

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1314

Introduced by

Representative Satrom

Senator Conley

1 A BILL for an Act to create and enact a new section to chapter 43-04 of the North Dakota  
2 Century Code, relating to mobile barber shop requirements; to amend and reenact sections  
3 43-04-01, 43-04-42, 43-04-44, and 43-04-45 of the North Dakota Century Code, relating to  
4 mobile barbershops and the associated fees, inspection rights, and penalties; and to provide a  
5 penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 43-04-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **43-04-01. Definitions.**

10 In this chapter, unless the context or subject matter otherwise requires:

- 11 1. "Board" means the board of barber examiners.
- 12 2. "Mobile barbershop" means a barbershop operated in a mobile vehicle, trailer, or  
13 mobile structure for the exclusive use of practicing barbering services performed by a  
14 licensed barber.
- 15 3. "Practice of barbering" includes any one or any combination of the following practices  
16 when done upon the upper part of the human body for cosmetic purposes and not for  
17 the treatment of diseases or physical or mental ailments, and when done for payment  
18 either directly or indirectly:
- 19 a. Shaving or trimming the beard or cutting the hair.

- 1           b. Giving facial or scalp massages or treatments with oils, creams, lotions, or other
- 2           preparations either by hand or mechanical appliances.
- 3           c. Singeing, shampooing, or dyeing the hair or applying hair tonics.
- 4           d. Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to
- 5           scalp, face, neck, or upper part of the body.

6           **SECTION 2. AMENDMENT.** Section 43-04-42 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **43-04-42. Fees.**

- 9           1. The board may charge applicants the following fees:
  - 10           a. For examination and issuance of a certificate to practice master barbering, one
  - 11           hundred dollars.
  - 12           b. For renewal of a master barber's certificate, one hundred dollars.
  - 13           c. For restoration of an expired master barber's certificate, a twenty dollar penalty
  - 14           fee in addition to the regular renewal fee.
  - 15           d. For a permit to operate a barber school or college, an annual fee of one hundred
  - 16           twenty-five dollars.
  - 17           e. For issuance of an annual barbershop license, fifty dollars, to be paid by each
  - 18           shop owner in advance.
  - 19           f. For issuance of a certificate to an applicant who qualifies under section
  - 20           43-04-38.1, one hundred seventy-five dollars.
  - 21           g. For restoration of an expired barbershop license, a twenty dollar penalty fee in
  - 22           addition to the annual license fee.
  - 23           h. For renewal of an instructor's license, twenty-five dollars.
- 24           2. Each application to open or establish a barbershop in this state must be accompanied
- 25           by a fee of one hundred dollars to cover expenses of inspection, which must be
- 26           retained by the board and deposited as other fees.
- 27           3. A duplicate license, certificate, or permit must be issued upon:
  - 28           a. Filing a statement verified by the oath of the applicant which explains the loss;
  - 29           b. Submitting a signed photograph of the applicant; and
  - 30           c. Paying a fee of ten dollars for the issuance of the duplicate.

1       4.   Anyone who becomes a member of the armed forces of the United States in time of  
2           war, while holding a license as a barber or apprentice, and while in good standing as  
3           to payment of fees, may obtain a certificate restoration without payment of the  
4           restoration fee.

5       5.   Each application to open or establish a mobile barbershop must be accompanied by a  
6           fee of one hundred fifty dollars for initial registration. Renewal of a mobile barbershop  
7           certificate must be accompanied by a fee of one hundred dollars.

8       **SECTION 3.** A new section to chapter 43-04 of the North Dakota Century Code is created  
9   and enacted as follows:

10       **Mobile barbershop - Regulations - Requirements.**

11       1.   An individual may operate a mobile barbershop if:

12           a.   The individual is a licensed barber under section 43-04-32; and

13           b.   The mobile barbershop is registered with the board.

14       2.   The board shall adopt rules regulating mobile barbershops. The rules adopted by the  
15           board must regulate water, wastewater, power, safety, sanitation, equipment, services,  
16           location, reports, and any other requirements deemed necessary. The board may  
17           proscribe reasonable penalties, fines, and fees necessary to enforce the regulation of  
18           mobile barbershops.

19       3.   To register a mobile barbershop with the board, the owner shall:

20           a.   Pay the required registration fee;

21           b.   Comply with all applicable laws, rules, and ordinances; and

22           ~~b.c.~~ Maintain a suitable motor vehicle or trailer that is:

23                   (1) Self-contained, self-supporting, and enclosed; and

24                   (2) At least sixteen feet [4.88 meters] in length; and

25                   ~~(3) Not a towed unit or trailer.~~

26       4.   Each motor vehicle or trailer used as a mobile barbershop must be registered with the  
27           board.

28       5.   An individual who holds a mobile barbershop registration shall:

29           a.   Maintain a permanent address for receiving correspondence with the board;

30           b.   Display the name and registration number of the mobile barbershop on a  
31           conspicuous exterior surface;

- 1           c. Supply the board with the make, model, vehicle identification number, and license  
2           plate number of the vehicle, trailer, or mobile structure used as a mobile  
3           barbershop; and  
4           d. Comply with all rules adopted by the board.

5           **SECTION 4. AMENDMENT.** Section 43-04-44 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **43-04-44. Inspection of barbershops and barber schools.**

8           Any member of the board or any of its inspectors, agents, or assistants may enter and  
9 inspect any barbershop, mobile barbershop, or barber school at any time during business  
10 hours.

11          **SECTION 5. AMENDMENT.** Section 43-04-45 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13          **43-04-45. Penalty.**

14 ~~Any person who shall:~~

- 15          1. An individual is guilty of a class B misdemeanor if the individual:  
16           a. ~~Violate~~Violates any of the ~~provisions~~provision of ~~sections~~section 43-04-21,  
17           43-04-30, and 43-04-43, or section 3 of this Act;  
18           2. ~~Permit~~Permits any ~~person~~individual in that ~~person's~~individual's employ,  
19           supervision, or control to practice as a barber unless the ~~person~~ employed,  
20           supervised, or controlled individual has a certificate of registration as a registered  
21           barber;  
22           3. ~~Obtain~~Obtains or ~~attempt~~attempts to obtain a certificate of registration by the  
23           payment of money other than the required fee, or any other thing of value, or by  
24           fraudulent misrepresentations;  
25           4. ~~Practice~~Practices or ~~attempt~~attempts to practice by fraudulent  
26           misrepresentations; or  
27           5. ~~Willfully fail~~fails to display a certificate of registration as is required by this  
28           chapter;

29 ~~is guilty of a class B misdemeanor. A violation of any provision of.~~

- 1        2. An individual who violates this chapter, or of any rule, subpoena, or order of the board
- 2            lawfully made pursuant hereto, ~~except as otherwise provided herein,~~under this chapter
- 3            is guilty of a class B misdemeanor.