

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 132**

Introduced by Fulton, 29.

Read first time January 09, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Barber Act; to amend sections  
2 71-201, 71-208.02, 71-208.06, 71-216, 71-219, 71-219.02,  
3 71-223.01, 71-224, 71-239, 71-242, and 71-245, Reissue  
4 Revised Statutes of Nebraska; to limit the use of certain  
5 titles and images as prescribed; to change provisions  
6 relating to barber instructors, license expiration,  
7 inspections, and licensure without examination; to  
8 provide for booth rental permits; to harmonize  
9 provisions; and to repeal the original sections.  
10 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-201, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           71-201 No person shall practice or attempt to practice  
4 barbering without a license issued pursuant to the Barber Act by  
5 the board. It shall be unlawful to operate a barber shop unless it  
6 is at all times under the direct supervision and management of a  
7 licensed barber.

8           No person, partnership, limited liability company, or  
9 corporation shall operate a barber shop or barber school until  
10 a license has been obtained for that purpose from the board. If  
11 the applicant is an individual, the application shall include the  
12 applicant's social security number. All barber shop licenses shall  
13 be issued on or before June 30 of each even-numbered year, shall be  
14 effective as of July 1 of each even-numbered year, shall be good  
15 for ~~one year~~, two years, and shall expire on ~~the succeeding~~ June 30  
16 of the next succeeding even-numbered year.

17           Any barber shop which fails to renew its license on or  
18 before the expiration date may renew such license by payment of the  
19 renewal fee and a late renewal fee established by the board within  
20 sixty days after such date or such other time period as the board  
21 establishes.

22           Any barber shop or barber school license may be  
23 suspended, revoked, or denied renewal by the board for violation  
24 of any provision of the statutes or any rule or regulation of the  
25 board pertaining to the operation or sanitation of barber shops or

1 barber schools after due notice and hearing before the board.

2 No person shall use the title of barber or barber shop or  
3 indicate in any way that he or she offers barbering services unless  
4 he or she is licensed pursuant to the act. No person, partnership,  
5 limited liability company, or corporation shall hold itself out  
6 as a barber shop or indicate in any way that it offers barbering  
7 services unless such person or entity and the personnel who purport  
8 to offer barbering services in association with such person or  
9 entity are licensed pursuant to the act.

10 No person, partnership, limited liability company, or  
11 corporation shall display a barber pole or use a barber pole or  
12 the image of a barber pole in its advertising unless such person  
13 or entity is licensed to provide barbering services pursuant to the  
14 Barber Act and the display or use of such barber pole or barber  
15 pole image is to indicate that the person or entity is offering  
16 barbering services.

17 Sec. 2. Section 71-208.02, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 71-208.02 (1) All instruction in barber schools shall be  
20 conducted by registered barber instructors or registered assistant  
21 barber instructors.

22 (2) A person shall be eligible for registration as a  
23 barber instructor if:

24 (a) He or she has completed at least eighteen hours  
25 of college credit at or above the postsecondary level, including

1 at least three credit hours each in (i) methods of teaching,  
2 (ii) curriculum development, (iii) special vocational needs,  
3 (iv) educational psychology, (v) speech communications, and (vi)  
4 introduction to business;

5 (b) He or she has been a licensed and actively practicing  
6 barber for the one year immediately preceding application, except  
7 that for good cause the board may waive the requirement that the  
8 applicant be an actively practicing barber for one year or that  
9 such year immediately precede application;

10 (c) He or she has served as a registered assistant barber  
11 instructor under the ~~direct inhouse~~ supervision of an active,  
12 full-time, registered barber instructor, as provided in subsection  
13 (5) of this section, for one year immediately preceding application  
14 for registration, except that for good cause the board may waive  
15 the requirement that such year immediately precede application;

16 (d) He or she has passed an examination prescribed by the  
17 board; and

18 (e) He or she has paid the fees prescribed by section  
19 71-219.

