

AN ACT

To promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the profession of barbering; regulating barber shops and barber schools, and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of State; and providing penalties. (Title amended June 30, 1984, P.L.494, No.101)

Section 1. Be it enacted, &c., That it shall be unlawful for any person to engage in the profession of barber in this Commonwealth unless he or she shall have first passed an examination and obtained a license as provided in this act.

(1 amended June 30, 1984, P.L.494, No.101)

Section 2. (2 repealed June 30, 1984, P.L.494, No.101)

Section 2.1. The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Affiliation." For purposes of section 2.2, means any person who is an owner, a stockholder, a member of the board of trustees or board of governors, any professional employe, or consultant, or any nonprofessional employe and any part-time personnel employed by a school of barbering.

"Barber." An individual who is engaged in the practice of barbering.

"Barbering." To shave or trim the beard; to cut, shape, trim or blend the hair with the proper tools or instruments designed for this purpose; to shape the eyebrows, to give facial and scalp massaging, facial and scalp treatment, with any preparations made for this purpose, either by hand or by mechanical or electrical appliances; to singe and shampoo the hair or apply any makes of hair cream, hair lotions or hair tonics; to dye, color or bleach the hair and to perform any service on a wig or hairpiece; to style and to render hair straightening, hair processing, hair weaving, hair waving and curling, with such methods as: manual, mechanical, chemical or electrical with the proper devices or proper chemical compounds developed and designed for this purpose. The term shall not include any or all of the above services when performed by a member of one's immediate household.

"Board." The State Board of Barber Examiners.

"Bureau." The Bureau of Professional and Occupational Affairs.

"Department." The Department of State acting through the Commissioner of Professional and Occupational Affairs.

(2.1 added June 30, 1984, P.L.494, No.101)

Section 2.2. (a) The State Board of Barber Examiners shall consist of the Commissioner of Professional and Occupational Affairs; the Director of the Bureau of Consumer Protection in the Office of the Attorney General, or his designee; three members who shall be persons representing the public at large and six members, each of whom shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania, shall have been a registered barber under the laws of this Commonwealth and shall have engaged in the profession of barbering in this Commonwealth for a period of at least five years immediately preceding his appointment. Each professional and public member shall be appointed by the Governor with the advice and consent of the Senate.

(b) Not more than two members of any one organization, association or group composed of barbers or persons interested primarily in the welfare and advancement of barbers or barber shops shall serve on the board at the same time. Not more than one member who is affiliated with any school of barbering shall serve on the board at any given time. No other member may serve on the board who has been affiliated with a school of barbering within three years prior to his nomination.

(c) The board shall elect one of its members as chairman, one of its members as vice chairman and one of its members as secretary.

(d) Six members of the board shall constitute a quorum.

(e) The members of the board, other than the Commissioner of Professional and Occupational Affairs or the Director of the Bureau of Consumer Protection in the Office of the Attorney General, or his designee, shall receive sixty dollars per diem for each day actually devoted to the work of the board. Members shall also receive the amount of reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties.

(f) Those members currently serving on the board shall continue to serve until the expiration of their terms and until successors are appointed and qualified according to law, but not longer than six months beyond the expiration of their terms. This section shall not prohibit the reappointment of existing members.

(g) Professional and public members appointed after the expiration of the terms of current board members shall serve the following terms: two professional members and one public member shall serve one year, two professional members and one public member shall serve two-year terms and two professional members and

one public member shall serve three-year terms. Thereafter, all public and professional members shall serve three-year terms. No member may serve more than two consecutive terms.

(h) In the event that any member of the board shall die or resign during his term of office, his successor shall be appointed in the same way and with the same qualifications as above set forth and shall hold office for the unexpired term.

(i) A member who fails to attend three consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.

