

be the duty of the County Auditor to enter such transfer and the Register of Deeds to record the same without regard to the payment of any taxes due thereon; and the provisions of Section 2212 of the Supplement to the Compiled Laws of North Dakota for 1913 shall not be applicable thereto. In such case, the County Auditor shall enter on every Sheriff's deed or other conveyances so transferred, over his official signature the words, "transfer entered," and it shall thereupon be the duty of the Register of Deeds to receive and record the same.

Approved March 3, 1927.

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## BARBERS

CHAPTER 101  
(H. B. No. 41—Cox)

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### BARBERS' EXAMINING BOARD

An Act to Amend and Re-enact Sections 560, 566, 567 and 571 of Article 22 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Barbers' Examining Board of the State of North Dakota; and to Provide for Said Board Adopting Rules and Regulations Relating to Sanitary Conditions in Barber Shops, Prohibiting the Occupation of Barbering Upon Certain People, and Regulating the Power of Said Board in Supervision of Barber Schools.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. REQUIREMENT OF REGISTRATION.] After July 1, 1927, no person, male or female, shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this act, by the Board of Barber Examiners hereinafter established.

After July 1, 1927, no person, male or female, shall serve or attempt to serve as an apprentice under a registered barber without a certificate of registration as a registered apprentice by the board.

After July 1, 1927, it shall be unlawful to operate a Barber Shop unless it is at all times under the direct supervision and management of a registered barber.

§ 2. PRACTICE DEFINED.] Any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly), constitutes the practice of barbering: Shaving or trimming the beard or cutting the hair; Giving facial

or scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances; Singeing, shampooing or dyeing the hair or applying hair tonics; Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, neck or upper part of the body.

§ 3. PRACTICE OF APPRENTICE.] No registered apprentice may independently practice barbering, but they may as an apprentice do any or all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber.

§ 4. EXEMPTIONS.] The following persons are exempt from the provisions of this act in the proper discharge of their professional duties:

1. Persons authorized by the law of this State to practice medicine and surgery;
2. Commissioned medical or surgical officers of the United States Army, Navy or Marine Hospital Service.
3. Registered Nurses.

However, the provisions of this section shall not be construed to authorize any of the persons exempted to shave or trim the beard or cut the hair of any person for cosmetic purposes. Provided, however, that Registered Hairdressers and Cosmetologists shall not be precluded hereby from cutting the hair of women or children, or from practicing their profession in the manner which by law may be provided.

#### QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED BARBERS

§ 5. A person is qualified to receive a certificate of registration to practice barbering:

1. Who is qualified under the provisions of Section 6 of this act;
2. Who is at least 18 years of age;
3. Who is of good moral character and temperate habits;
4. Who has practiced as a registered apprentice for a period of 18 months under the immediate personal supervision of a registered barber; and
5. Who has passed a satisfactory examination conducted by the Board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the Board, must continue to practice as an apprentice for an additional six months, before he is again entitled to take the examination for a registered barber.

#### QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED APPRENTICE

§ 6. A person is qualified to receive a certificate of registration as a registered apprentice:

1. Who is at least sixteen and one-half years of age;
2. Who is of good moral character and temperate habits;
3. Who has graduated from a school of barbering approved by the Board, and
4. Who has passed a satisfactory examination conducted by the Board to determine his fitness to practice as a registered apprentice; or who has served as an apprentice in this state, prior to the taking effect of this Act.

An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination is required to complete a further course of study of not less than five hundred hours, to be completed in not less than three months, of not more than eight hours in any one working day, in a school of barbering approved by the Board.

§ 7. MINIMUM STANDARD OF PROFESSIONAL EDUCATION.] No school of barbering shall be approved by the Board unless it requires as a prerequisite to graduation a course of instruction of not less than 1000 hours to be completed in not less than six months of not more than eight hours in any one working day; such course of instruction to include the following subjects: Scientific fundamentals of barbering, hygiene, bacteriology, histology of the hair, skin, nails, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, glands and nails, massaging and manipulating the muscles of the upper body, hair cutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair. Provided, that no school of Barbering shall make any charge for any services which is covered and included within the practice of barbering and which may be rendered by any student in such school.

§ 8. APPLICATION FOR EXAMINATION.] Each applicant for an examination shall:

1. Make application to the board on blank forms prepared and furnished by the board, such applications to contain proof under the applicant's oath of the particular qualifications of the applicant.