20 (3) One registered barber instructor or assistant barber  
21 instructor shall be employed for each fifteen students, or fraction  
22 thereof, enrolled in a barber school, except that each barber  
23 school shall have not less than two instructors, one of whom  
24 shall be a registered barber instructor, regardless of the number  
25 of students. Additional assistant barber instructors shall be

1 permitted on a working ratio of two assistant barber instructors  
2 for every registered barber instructor. A barber school operated  
3 by a nonprofit organization which neither charges any tuition to  
4 its students nor makes any charge to the persons upon whom work is  
5 performed shall not be required to have more than one instructor,  
6 regardless of the number of students, which instructor shall be a  
7 registered barber instructor.

8 (4) No student at a barber school shall be permitted to  
9 do any practical work upon any person unless a registered barber  
10 instructor or registered assistant barber instructor is on the  
11 premises and supervising the practical work being performed.

12 (5) (a) A person shall be eligible for registration as  
13 an assistant barber instructor if he or she has paid the fee  
14 prescribed by section 71-219, has been a licensed and actively  
15 practicing barber for one year, and is currently enrolled or  
16 will enroll at the first regular college enrollment date after  
17 registration under this section in an educational program leading  
18 to completion of the hours required under subsection (2) of this  
19 section.

20 (b) A person registered pursuant to subdivision (a) of  
21 this subsection shall serve as an assistant barber instructor under  
22 direct supervision, except that he or she may serve as an assistant  
23 barber instructor under indirect supervision if:

24 (i) He or she has completed nine college credit  
25 hours, including three credit hours each in methods of teaching,

1 curriculum development, and special vocational needs; and

2 (ii) He or she has completed one year of instructor  
3 training under the direct inhouse supervision of an active,  
4 full-time, registered barber instructor or in lieu thereof has  
5 completed the requirements of a barber instructor course developed  
6 or approved by the board. The board may develop such courses  
7 or approve courses developed by educational institutions or other  
8 entities which meet requirements established by the board in rules  
9 and regulations.

10 (c) A report of college credits earned pursuant to  
11 subsection (2) of this section shall be submitted to the board at  
12 the end of each academic year. Registration as an assistant barber  
13 instructor shall be renewed ~~annually~~ in each even-numbered year  
14 and shall be valid for three years from the date of registration  
15 if the registrant pursues without interruption the educational  
16 program described in subsection (2) of this section. A registrant  
17 who fails to so maintain such program shall have his or her  
18 registration revoked. Any such registration that has been revoked  
19 shall be reinstated if all renewal fees have been paid and other  
20 registration requirements of this subsection are met.

21 (6) A person who is a registered barber instructor before  
22 September 9, 1993, may continue to practice as a registered barber  
23 instructor on and after such date without meeting the changes in  
24 the registration requirements of this section imposed by Laws 1993,  
25 LB 226. A person who is a registered assistant barber instructor

1 before September 9, 1993, and who seeks to register as a barber  
2 instructor on or after September 9, 1993, may meet the requirements  
3 for registration as a barber instructor either as such requirements  
4 existed before such date or as such requirements exist on or after  
5 such date.

6 Sec. 3. Section 71-208.06, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 71-208.06 The license as a registered barber instructor  
9 shall be issued on or before June 30 of each even-numbered year  
10 effective as of July 1 of each even-numbered year and shall expire  
11 ~~on the next succeeding June 30.~~ as provided in section 71-216. The  
12 license application shall include the applicant's social security  
13 number.

14 Sec. 4. Section 71-216, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 71-216 Every registered barber instructor and licensed  
17 barber who continues in active practice or service shall on  
18 or before June 30 of each even-numbered year renew his or her  
19 license or registration and pay the required fee. Such license or  
20 registration shall be effective as of July 1 of each even-numbered  
21 year and shall terminate on June 30 of the next succeeding  
22 even-numbered year.

23 Every registered assistant barber instructor shall,  
24 subject to the requirements of section 71-208.02, renew his or her  
25 registration on or before its expiration date during the period of

1 its validity established by such section and pay the required fee.

2           Every barber school shall on or before June 30 of each  
3 even-numbered year obtain renewal of its license and pay the  
4 required fee. Such renewal shall be effective as of July 1 of  
5 each even-numbered year and shall expire on June 30 of the next  
6 succeeding even-numbered year.

7           Any licensed barber, registered barber instructor,  
8 registered assistant barber instructor, or barber school which  
9 fails to renew his, her, or its license or registration on or  
10 before the expiration date may renew such license or registration  
11 by payment of the renewal fee and a late renewal fee established  
12 by the board within sixty days after such date or such other time  
13 period as the board establishes.

