

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1049 Session of
2005

INTRODUCED BY YEWCIC, CALTAGIRONE, FORCIER, HALUSKA, KOTIK,
NAILOR, PHILLIPS, ROBERTS, ROHRER, SHANER, SOLOBAY, STERN,
WASHINGTON, WATERS, WHEATLEY, NICKOL, JAMES, GEIST, SCAVELLO,
CREIGHTON, CLYMER, MACKERETH, O'NEILL, SAYLOR, PALLONE,
CIVERA, CRAHALLA, PAYNE AND GINGRICH, MARCH 21, 2005

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 21, 2005

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 profession 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," further providing FOR LICENSE <—
9 APPLICATION FOR BARBER-TEACHER, FOR EXAMINATION AND for
10 ~~licensing requirements~~ REQUIREMENTS FOR OPERATION OF BARBER <—
11 SHOPS.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Section 12 of the act of June 19, 1931 (P.L.589,~~ <—
15 ~~No.202), referred to as the Barbers' License Law, amended June~~
16 ~~30, 1984 (P.L.494, No.101), and June 28, 1996 (P.L.426, No.63),~~
17 ~~is amended to read:~~

18 SECTION 1. SECTIONS 3(D) AND 6(A) OF THE ACT OF JUNE 19, <—
19 1931 (P.L.589, NO.202), REFERRED TO AS THE BARBERS' LICENSE LAW,
20 AMENDED JUNE 30, 1984 (P.L.494, NO.101), ARE AMENDED TO READ:

1 SECTION 3. * * *

2 (D) THE APPLICANT FOR A BARBER-TEACHER'S LICENSE SHALL, AS A
3 CONDITION PRECEDENT TO OBTAINING A LICENSE, TAKE THE BARBER-
4 TEACHER'S LICENSE EXAMINATION AND SCORE A PASSING GRADE. PRIOR
5 TO TAKING THE EXAMINATION, THE APPLICANT SHALL BE AT LEAST
6 TWENTY-THREE YEARS OF AGE, BE A HIGH SCHOOL GRADUATE OR ITS
7 EQUIVALENT, AND EITHER HAVE HAD FIVE YEARS' EXPERIENCE AS A
8 LICENSED BARBER IN A LICENSED BARBER SHOP OR SHARED SHOP AS SET
9 FORTH IN SECTION 15-A.3 IN PENNSYLVANIA, OR BE A MANAGER-BARBER
10 WHO HAS TRAINED FOR ONE THOUSAND TWO HUNDRED FIFTY (1250) HOURS
11 UNDER A LICENSED TEACHER IN A LICENSED BARBER SCHOOL AS A
12 TEACHER-TRAINEE. A NOTARIZED APPLICATION FOR A LICENSE AS A
13 BARBER-TEACHER SHALL BE MADE IN SUCH FORM AS THE BOARD SHALL
14 PRESCRIBE. [THE APPLICATION SHALL BE ACCOMPANIED BY A NOTARIZED
15 STATEMENT FROM A LICENSED PHYSICIAN THAT THE APPLICANT WAS
16 EXAMINED BY THE PHYSICIAN, A TEST OF THE APPLICANT'S BLOOD WAS
17 MADE AND THE RESULTS OF THAT TEST AND THE APPLICANT IS FREE FROM
18 ALL CONTAGIOUS AND INFECTIOUS DISEASES.] THE APPLICATION SHALL
19 BE ACCOMPANIED BY A NOTARIZED STATEMENT, BY EITHER THE OWNER OR
20 MANAGER OF THE SHOP IN WHICH THE APPLICANT HAS BEEN EMPLOYED
21 THAT THE APPLICANT HAS HAD FIVE YEARS EXPERIENCE AS A LICENSED
22 BARBER IN A LICENSED BARBER SHOP OR SHARED SHOP AS SET FORTH IN
23 SECTION 15-A.3 IN THIS COMMONWEALTH OR BY THE LICENSED BARBER
24 SCHOOL THE TEACHER-TRAINEE ATTENDED, THAT THE APPLICANT HAS BEEN
25 LICENSED AS A MANAGER-BARBER AND TRAINED FOR ONE THOUSAND TWO
26 HUNDRED FIFTY (1250) HOURS UNDER A LICENSED TEACHER IN A
27 LICENSED BARBER SCHOOL AS A TEACHER-TRAINEE. THE BOARD SHALL NOT
28 HAVE THE POWER TO REQUIRE A PHOTOGRAPH AS PART OF AN APPLICATION
29 FOR A BARBER-TEACHER'S LICENSE. AT THE TIME OF FILING THE
30 APPLICATION AND ACCOMPANYING NOTARIZED STATEMENTS, THE APPLICANT

1 SHALL PAY TO THE DEPARTMENT AN EXAMINATION FEE TO BE DETERMINED
2 BY REGULATION AND SHALL PRESENT HIMSELF OR HERSELF AT THE NEXT
3 EXAMINATION OF APPLICANTS AS PROVIDED IN SECTION 6.

