

AN ACT

ENTITLED, An Act to revise and repeal certain provisions regarding the practice of barbering.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-14-9 be amended to read:

36-14-9. The Board of Barber Examiners may promulgate reasonable rules, pursuant to chapter 1-26, for the administration of the provisions of this chapter and to prescribe sanitary requirements for barbershops and barber schools. A copy of the rules promulgated by the board shall be furnished by the board to the owner or manager of each barbershop and barber school. A copy of the rules shall be posted in a conspicuous place in each barbershop or barber school.

The Board of Barber Examiners may also promulgate rules, pursuant to chapter 1-26, to establish:

- (1) The fee for the annual renewal of the certificate of registration for barbers pursuant to § 36-14-24;
- (2) The fee for the operation of a barber school or college pursuant to § 36-14-24;
- (3) The fee for the operation of a barbershop pursuant to § 36-14-27; and
- (4) The procedures governing the inspection of barbershops and the barbershop equipment pursuant to § 36-14-28.

Section 2. That § 36-14-11 be amended to read:

36-14-11. No person may practice barbering without having a certificate of registration issued by the Board of Barber Examiners.

Section 3. That § 36-14-13 be amended to read:

36-14-13. Any person who is at least eighteen years of age and has passed a satisfactory examination conducted by the Board of Barber Examiners to determine the person's fitness to practice barbering is entitled to a certificate of registration as a registered barber.

Section 4. That § 36-14-13.1 be repealed.

Section 5. That § 36-14-13.2 be repealed.

Section 6. That § 36-14-14 be amended to read:

36-14-14. Any person who is at least eighteen years of age may transfer a barber license or registration to this state if the applicant has:

- (1) A license or certificate of registration as a barber from another state or country that has substantially the same requirements for licensing or registering barbers as required by this chapter; or
- (2) Can prove by affidavits that the applicant has practiced as a barber in another state or country for at least five years.

After a qualified applicant pays the required fee, the Board of Barber Examiners shall issue a certificate of registration to practice barbering. If an applicant applying to transfer a barber license or registration to this state from another state or country that requires less than fifteen hundred hours of instruction as a prerequisite to licensing, the applicant shall receive an additional fifty hours of credit for each month the applicant has practiced as a licensed barber in the other state or country. This credit shall be applied toward the required fifteen hundred hours of instruction required by § 36-14-17.

Section 7. That § 36-14-15 be repealed.

Section 8. That § 36-14-16 be repealed.

Section 9. That § 36-14-21 be repealed.

Section 10. That § 36-14-22 be amended to read:

36-14-22. Each registered barber who continues in active practice or service, shall annually, on or before the first day of July, renew the barber's certificate of registration and pay the required fee. Each certificate of registration, unless renewed, annually expires on June thirtieth.

Section 11. That § 36-14-24 be amended to read:

36-14-24. The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a certificate of registration to practice barbering may not exceed one hundred dollars and for the issuance of the certificate, may not exceed fifty dollars. All fees shall be set by the board by rules promulgated pursuant to chapter 1-26. For the annual renewal of a certificate of registration to practice barbering, no more than eighty dollars, and for the restoration of an expired certificate, no more than twenty dollars, plus no more than fifteen dollars penalty for each expired year. The fee to be paid for a permit to operate a barber school or college shall be set by rule promulgated pursuant to chapter 1-26 and may not be more than one hundred fifty dollars annually.

Section 12. That § 36-14-25 be amended to read:

36-14-25. A registered barber who does not continue in active practice or service may have the barber's certificate of registration restored at any time within three years, by paying the required restoration fee.

Section 13. That § 36-14-26 be amended to read:

36-14-26. The Board of Barber Examiners shall keep a record of its proceedings relative to the issuance, refusal, renewal, suspension, and revocation of certificates of registration, which record shall contain the name, place of business, and the residence of each registered barber and the date and number of the barber's certificate of registration. This record shall be open to public inspection at all reasonable times.

Section 14. That § 36-14-36 be amended to read:

36-14-36. The commission of any of the following acts is a petty offense:

- (1) The practice of barbering without a certificate of registration;
- (2) Permitting any person in one's employ, supervision, or control to practice as a barber, unless that person has a certificate of registration;

- (3) Obtaining a certificate of registration by fraudulent misrepresentation;
- (4) Failing to display the certificate of registration as required by this chapter;
- (5) Using any room or place for barbering which is also used for residential or business purposes, unless a substantial partition of ceiling height separates the portion used for residential or business purposes. The practice of cosmetology or the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, or tobacco, may not be construed to mean business purposes;
- (6) Failing or refusing to use separate and clean towels for each person served or to discard or launder each towel after once being used; or
- (7) Failing or refusing to supply clean hot and cold water in a quantity necessary to conduct any barbershop in a sanitary manner; failing or refusing to have water and sewerage connections with a water and sewage system, where the latter is available; or failing or refusing to maintain a receptacle for hot water of a capacity of less than five gallons.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1050

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1050

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State