14           Any barber on inactive status or who withdraws from the  
15 active practice of barbering may renew his or her license within  
16 five years of its expiration date upon the payment of the required  
17 restoration fee. Any barber who fails to renew his or her license  
18 for five consecutive years shall be required to successfully  
19 complete the examination for issuance of a new license.

20           Sec. 5. Section 71-219, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           71-219 The board shall set the fees to be paid:

23           (1) By an applicant for an examination to determine his  
24 or her fitness to receive a license to practice barbering or a  
25 registration as a barber instructor and for the issuance of the



1 license or registration;

2 (2) By an applicant for registration as an assistant  
3 barber instructor;

4 (3) For the renewal of a license to practice barbering  
5 and for restoration of an inactive license;

6 (4) For the renewal of a registration to practice as  
7 a barber instructor and for the restoration of an inactive  
8 registration;

9 (5) For renewal of a registration to practice as an  
10 assistant barber instructor;

11 (6) For late renewal of a license issued under the Barber  
12 Act;

13 (7) For an application for a license to establish a  
14 barber shop or barber school and for the issuance of a license;

15 (8) For the transfer of license or change of ownership of  
16 a barber shop or barber school;

17 (9) For renewal of a barber license, barber instructor  
18 registration, barber shop license, or barber school license;

19 (10) For an application for a temporary license to  
20 conduct classes of instruction in barbering;

21 (11) For an affidavit for purposes of reciprocity or  
22 for issuance of a certification of licensure for purposes of  
23 reciprocity;

24 (12) For an application for licensure without examination  
25 pursuant to section 11 of this act and for the issuance of a

1 license pursuant to such section;

2 (13) For issuance of a booth rental permit under section  
 3 7 of this act;

4 ~~(12)~~ (14) For the sale of listings or labels; and

5 ~~(13)~~ (15) For a returned check because of insufficient  
 6 funds or no funds.

7 Sec. 6. Section 71-219.02, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 71-219.02 Application for a license to establish a  
 10 barber shop shall be made on a form furnished by the board. It  
 11 shall contain such information relative to ownership, management,  
 12 sanitation, and other data concerning such business as may  
 13 be required by the board. The board shall collect with such  
 14 application, in addition to the annual license fee, paid for that  
 15 year, a fee to be set by the board. A fee shall be collected for  
 16 the transfer of license or change of ownership of a barber shop,  
 17 but no fee shall be collected if the ownership results merely from  
 18 a present license holder incorporating his or her business. Every  
 19 barber shop shall be called upon by the state barber inspector at  
 20 least once each year licensing period for the purpose of inspection  
 21 in order to be eligible for an annual a permit to conduct a barber  
 22 shop, and no license shall be issued unless all deficiencies found  
 23 by inspection of such shop have been corrected.

24 Sec. 7. (1) Any barber who leases space on the premises  
 25 of a barber shop to engage in the practice of barbering as an

1 independent contractor or a self-employed person shall obtain a  
2 booth rental permit.

3 (2) An application for a booth rental permit shall be  
4 made on a form furnished by the board and shall include the  
5 applicant's name, barber license number, telephone number, work  
6 address, whether the applicant is an independent contractor or a  
7 self-employed person, and such other information the board deems  
8 necessary. The applicant's mailing address shall be the work  
9 address shown on the permit application.

10 (3) The board shall issue a booth rental permit upon  
11 receipt of an application containing the information required under  
12 subsection (2) of this section and the fee established pursuant to  
13 section 71-219.

14 (4) The holder of a booth rental permit shall provide the  
15 board with ten days' written notice before changing his or her work  
16 address.

17 Sec. 8. Section 71-223.01, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 71-223.01 The board shall by rules and regulations duly  
20 adopted prescribe sanitary requirements for barber shops and barber  
21 schools. The board or its employees shall regularly inspect all  
22 barber shops and barber schools in this state to insure compliance  
23 with such regulations. Such sanitary requirements and inspections  
24 shall include all activities, in addition to barbering as defined  
25 in section 71-202, taking place on the licensed premises. A written

1 report of each such inspection made shall be submitted to the  
2 barber board. Each school or barber shop shall be called upon at  
3 least once each ~~year~~ licensing period for the purpose of inspection  
4 prior to the issuance of its license to be eligible for ~~annual~~  
5 renewal of certification or registration.