2. Furnish to the Board two 5"x3" signed photographs of the applicant, one to accompany the application and one to be returned to the applicant, to be presented to the Board when the applicant appears for examination;

3. Pay to the Board the required fee.

§ 9. EXAMINATIONS.] The Board 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 and applicants to enter Barber Schools to determine their educational fitness, not less than four times each year at such time and place as the Board may determine.

The examination of applicants for certificates of registration as registered barbers and registered apprentices shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the Board.

§ 10. ISSUANCE OF CERTIFICATES.] Whenever the provisions of this act have been complied with, the Board shall issue a certificate of registration as a registered barber or as a registered apprentice.

§ 11. PERSONS HAVING PRACTICED BARBERING IN ANOTHER COUNTRY OR STATE.] A person who is at least 18 years of age and of good moral character and temperate habits and either

1. Has a license or certificate of registration as a practicing barber from another State or Country, which has substantially the same requirements for licensing or registering Barbers as required by this Act, or

2. Who can prove by sworn affidavits that he has practiced as a barber in another State or Country for at least 5 years immediately prior to making application in this State.

Shall upon payment of the required fee be issued a permit to practice as a Journeyman barber only until he is called by the Board for examination to determine his fitness to receive a certificate of registration to practice Barbering. Should he fail to pass the required examination, he will be allowed to practice as a Journeyman Barber until he is called by the Board for the next term of examinations. Should he fail at a third examination, he must cease to practice barbering in this State.

1. A person who is at least sixteen and one half years of age,
2. Who is of good moral character and temperate habits, and has a grammar school or an equivalent education as determined by an examination conducted by the Board, and
3. Has a certificate of registration as an apprentice in a State or Country which has substantially the same requirements for registration as an apprentice as is required by this Act, shall upon payment of the required fee be issued a permit to work as an apprentice until called by the Board of Examination to determine his fitness to receive a certificate of registration as an apprentice. Being able to pass the required examination he will be issued a certificate of registration as a registered apprentice, and the time spent in such other State or Country shall be credited upon the period of apprenticeship required by this act as a qualification to take the examination as a registered barber.

A person who has practiced as an apprentice in another State or Country which does not have substantially the same requirements for registration as an apprentice as required by this Act, and who has the qualifications required in Section 6, of this Act, shall be credited with the time spent as an apprentice in such other State or Country upon the period of apprenticeship required by this act as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

§ 12. PRESENT PRACTITIONERS.] Any person, resident of this state, who either for three years immediately preceding July 1, 1927, was continuously engaged in the practice of barbering at one or more established places of business in this state or has prior to the first day of July, 1927, graduated from a school of barbering shall be granted a certificate of registration as a registered barber, without examination by making application to the Board on or before September 1, 1927, and paying the required fee.

Any person who on and prior to the 1st day of July, 1927, was practicing barbering as an apprentice under the supervision of a practicing barber in this State shall be granted a certificate of registration, to practice as an apprentice by making application to the Board on or before September 1, 1927, and paying the required fee, and shall be given credit for the time previously spent in such practice.

Any person who on or prior to July 1, 1927, was a student in a school of barbering is qualified upon graduation from such school to take the examination for a certificate of registration to practice as an apprentice without regard to whether such a school complied with the standards for approval specified in Section 7.

§ 13. DISPLAY OF CERTIFICATE.] Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair.

§ 14. RENEWAL AND RESTORATION OF CERTIFICATES.] Every registered barber and every registered apprentice who continues in active practice or service, shall annually, on or before July 1 of such year, renew his 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, shall expire the first day of August in that year. A registered barber or a registered apprentice whose certificate of registration has expired may have his 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 his certificate upon payment of the required restoration fee.

§ 15. REFUSAL AND REVOCATION OF CERTIFICATE.] The Board may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one or combination of the following causes:

1. Conviction of a felony shown by a certified copy of the record of the court of conviction.
2. Gross malpractice or gross incompetency.
3. Continued practice by a person knowingly having an infectious or contagious disease.
4. Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs.
5. Advertising by means of knowingly false or deceptive statements.
6. Immoral and unprofessional conduct, and
7. The commission of any of the offenses described in Section 18, Subdivisions 3, 4 and 6.

### HEARINGS

§ 16. The Board may neither refuse to issue or refuse to renew, nor suspend nor revoke any certificate of registration, however, for any of these causes unless the person accused has been given at least twenty-day notice in writing of the charge against him at a public hearing by the Board.