(2.2 added June 30, 1984, P.L.494, No.101)

Section 3. (a) Each applicant for a barber's license shall, as a condition precedent to obtaining a license, take the barber's license examination and score a passing grade. Prior to taking the examination the applicant shall be at least sixteen years of age, have completed the eighth grade or its equivalent and have completed a barbering study and training period of at least one thousand two hundred fifty (1250) hours and not less than nine months either in a licensed barber school under the instruction of a licensed teacher, or in a licensed barber shop under the instruction of a licensed teacher. A notarized application for a license as a barber shall be made in such form as the board shall prescribe. The application shall also be accompanied by a notarized statement, from either the licensed barber school the applicant attended or the licensed barber-teacher in the licensed barber shop in which the applicant studied and trained, that the student has completed the study and training period required in this subsection. At the time of filing the application and accompanying notarized statements, the applicant shall pay to the department an examination fee to be determined by regulation and shall present himself or herself at the next examination of applicants as provided in section 6. The board shall not have the power to require a photograph as part of an application for a barber's license. ((a) amended June 28, 2002, P.L.472, No.78)

(b) Any person who has been honorably discharged from service with the armed forces of the United States, and who takes an examination for licensure as a barber under the provisions of this act, shall have ten per centum added to his or her examination score. Any person, registered as an apprentice barber prior to induction into the armed forces of the United States, may be admitted to an examination for licensure as a barber under the provisions of this act upon presentation of his or her certificate of honorable discharge from such service within one year from date thereof.

(c) Each applicant for a manager-barber's license shall, as a condition precedent to obtaining a license, take the manager-barber's license examination and score a passing grade. Prior to taking the examination, the applicant shall have completed the eighth grade or its equivalent and actively engaged in the practice of barbering, as a licensed barber, for one or more years. The board shall properly notify every licensed barber that if he or she has been actively engaged in the practice of barbering he or she shall, upon filing an application therefor prior to January 1, 1981, be licensed as a manager-barber without examination. A notarized application for a license as a manager-barber shall be made in such form as the board shall prescribe. The application shall be accompanied by a notarized statement, from either the owner or manager of the licensed barber shop or shared shop as set forth in section 15-A.3 in which the applicant has been employed, that the applicant has been actively engaged in the practice of barbering, as a licensed barber, for one or more years. The board shall not have the power to require a photograph as part of an application for a manager-barber's license. At the time of filing the application and accompanying notarized statement, the applicant shall pay to the department an examination fee to be determined by regulation and shall present himself or herself at the next examination of applicants as provided in section 6.

(d) The applicant for a barber-teacher's license shall, as a condition precedent to obtaining a license, take the barber-teacher's license examination and score a passing grade. Prior to taking the examination, the applicant shall be at least twenty-three years of age, be a high school graduate or its equivalent, and either have had five years' experience as a licensed barber in a licensed barber shop or shared shop as set forth in section 15-A.3 in Pennsylvania, or be a manager-barber who has trained for one thousand two hundred fifty (1250) hours under a licensed teacher in a licensed barber school as a teacher-trainee. A notarized application for a license as a barber-teacher shall be made in such form as the board shall prescribe. The application shall be accompanied by a notarized statement, by either the owner or manager of the shop in which the applicant has been employed that the applicant has had five years experience as a licensed barber in a licensed barber shop or shared shop as set forth in section 15-A.3 in this Commonwealth or by the licensed barber school the teacher-trainee attended, that the applicant has been licensed as a manager-barber and trained for one thousand two hundred fifty (1250) hours under a licensed teacher in a licensed barber school as a teacher-trainee. The board shall not have the power to require a photograph as part of an application for a barber-teacher's license. At the time of filing the application and accompanying notarized statements, the applicant shall pay to the department an examination fee to be determined by regulation and shall present himself or herself at the next examination of applicants as provided in section 6. ((d) amended Dec. 22, 2005, P.L.446, No.84)

Section 3.1. (3.1 repealed June 30, 1984, P.L.494, No.101)

Section 3.2. If a licensed cosmetologist wishes to become a licensed barber, he or she shall have successfully completed the one thousand two hundred fifty (1,250)-hour cosmetology training course or shall possess a current license as a cosmetologist. Upon application to the board he or she shall be given five hundred fifty-five (555) hours of credit for subjects previously covered in the cosmetology training course, which subjects shall be enumerated by joint regulation of the State Board of Cosmetology and the board. Before such person is permitted to take the barber practical and theory State Board examination, he or she shall have successfully passed both the theory and practical portions of the State Board of Cosmetology examination.

(3.2 amended June 30, 1984, P.L.494, No.101)

Section 4. (a) A barber currently licensed in another state with substantially the same licensure requirements as Pennsylvania shall be granted a Pennsylvania barber license without an examination upon payment of the fee. The aforesaid provision shall only be effective when a mutual reciprocal agreement has been executed between the respective state licensing boards.