6 Sec. 9. Section 71-224, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 71-224 Sections 71-201 to 71-248 and sections 7 and 11 of  
9 this act shall be known and may be cited as the Barber Act.

10 Sec. 10. Section 71-239, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 71-239 For purposes of recognizing licenses which have  
13 been issued in other states or countries to practice barbering as a  
14 licensed barber or registered barber instructor, the board may:

15 (1) Enter ~~enter~~ into a reciprocal agreement with any  
16 state which is certified to it by the proper examining board under  
17 the provisions of section 71-240; and-

18 (2) Provide for licensure without examination as provided  
19 in section 11 of this act.

20 Sec. 11. (1) The board may issue a license without  
21 examination to a person licensed in a state, territory, or country  
22 with which the board has not entered into a reciprocal agreement  
23 under section 71-239 as provided in this section.

24 (2) An applicant for licensure without examination from  
25 a person licensed in a state, territory, or country described

1 in subsection (1) of this act shall file with the board (a)  
2 an application on a form provided by the board, (b) a copy  
3 of the license issued by such state, territory, or country to  
4 the applicant, (c) the applicant's social security number, (d)  
5 documents demonstrating that the requirements for licensure in such  
6 state, territory, or country are substantially equivalent to the  
7 requirements for licensure under the Barber Act, and (e) the fee  
8 required pursuant to section 71-219.

9 (3) The board shall review each application and the  
10 documents submitted under this section and determine within sixty  
11 days after receiving such application and documentation whether to  
12 issue a license without examination to the applicant. The board  
13 shall notify the applicant of its decision within ten days after  
14 the date of making the decision. If the board determines not to  
15 issue a license without examination to the applicant, he or she  
16 may appeal the decision of the board and the appeal shall be in  
17 accordance with the Administrative Procedure Act.

18 (4) The board may adopt and promulgate rules and  
19 regulations to carry out this section.

20 Sec. 12. Section 71-242, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 71-242 The board shall not enter into any reciprocal  
23 agreement with any state or country with reference to the practice  
24 of barbering as a licensed barber or registered barber instructor  
25 for which the board conducts examinations unless every person

1 licensed or registered in such state or country when applying for a  
2 license to practice in this state shall show:

3 (1) That the requirements for licensure or registration  
4 were substantially equal to those in force in this state at the  
5 time such license was issued; or

6 (2) Upon due proof that such applicant has continuously  
7 practiced the practices or occupation for which application for a  
8 license is made at least three years immediately prior to such  
9 application.

10 The applicant shall also pay the fee set pursuant to  
11 section 71-219 and provide his or her social security number.

12 ~~Any~~ Except as provided in section 11 of this act, any  
13 applicant who fails to qualify for such exemption because his or  
14 her study or training outside this state does not fulfill the  
15 requirements of this section shall receive credit for the number  
16 of hours of study and training successfully completed in the  
17 particular state where he or she is registered or licensed, and  
18 he or she shall be qualified for the examination upon completion  
19 of such supplementary study and training in an accredited school  
20 of barbering in this state as the board finds necessary to  
21 substantially equal the study and training of a qualified person  
22 who has studied and trained in an accredited school in this state  
23 only. For the purposes of this section, each six months of practice  
24 outside of this state of the practices or occupation for which  
25 application for a license is made shall be deemed the equivalent of

1 one hundred hours of study and training required in this state in  
2 order to qualify for the practice of barbering.

3 Sec. 13. Section 71-245, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 71-245 The provisions of the Barber Act, relating to  
6 applications, transmittal of the names of eligible candidates,  
7 certification of successful applicants, and issuance of licenses  
8 thereto, in the case of regular examinations, applies as far as  
9 applicable to applicants for a reciprocal license or for a license  
10 issued pursuant to section 11 of this act.

11 Sec. 14. Original sections 71-201, 71-208.02, 71-208.06,  
12 71-216, 71-219, 71-219.02, 71-223.01, 71-224, 71-239, 71-242, and  
13 71-245, Reissue Revised Statutes of Nebraska, are repealed.