Upon the hearing of any such proceedings, the Board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Any Court in this State, or any judge thereof, either in term time or in vacation, upon application of the accused or the Board, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relating to the refusal, suspension or revocation of certificates of registration.

§ 17. FEES.] The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is \$10.00 and for issuance of the Certificate \$2.00.

The fees to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is \$5.00 and for the issuance of a certificate \$1.00.

The fee to be paid for the renewal of a certificate of registration to practice barbering is \$3.00, and for the restoration of an expired certificate \$5.00.

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is \$1.50, and for the restoration of an expired certificate, \$3.00.

§ 18. CERTAIN ACTS PROHIBITED.] Each of the following are hereby declared a misdemeanor, punishable upon conviction of a fine of not less than \$25.00, nor more than \$200.00.

1. The violation of any of the provisions of Section 1, of this act.
2. Permitting any person in one's employ, supervision or control to practice as an apprentice unless that person has a certificate of registration as a registered apprentice.
3. Obtaining or attempting 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 misrepresentation.
4. Practicing or attempting to practice by fraudulent misrepresentations.
5. Wilful failure to display a certificate of registration as required by Section 13, and
6. The use of any room or place for barbering which is also used for residential purposes, unless a substantial partition of ceiling height separates the portion used for residential purposes, from such room used for barbering.

§ 19. PERJURY.] The wilful making of any false statement as to a material matter in any oath of affidavit which is required by the provisions of this act, is perjury and punishable as such.

§ 20. BOARD ESTABLISHED.] A board to be known as the Board of Barber Examiners is established, to consist of three members appointed by the Governor from a list of five names to be submitted by the State Barber Association. Each member shall be a practical Barber who has followed the occupation of barber in this State for at least five years prior to his appointment.

The members of the first board appointed shall serve for three years, two years and one year, respectively, as appointed, and members appointed thereafter shall serve for three years. The Governor may remove for cause.

Members appointed to fill vacancies caused by death, resignation or removal shall serve during the unexpired term of their predecessors.

§ 21. OFFICERS, COMPENSATION, ETC.] The Board shall elect a president, vice-president and a secretary-treasurer and shall have its headquarters at the State Capitol or at such other suitable place as may be designated by the Board. It shall adopt and use a common seal for the authentication of its orders and records, and the secretary and president shall have power to administer oaths.

Each member of said board shall receive a compensation of \$6.00 per day for actual service and ten cents per mile for each mile actually travelled in attending the meeting of said board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board, provided that the said compensation and mileage shall in no event be paid out of the State Treasury.

The secretary-treasurer shall give to the State a bond in the sum of \$5,000.00, with sufficient sureties to be approved by the Secretary of State, for the faithful performance of his duties. The majority of a board in a meeting duly assembled, may perform and exercise all the duties and powers devolving upon the said Board.

Said Board shall make a biennial report to the Governor, which report shall contain a full statement of the receipts and disbursements of the board for the preceding two years, also a full statement of its doings and proceedings and such recommendations as may seem proper, looking to the better carrying out of the intents and purposes of this Act, which report shall not be printed except at the expense of the fund herein provided for. Any moneys in the hands of the treasurer of the said board at the time of making such report, shall be kept by him for the future maintenance of the board, and to be disbursed by him upon warrants duly signed by the secretary and president of the said Board.

The board shall have authority to employ such inspectors, clerks and other assistants as it may deem necessary to carry out the provisions of this act.

§ 22. RULES—INSPECTION—RECORDS.] The Board shall have authority to make reasonable rules and regulations for the administration of the provisions of this act and prescribe sanitary regulations for barber shops and barber schools, subject to the approval of the State Department of Health. Any member of the board or its agents or assistants, shall have authority to enter and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations adopted by the board as approved by the State Board of Health shall be furnished by the board to the owner or manager of such barber shop or barber school, and such copy shall be posted in a conspicuous place in such barber shop or barber school.

The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, place of business and residence of each registered barber and registered apprentice and the date and number of his certificate of registration. This record shall be open to public inspection at all reasonable times.

§ 23. PARTIAL UNCONSTITUTIONALITY.] If any portion of this act is declared unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remainder of the act, which can be given effect without the invalid portion.

§ 24. NAME OF ACT.] This act may be cited as THE NORTH DAKOTA BARBERS ACT and the law now in effect relating to the same subject being Article 22 of Chapter 5 of the Political Code of the Compiled Laws of the State of North Dakota for 1913, and all acts or parts of acts in conflict herewith are hereby expressly repealed.

Approved March 7, 1927.