(b) A barber applicant currently licensed in another state not recognized by a reciprocal agreement shall be eligible for the barber examination upon approval of the board which approval shall not be arbitrarily withheld. The examination shall consist of barber law, rules and regulations. Should the examinee fail to pass the examination, upon payment of the required fee, the examinee may take another examination if the examinee so desires. In no event shall the examinee be permitted to practice barbering until the examinee has received a barber's license. ((b) amended June 30, 1984, P.L.494, No.101)

(c) A barber licensed in another country shall be eligible for the barber examination. Should the examinee fail to pass the examination, upon payment of the required fee, the examinee may take another examination if the examinee so desires. In no event shall the examinee be permitted to practice barbering until the examinee has received a barber's license. ((c) amended June 30, 1984, P.L.494, No.101)

(4 amended Oct. 16, 1980, P.L.981, No.168)

Section 5. Nothing in this act shall prohibit any person from serving in such profession in this Commonwealth, as a student in any licensed barber school for the training of students in said profession under the training of a duly licensed teacher authorized to teach such profession in this Commonwealth or under a qualified and licensed barber-teacher in a licensed barber shop. Such student shall have his or her name registered with the barber school or shop: Provided, That the student has submitted to the barber school or shop proof that he or she has reached the age of sixteen and has completed the eighth grade in a secondary school or its equivalent. The barber school or shop shall keep a daily record of the attendance of each student. Students, upon graduation from a licensed barber school, or upon completion of training under a qualified and licensed barber-teacher shall make application for examination at the next regular period specified in this act.

(5 amended June 28, 2002, P.L.472, No.78)

Section 5.1. (5.1 deleted July 19, 1961, P.L.796, No.351)

Section 5.2. Any person who practiced barbering during any period while a resident at the Scotland School for Veterans Children shall receive credit for such period of practice toward the registered student period required by this act upon furnishing a notarized statement from the person in charge of such school or such other official documents as may be proof to the board that he or she did practice barbering for such period, and such person was registered with the board while practicing.

(5.2 amended June 30, 1984, P.L.494, No.101)

Section 6. (a) Examinations shall be held at least four times a year in the metropolitan areas of Philadelphia, Pittsburgh, Scranton, Harrisburg and Erie, at such hours as the board shall prescribe. ((a) amended Dec. 22, 2005, P.L.446, No.84)

(b) The bureau, after consultation with the board, shall contract with a professional testing organization for the preparation and administration of the written and practical examinations in accordance with section 812.1(a) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." In addition to the requirements of section 812.1(a), the testing organization shall provide for proctors and testing support staff.

(6 amended June 30, 1984, P.L.494, No.101)

Section 7. The department shall furnish to each licensee a license stating that the holder thereof is entitled to practice the profession of barbering, to manage a barber shop or to teach in licensed schools of barbering or licensed barber shops, as the case may be. The holder of such license shall display the same in a conspicuous place in front of his or her working chair where it may be readily seen by all persons whom he or she may serve.

(7 amended June 30, 1984, P.L.494, No.101)

Section 8. (a) The license shall be renewed on or before the thirtieth day of April, 1962, for a period of two years and biennially thereafter, and the holders of said licenses shall pay to the department a fee to be determined by regulation for renewal. Any holder of a license who shall fail to apply for a renewal of his or her license and who continues the practice of barbering or any of its branches, shall, on conviction thereof in a summary proceeding be subject to a fine not to exceed three hundred dollars to be collected by summary

conviction as like fines are collected by law, or to undergo an imprisonment for a period of not more than ninety days, or both. Any such person shall have the right of appeal, as in other cases of summary conviction.

(b) A barber who is not engaged in the practice of barbering may request the board, in writing, to place his or her license in escrow and thus protect his or her right to obtain a license at such time within a five-year period as he or she may again become engaged in the practice of barbering.

(c) Any person who fails to renew his license or has escrowed his license for a period of five years without renewing his license shall, prior to receiving a license, submit to and pass an examination appropriate to the license being sought.

