

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1092
(Industry, Business and Labor Committee)
(At the request of the Board of Barber Examiners)

AN ACT to amend and reenact sections 43-04-26, 43-04-31, 43-04-32, 43-04-33, 43-04-35, 43-04-36, 43-04-39, 43-04-42, and 43-04-45 of the North Dakota Century Code, relating to the repeal of apprentice barbering requirements; and to repeal sections 43-04-22, 43-04-23, 43-04-28, 43-04-29, and 43-04-34 of the North Dakota Century Code, relating to the repeal of apprentice barbering requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-04-26 of the North Dakota Century Code is amended and reenacted as follows:

43-04-26. Application for admission to barber school for postgraduate course.

~~No~~ A school or college of barbering may not enroll or admit any student in a postgraduate course thereof, unless ~~such~~the student ~~shall file~~files, in duplicate, an application, duly verified, which ~~must show that such~~the applicant:

1. Has graduated from a school or college of barbering approved by the board;
2. ~~Then holds a valid, unexpired, and uncanceled certificate of registration as a registered apprentice; or~~
3. Can prove by sworn affidavits that the applicant has practiced as a barber in another state of the United States for at least two years immediately prior to making ~~such~~the application.

One copy of ~~such~~the application must be retained by the college or school so admitting or enrolling ~~such~~the student and the other must be filed by such school or college with ~~said~~the board. ~~Nothing in this~~This section contained may not be construed as limiting or modifying the provisions of sections 43-04-31 and 43-04-35.

SECTION 2. AMENDMENT. Section 43-04-31 of the North Dakota Century Code is amended and reenacted as follows:

43-04-31. Qualifications for certificate of registration as registered barber.

A person is qualified to receive a certificate of registration to practice barbering if the person:

1. Is qualified in accordance with the provisions of section 43-04-23;
2. Is at least eighteen years of age;
3. Is of good moral character and temperate habits;
4. ~~Has practiced as a registered apprentice for a period of twelve months under the immediate supervision of a registered barber; and~~
5. Has passed a satisfactory examination conducted by the board to determine that person's fitness to practice barbering.

SECTION 3. AMENDMENT. Section 43-04-32 of the North Dakota Century Code is amended and reenacted as follows:

43-04-32. Barber and apprentice - Application for examination.

Any person, who desires to take the examination for a certificate of registration to practice as a registered barber ~~or for a certificate of registration to practice as a registered apprentice~~, shall make application to the board on blanks prepared and furnished by ~~it~~ the board and shall enclose with the application all of the following:

1. Proof, under oath, of the person's qualifications.
2. A five-inch by three-inch [12.7-centimeter by 7.62-centimeter] signed photograph of that person. The person also shall present such a photograph to the board when the person appears for examination.
3. The required fee.
4. A certificate showing graduation from a public or recognized private high school or an equivalent education as determined by an examination conducted by the board; provided, however, that two years armed service should be termed equivalent education.

SECTION 4. AMENDMENT. Section 43-04-33 of the North Dakota Century Code is amended and reenacted as follows:

43-04-33. Examinations - Barber ~~-Apprentice barber.~~

The board, not less than four times each year, at such times and places as it may determine, shall conduct examinations of applicants for certificates of registration to practice as registered barbers ~~and of applicants for certificates of registration to practice as registered apprentices~~. Each examination must include both a practical demonstration and a written and oral test, and must embrace the subjects usually taught in schools of barbering approved by the board.

SECTION 5. AMENDMENT. Section 43-04-35 of the North Dakota Century Code is amended and reenacted as follows:

43-04-35. Failure to pass examination for registered barber - When applicant may be re-examined.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board ~~shall continue to practice as an apprentice for~~ must wait an additional ~~six~~ three months before that person again is entitled to take the examination for registration as a barber.

SECTION 6. AMENDMENT. Section 43-04-36 of the North Dakota Century Code is amended and reenacted as follows:

43-04-36. Barber and apprentice - Certificate of registration - When issued.

