

By: Representative Frierson

To: Public Health and Human Services

HOUSE BILL NO. 582

1 AN ACT TO AMEND SECTION 73-5-9, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE ESTABLISHMENTS TO HAVE A LICENSE FROM THE BOARD OF BARBER
 3 EXAMINERS BEFORE DISPLAYING BARBER SIGNS OR ADVERTISING BARBERING
 4 SERVICES; TO AMEND SECTION 73-5-11, MISSISSIPPI CODE IF 1972, TO
 5 REQUIRE CRIMINAL BACKGROUND CHECKS OF BARBERING SCHOOL APPLICANTS
 6 WITHIN THIRTY DAYS BEFORE APPLICATION FOR ENROLLMENT; TO AUTHORIZE
 7 THE ISSUANCE OF TEMPORARY PERMITS TO PRACTICE BARBERING TO CERTAIN
 8 STUDENTS RECOMMENDED BY THE BARBERING SCHOOL; TO AMEND SECTION
 9 73-5-29, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT OF
 10 LICENSE RENEWAL FEES FOR BARBERS AT LEAST EIGHTY YEARS OF AGE; TO
 11 REQUIRE A FEE FOR THE ISSUANCE OF A TEMPORARY PERMIT TO CERTAIN
 12 BARBERING STUDENTS; TO AMEND SECTION 73-5-33, MISSISSIPPI CODE OF
 13 1972, TO INCREASE THE PENALTY FOR EMPLOYING AN UNLICENSED BARBER
 14 OR BARBERS; TO AMEND SECTION 73-5-43, MISSISSIPPI CODE OF 1972, TO
 15 INCREASE THE PENALTY FOR THE VIOLATION OF CERTAIN PROHIBITED ACTS
 16 UNDER THE BARBER LAW; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

48 (c) Who has completed not less than fifteen hundred
49 (1500) hours at a barbering school approved by the State Board of
50 Barber Examiners; and

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

54 (3) A temporary permit to practice barbering until the next
55 examination is given may be issued to a student who has completed
56 not less than fifteen hundred (1500) hours at a barbering school
57 approved by the Board of Barber Examiners. In no event shall a
58 person be allowed to practice barbering on a temporary permit
59 beyond the date the next examination is given, except because of
60 personal illness.

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

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

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

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

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

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

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

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

133 shall be required to have a new shop inspection and shall
134 hereafter pay an initial fee of not more than Forty-five Dollars
135 (\$45.00) in addition to all other fees required for restoration.

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

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

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

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

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

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

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

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

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

168 Obtaining or attempting to obtain a certificate of

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

170 thing of value, or by fraudulent misrepresentation; or

171 Practicing or attempting to practice by fraudulent

172 misrepresentations; or

173 The willful failure to display a certificate of

174 registration * * *; or

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

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

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

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

179 substantial partition of ceiling height separates the portion used

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

181 practice of barbering is carried on.

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

183 and after July 1, 2006.