(8 amended June 30, 1984, P.L.494, No.101)

Section 9. (a) The board may suspend or revoke any license granted by the department under this act to any person who (1) habitually indulges in the use of alcohol, narcotics, or other stimulants to such an extent as, in the opinion of the board, incapacitates such person from the duties of a barber; (2) has or imparts any contagious or infectious disease to any recipient of such person's services as a barber; (3) performs work in an unsanitary or filthy manner or place of business; (4) who is grossly incompetent; (5) engages in unethical or dishonest practice or conduct, or violates any of the provisions of this act, or any rules or regulations of the board; (6) employs an unlicensed person; (7) charges tuition to a student in a licensed barber shop; or (8) fails to submit to an inspection of his or her shop during hours of the shop. Before any such license shall be suspended or revoked for any of the reasons contained in this section, the holder thereof shall have notice in writing of the charge or charges against him or her, and shall be given a public hearing before a duly authorized representative of the board with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her. Any person whose license has been so suspended may, on application, have the same reissued to him or her upon satisfactory showing that the disqualification has ceased. Any person whose license was suspended for having or imparting any contagious or infectious disease shall not have his or her license reissued for a period of at least one year, and then only after the person has submitted to the board a notarized statement from a licensed physician that he or she is free from contagious or infectious disease. ((a) amended Dec. 7, 1994, P.L.855, No.123)

(b) Unless ordered to do so by a court, the board shall not reinstate the license of a person to practice as a barber which has been revoked and such person shall be required to apply for a license after a five-year period in accordance with section 3 if he desires to practice at any time after such revocation.

(9 amended June 30, 1984, P.L.494, No.101)

Section 10. The board shall adopt reasonable rules and regulations prescribing the sanitary requirement of each barber shop or barber school, in co-operation with the Department of Health, and shall transmit a copy thereof to the proprietor or person operating such barber shop or school, which shall at all times be kept conspicuously displayed in such shop or school. It shall be unlawful for any person to open either a new barber shop or move his or her shop to another place, or take over as owner an existing barber shop, until he or she has filed an application with the board for the inspection, approval and registration of such shop. It is further provided that no barber shop may open for business until said inspection has been had and the shop approved. The inspector shall, immediately upon his inspection and approval, issue a temporary registration of such shop whereupon it shall be lawful for the shop to be opened for business. The temporary license shall be effective until the issuance of either a permanent license or an official rejection of the application. It shall be unlawful for any person to sleep in, or for any owner or manager to permit any person to sleep in or use for residential purposes, any room used as a barber shop or a school of barbering. All rooms used for such purposes shall be used for barbering purposes, manicuring, shoe shining and such allied business, as may be approved by the board. No member of the board may inspect or be physically present during the inspection of a barber shop or a school of barbering. Any duly authorized agent of the board may enter and make reasonable examination of any barber shop or barber school during the business hours, for the purpose of ascertaining the sanitary conditions thereof, and ascertaining whether the shop or school, and all persons working therein, are properly licensed and registered. Any barber shop, barber school, or tools, appliances, and furnishings in use therein, kept in an unclean and unsanitary condition as to be a danger to health or to the creation and spreading of infectious and contagious diseases, is hereby declared to be a public nuisance, and the board may suspend or revoke the license of the proprietor thereof or any person operating in such barber shop or school, or the permit hereinafter required for such shop, or school. Any duly authorized agent of the board shall, following an examination and inspection of the premises under this section, affix a seal or sticker, in a conspicuous place, of such design and size as may be prescribed by the board attesting to the fact that the premises have passed such examination and inspection and, further, indicating the date thereof. Each shop shall have displayed in a conspicuous place at the shop entrance a notice to consumers listing the phone number at which a consumer may report a complaint to the State Board of Barber Examiners.

(10 amended June 30, 1984, P.L.494, No.101)

Section 11. The department shall keep a record of the names and addresses of the barber shops to which, and the names of all persons to whom, licenses are issued under this act. The department shall furnish copies of such records to the public upon request and may establish a reasonable fee for such copies which shall not exceed the cost of reproduction.

