

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2778** Session of  
1980

INTRODUCED BY POLITE, JUNE 24, 1980

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 24, 1980

AN ACT

1 Amending the act of June 19, 1931 (P.L.589, No.202), entitled,  
2 as amended, "An act to promote the public health and safety,  
3 by providing for the examination and licensure of those who  
4 desire to engage in the occupation of barbering, regulating  
5 barber shops and barber schools, and students therein;  
6 regulating compensation for service rendered; conferring  
7 certain powers and duties on the Department of State; and  
8 providing penalties," providing for hearing examiners.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 9, act of June 19, 1931 (P.L.589,  
12 No.202), referred to as the Barber's License Law, amended  
13 December 2, 1976 (P.L.1267, No.282), is amended to read:

14 Section 9. The board may suspend or revoke any permit or  
15 certificate of registration granted by the department under this  
16 act to any person who (a) habitually indulges in the use of  
17 ardent spirits, narcotics, or other stimulants to such an extent  
18 as, in the opinion of the board, incapacitates such person from  
19 the duties of a barber; (b) has or imparts any contagious or  
20 infectious disease to any recipient of such person's services as

1 a barber; (c) performs work in an unsanitary or filthy manner or  
2 place of business; (d) who is grossly incompetent; (e) who  
3 conducts his business of barbering on Sundays; (f) who displays  
4 any price list for barber services in or upon any part of  
5 premises of a barber shop in such manner that such list shall be  
6 visible from the outside of the barber shop; (g) engages in  
7 unethical or dishonest practice or conduct; (h) employs an  
8 unlicensed person; or (i) charges tuition to a student in a  
9 registered barber shop. Before any such permit or certificate  
10 shall be suspended or revoked for any of the reasons contained  
11 in this section, the holder thereof shall have notice in writing  
12 of the charge or charges against him or her[, and shall at a day  
13 specified in said notice, which shall be at least five days  
14 after the service thereof, be given a public hearing before a  
15 duly authorized representative of the board with a full  
16 opportunity to produce testimony in his or her behalf and to  
17 confront the witnesses against him or her. The board shall  
18 appoint, with the approval of the Governor, such hearing  
19 examiners as shall be necessary to conduct hearings as may be  
20 required under this section. The board shall have the power to  
21 adopt and promulgate rules and regulations setting forth the  
22 functions, powers, standards and duties to be followed by the  
23 hearing examiners. The hearing examiners shall have the power to  
24 conduct hearings in accordance with the regulations of the  
25 board, and to issue subpoenas requiring the attendance and  
26 testimony of individuals or the production of, pertinent books,  
27 records, documents and papers by persons whom they believe to  
28 have information relevant to any matter pending before the  
29 examiner. Such examiner shall also have the power to administer  
30 oaths. The hearing examiner shall hear evidence submitted and

1 arguments of counsel, if any, with reasonable dispatch, and  
2 shall promptly record his decision, supported by findings of  
3 fact, and a copy thereof shall immediately be sent to the board  
4 and to counsel of record, or the parties, if not represented. If  
5 application for review is made to the board within twenty days  
6 from the date of any decision made as a result of a hearing held  
7 by a hearing examiner, the board shall review the evidence, and  
8 if deemed advisable by the board, hear argument and additional  
9 evidence. As soon as practicable, the board shall make a  
10 decision and shall file the same with its finding of the facts  
11 on which it is based and send a copy thereof to each of the  
12 parties in dispute. Any person whose permit or certificate of  
13 registration has been so suspended or revoked may, on  
14 application, have the same reissued to him or her upon  
15 satisfactory showing that the disqualification has ceased,  
16 except where such certificate was suspended or revoked for  
17 having or imparting any contagious or infectious disease in  
18 which case a new certificate shall not be issued for a period of  
19 at least one year, and then only after the provisions of this  
20 act have been fully complied with by such person in the same  
21 manner as if he or she had never been registered.

22       Section 2. This act shall take effect in 60 days.