           **SECTION 3.** Section 73-5-33, Mississippi Code of 1972, is  
97 amended as follows:

98           73-5-33. (1) The board shall issue a license for each  
99 barbershop in operation in the State of Mississippi, and the board  
100 shall prescribe the rules and regulations and circulate the  
101 information necessary to obtain a license for the barbershop. A  
102 fee of not more than Fifteen Dollars (\$15.00) for each chair  
103 manned by a registered barber located in the shop shall be  
104 required for the issuance of the license, and the same fee shall  
105 be required for a renewal of the license to the shop, the renewal  
106 due on the anniversary date of each year. A fee of not more than  
107 Twenty-five Dollars (\$25.00) in addition to the regular renewal  
108 fee shall be required for restoration of any license that has  
109 expired for more than thirty (30) days. Any barbershop license  
110 having passed the second year anniversary date, in delinquency,  
111 shall be required to have a new shop inspection and shall  
112 hereafter pay an initial fee of not more than Forty-five Dollars  
113 (\$45.00) in addition to all other fees required for restoration.

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

124           (3) The board may assess against any barbershop owner found  
125 to employ an unlicensed barber or barbers any of the following  
126 costs that are expended by the board in the conduct of a  
127 proceeding for violation of subsection (2): court filing fees,  
128 court costs and the cost of serving process. Any monies collected

129 by the board under this subsection (3) shall be deposited into the  
130 special fund operating account of the board.

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

136 (5) All licensees shall notify the State Board of Barber  
137 Examiners of the location of the barbershop at which they are  
138 employed.

139 **SECTION 4.** Section 73-5-43, Mississippi Code of 1972, is  
140 amended as follows:

141 73-5-43. Each of the following constitutes a misdemeanor,  
142 punishable in any court of competent jurisdiction, upon conviction  
143 thereof, by a fine of not less than One Hundred Dollars (\$100.00)  
144 nor more than Nine Hundred Fifty Dollars (\$950.00), to wit:

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

146 Obtaining or attempting to obtain a certificate of  
147 registration for money other than the required fee, or any other  
148 thing of value, or by fraudulent misrepresentation; or

149 Practicing or attempting to practice by fraudulent  
150 misrepresentations; or

151 The willful failure to display a certificate of  
152 registration \* \* \*; or

153 The use of any room or place for barbering which is also used  
154 for residential or business purpose (except for the sale of hair  
155 tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco  
156 and such commodities as are used or sold in a barbershop) unless a  
157 substantial partition of ceiling height separates the portion used  
158 for the residence or business purpose from that in which such  
159 practice of barbering is carried on.

160 **SECTION 5.** This act shall take effect and be in force from  
161 and after July 1, 2007.