Section 12. (a) (1) Except for shops licensed under section 13(b) and for one-barber shops, which shall be operated by a licensed barber, all other barber shops shall at all times be under the immediate supervision of a manager-barber or a licensee designated in charge of the shop. A shop owner shall designate a manager-barber or other licensee in charge of the shop. The name of the shop owner and the manager-barber or the designated licensee shall be posted in a conspicuous place in the barber shop. The shop owner, manager-barber or designated licensee shall be readily available to board inspectors during regular business hours. In barber shops where students are supervised by a manager-barber there shall be no more than one student per barber shop. In barber shops where students are supervised by a barber-teacher there shall be no more than one student per barber-teacher. In no case shall there be more than two students per barber shop. All barber schools shall keep prominently displayed at every entrance to said school a sign reading "Barber School." Any copartnership, corporation, or person desiring to operate or conduct a barber shop or barber school, shall first secure from the board a license to do so, and shall keep the same prominently displayed. Both the fee for registration of each barber school and the annual renewal fee shall be determined by regulation. The board may pass upon the qualifications, appointments, and course of study in said school, which shall be not less than one thousand two hundred fifty (1250) hours and not less than nine months. All barber schools shall have not less than one licensed teacher for every twenty students, and in no case less than one full-time teacher, who shall be in attendance at all times during the hours the school is open for instruction. This section does not prohibit an owner who is a cosmetologist from employing a barber without the requirement that a manager-barber also be employed.

(2) Any person who holds a license to operate or conduct a barber shop or barber school, who shall fail to apply for a renewal of his or her license and who continues to operate or conduct a barber shop or barber school, shall, on summary conviction thereof, be sentenced to pay a fine not to exceed three hundred dollars, or to undergo an imprisonment for a period not exceeding ninety days, or both.

(b) No school of barbering shall be granted a license or renewal unless it requires as a prerequisite to admission thereto, graduation from the eighth grade in a secondary school or its equivalent, and it shall attach to its staff, as a part-time teacher, a person licensed by the Commonwealth to practice medicine, and employ and maintain a sufficient number of licensed teachers and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; shall maintain regular class and instruction hours; shall establish grades and hold examination before issuance of diplomas; and shall be required to maintain a course of study requiring not less than one thousand two hundred fifty hours for completion in not less than nine months; and shall comprise all of the subjects pertaining to barbering, the barber laws of this State, and the rules and regulations adopted by the board; and shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization and the use of antiseptics, cosmetics, and electrical appliances, consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof.

(b.1) Upon renewal of the license, the school owner shall supply an affidavit stating at the time of renewal that the school is in compliance with this act and the rules and regulations promulgated under this act.

(c) No school of barbering shall permit its students to practice barbering on the public under any circumstances, except by way of clinical work upon persons willing to submit themselves to such practice, after first being properly informed that the operator is a student. No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students and shall only charge the reasonable costs of materials used in such treatment.

((12) amended Dec. 22, 2005, P.L.446, No.84)

Section 13. (a) No person shall practice barbering who is not a licensed barber, with the exception that nonlicensed persons may shampoo hair under the supervision of a barber-manager or barber-owner. No licensed barber shall practice, or attempt to practice, barbering in any place other than a licensed barber shop or licensed cosmetology shop, except that any licensed barber in a licensed barber shop or licensed cosmetology shop may furnish barber services to persons at their place of residence or in institutions in cases of sickness, incapacitation, confinement, and other emergencies: Provided, however, That nothing contained in this section shall be construed to include family members of the same household, hospitals or colleges, and private schools for children, cosmetology shops or schools of cosmetology, except that it shall be unlawful and a violation of this act for any person to employ or to accept employment, in any such shops, parlors or schools, who has been refused a license by the board.

(b) A licensed barber over sixty-five years of age may operate a one-chair barber shop located in a senior citizen center which is eligible for funding from the State Lottery Fund and for which no manager's license shall be required: Provided, however, That the shop is licensed under this subsection and is located within real property owned or leased by the municipality which operates the senior citizen center. Shops licensed under this subsection shall comply with board regulations pertaining to sanitary conditions, space and equipment, except for the requirement to display a sign and barber pole. Shops licensed under this subsection shall display in a conspicuous place at the shop entrance a notice advising the public that the services therein are available only to clients of the

senior citizen center. Shops licensed under this subsection shall be subject to the same fees imposed pursuant to this act for the issuance and biennial renewal of a barber shop license.

(13 amended Dec. 7, 1994, P.L.855, No.123)

Compiler's Note: Section 3 of Act 123 of 1994, which added section 13(b), provided that the initial issuance and biennial renewal fees for barber shops licensed under section 13(b) shall be the same as the fees in effect on the effective date of Act 123 for the issuance and biennial renewal of a barber shop license and shall be effective immediately without amendment of the regulations of the State Board of Barber Examiners.