The board shall issue to an applicant a certificate of registration as a registered barber whenever the applicant has complied with the provisions of section 43-04-31, ~~and it shall issue a certificate of registration as a registered apprentice whenever the applicant has complied with the provisions of section 43-04-23.~~

SECTION 7. AMENDMENT. Section 43-04-39 of the North Dakota Century Code is amended and reenacted as follows:

43-04-39. Renewal and restoration of certificates of barber and apprentice barber.

Every registered barber ~~and every registered apprentice~~ who continues in active practice or service, annually, on or before July first, shall renew that person's certificate of registration and pay the required fee. Every certificate of registration which has not been renewed during the month of July in any year

expires the first day of August in that year. A registered barber ~~or a registered apprentice~~ whose certificate of registration has expired may have that person's certificate restored immediately upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering for not more than five years may renew that person's certificate upon payment of the required restoration fee.

SECTION 8. AMENDMENT. Section 43-04-42 of the North Dakota Century Code is amended and reenacted as follows:

43-04-42. Fees.

1. The board may charge applicants the following fees:
 - a. For examination and issuance of a certificate to practice master barbering, one hundred dollars.
 - ~~b. For examination and issuance of a certificate to practice as an apprentice barber, fifty dollars.~~
 - e. For renewal of a master barber's certificate, one hundred dollars.
 - ~~d.c.~~ For restoration of an expired master barber's certificate, a twenty dollar penalty fee in addition to the regular renewal fee.
 - e. ~~For renewal of an apprentice barber's certificate, twenty dollars.~~
 - f. ~~For restoration of an expired apprentice barber's certificate, a twenty dollar penalty fee in addition to the regular renewal fee.~~
 - ~~g.d.~~ For a permit to operate a barber school or college, an annual fee of one hundred twenty-five dollars.
 - ~~h.e.~~ For issuance of an annual barbershop license, fifty dollars, to be paid by each shopowner in advance.
 - i.f. For issuance of a certificate to an applicant who qualifies under section 43-04-38.1, one hundred seventy-five dollars.
 - ~~j.g.~~ For restoration of an expired barbershop license, a twenty dollar penalty fee in addition to the annual license fee.
 - ~~k.h.~~ For renewal of an instructor's license, twenty-five dollars.
2. Each application to open or establish a barbershop in this state must be accompanied by a fee of one hundred dollars to cover expenses of inspection, which must be retained by the board and deposited as other fees.
3. A duplicate license, certificate, or permit must be issued upon:
 - a. Filing a statement verified by the oath of the applicant which explains the loss;
 - b. Submitting a signed photograph of the applicant; and
 - c. Paying a fee of ten dollars for the issuance of the duplicate.
4. Anyone who becomes a member of the armed forces of the United States in time of war, while holding a license as a barber or apprentice, and while in good standing as to payment of fees, may obtain a certificate restoration without payment of the restoration fee.

SECTION 9. AMENDMENT. Section 43-04-45 of the North Dakota Century Code is amended and reenacted as follows:

43-04-45. Penalty.

Any person who shall:

1. Violate any of the provisions of sections 43-04-21, 43-04-22, 43-04-30, and 43-04-43;
2. Permit any person in that person's employ, supervision, or control to practice as ~~an apprentice or~~ a barber unless the person employed, supervised, or controlled has a certificate of registration as a registered ~~apprentice or~~ barber;
3. Obtain or attempt to obtain a certificate of registration by the payment of money other than the required fee, or any other thing of value, or by fraudulent misrepresentations;
4. Practice or attempt to practice by fraudulent misrepresentations; or
5. Willfully fail to display a certificate of registration as is required by this chapter,

is guilty of a class B misdemeanor. A violation of any provision of this chapter or of any rule, subpoena, or order of the board lawfully made pursuant hereto, except as otherwise provided herein, is a class B misdemeanor.

SECTION 10. REPEAL. Sections 43-04-22, 43-04-23, 43-04-28, 43-04-29, and 43-04-34 of the North Dakota Century Code are repealed.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1092.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2017.

Approved at _____ M. on _____, 2017.

Governor

Filed in this office this _____ day of _____, 2017,

at _____ o'clock _____ M.

Secretary of State