4 SECTION 6. (A) EXAMINATIONS SHALL BE HELD [ON THE SECOND
5 MONDAYS IN MARCH, JUNE, SEPTEMBER AND DECEMBER,] AT LEAST FOUR
6 TIMES A YEAR IN THE METROPOLITAN AREAS OF PHILADELPHIA,
7 PITTSBURGH, SCRANTON, HARRISBURG AND ERIE, AT SUCH HOURS AS THE
8 BOARD SHALL PRESCRIBE.

9 * * *

10 SECTION 2. SECTION 12 OF THE ACT, AMENDED JUNE 30, 1984
11 (P.L.494, NO.101) AND JUNE 28, 1996 (P.L.426, NO.63), IS AMENDED
12 TO READ:

13 Section 12. (a) (1) Except for shops licensed under
14 section 13(b) and for one-barber shops, which shall be operated
15 by a licensed barber, all other barber shops shall at all times
16 be under the immediate supervision of a manager-barber[.] or a
17 licensee designated in charge of the shop. A shop owner shall
18 designate a manager-barber or other licensee in charge of the
19 shop. The name of the shop owner and the manager-barber or the
20 designated licensee shall be posted in a conspicuous place in
21 the barber shop. The shop owner, manager-barber or designated
22 licensee shall be readily available to board inspectors during
23 regular business hours. In barber shops where students are
24 supervised by a manager-barber there shall be no more than one
25 student per barber shop. In barber shops where students are
26 supervised by a barber-teacher there shall be no more than one
27 student per barber-teacher. In no case shall there be more than
28 two students per barber shop. All barber schools shall keep
29 prominently displayed at every entrance to said school a sign
30 reading "Barber School." Any copartnership, corporation, or

1 person desiring to operate or conduct a barber shop or barber
2 school, shall first secure from the board a license to do so,
3 and shall keep the same prominently displayed. Both the fee for
4 registration of each barber school and the annual renewal fee
5 shall be determined by regulation. The board may pass upon the
6 qualifications, appointments, and course of study in said
7 school, which shall be not less than one thousand two hundred
8 fifty (1250) hours and not less than nine months. All barber
9 schools shall have not less than one licensed teacher for every
10 twenty students, and in no case less than one full-time teacher,
11 who shall be in attendance at all times during the hours the
12 school is open for instruction. This section does not prohibit
13 an owner who is a cosmetologist from employing a barber without
14 the requirement that a manager-barber also be employed.

15 (2) Any person who holds a license to operate or conduct a
16 barber shop or barber school, who shall fail to apply for a
17 renewal of his or her license and who continues to operate or
18 conduct a barber shop or barber school, shall, on summary
19 conviction thereof, be sentenced to pay a fine not to exceed
20 three hundred dollars, or to undergo an imprisonment for a
21 period not exceeding ninety days, or both.

22 (b) No school of barbering shall be granted a license or
23 renewal unless it requires as a prerequisite to admission
24 thereto, graduation from the eighth grade in a secondary school
25 or its equivalent, and it shall attach to its staff, as a part-
26 time teacher, a person licensed by the Commonwealth to practice
27 medicine, and employ and maintain a sufficient number of
28 licensed teachers and shall possess apparatus and equipment
29 sufficient for the proper and full teaching of all subjects of
30 its curriculum; shall keep a daily record of the attendance of

1 each student; shall maintain regular class and instruction
2 hours[, which shall not be less than seven nor more than eight <—
3 hours per day when the school is open for instruction]; shall <—
4 establish grades and hold examination before issuance of
5 diplomas; and shall be required to maintain a course of study
6 requiring not less than one thousand two hundred fifty hours for
7 completion in not less than nine months; and shall comprise all
8 of the subjects pertaining to barbering, the barber laws of this
9 State, and the rules and regulations adopted by the board; and
10 shall include practical demonstrations and theoretical studies
11 and studies in sanitation, sterilization and the use of
12 antiseptics, cosmetics, and electrical appliances, consistent
13 with the practical and theoretical requirements as applicable to
14 barbering or any practice thereof.

15 (b.1) Upon renewal of the license, the school owner shall
16 supply an affidavit stating at the time of renewal that the
17 school is in compliance with this act and the rules and
18 regulations promulgated under this act.

19 (c) No school of barbering shall permit its students to
20 practice barbering on the public under any circumstances, except
21 by way of clinical work upon persons willing to submit
22 themselves to such practice, after first being properly informed
23 that the operator is a student. No school of barbering shall
24 directly or indirectly charge any money whatsoever for treatment
25 by its students and shall only charge the reasonable costs of
26 materials used in such treatment.

27 Section ~~2~~ 3. This act shall take effect in 60 days. <—