Section 13.1. Upon payment of a required fee, a temporary license may be issued to any applicant who is eligible for admission to the barber's examination. An applicant who is thus licensed shall practice only under the supervision of a licensed manager-barber until results are available from the next scheduled examination.

Temporary licenses are granted for a nine-month period.

(13.1 added May 3, 1991, P.L.7, No.4)

Section 14. (a) All fees, fines and penalties, or other moneys collected, received, recovered or imposed under this act, shall be paid into the Professional Licensure Augmentation Account.

(b) All fees required pursuant to this act shall be fixed by the board by regulation and shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act." If the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.

(c) If the Bureau of Professional and Occupational Affairs determines that the fees established by the board pursuant to subsection (b) are inadequate to meet the minimum enforcement efforts required by this act, then the bureau, after consultation with the board and subject to the Regulatory Review Act, shall increase the fees by regulation in an amount that adequate revenues are raised to meet the required enforcement effort.

(d) Current fees charged by the board shall continue until such time as changes are made in accordance with the Regulatory Review Act.

(14 amended June 30, 1984, P.L.494, No.101)

Section 15. (a) Any manager-barber, barber, teacher, teacher-trainee or student, who shall practice the profession of barber while suffering from contagious or infectious disease, or who shall knowingly serve any person afflicted with such disease, shall be guilty of a summary offense, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred dollars, or undergo an imprisonment not exceeding thirty days, or both, at the discretion of the court.

(b) Any manager-barber, barber, teacher, teacher-trainee or student, who shall infect any person, or who shall impart any contagious or infectious disease by reason of carelessness or negligence in the practice of such profession, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine not exceeding three hundred dollars for the first offense, or to undergo an imprisonment not exceeding ninety days, or both, at the discretion of the court.

(b.1) Any person who shall violate any of the provisions of this act, or any rules or regulations of the board promulgated under the provisions of this act, except as herein otherwise provided, shall, upon summary conviction thereof, be sentenced to pay a fine not exceeding three hundred dollars for the first offense or to undergo an imprisonment not exceeding ninety days, or both, at the discretion of the court.

(b.2) A second and subsequent violation of this act shall constitute a summary offense and any person, upon conviction, shall be sentenced to pay a fine not exceeding six hundred dollars or suffer imprisonment not exceeding six months, or both.

(b.3) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of five members, whichever is greater, may levy a civil penalty of up to one thousand dollars on any current licensee who violates any provision of this act or on any person who practices barbering or owns or operates a barber shop without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure). All fines and civil penalties imposed in accordance with this section shall be paid into the Professional Licensure Augmentation Account.

(15 amended June 30, 1984, P.L.494, No.101)

Section 15-A. Nothing contained in this act, or the act to which this is an amendment, shall be construed as prohibiting any municipality from adopting appropriate ordinances, not inconsistent with the provisions of this act or the rules and regulations adopted thereunder, as may be deemed necessary to promote the public health and regulate the conduct of barber shops, schools, and colleges.

(15-A added May 9, 1935, P.L.158, No.71)

Section 15-A.1. (a) The board shall submit annually to the House and Senate Appropriations Committees, fifteen days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

(b) The board shall submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

(15-A.1 added June 30, 1984, P.L.494, No.101)

Section 15-A.2. Nothing contained in this act, or the act to which this is an amendment, shall be construed as prohibiting any municipality or any county department of health or joint-county department of health from adopting appropriate ordinances or regulations, not inconsistent with the provisions of this act or the rules and regulations adopted thereunder, as may be deemed necessary to promote the public health and safety and regulate the conduct of barber shops and schools, and any municipality shall have power, by proper ordinances, to fix the days and hours during which barber shops in the said cities may be open for business. All municipalities with proper ordinances shall have power to enforce the provisions of this section.

(15-A.2 added June 30, 1984, P.L.494, No.101)

Section 15-A.3. (a) A licensed barber and a licensed cosmetologist shall be permitted to work in the same shop if the requirements of this section are met. Any licensed shop which employs a licensed barber and a licensed cosmetologist shall not be required to erect or install any physical barriers which separate the barber and the cosmetologist. All licensed shops shall conform with the provisions of section 12(a) of this act.

(b) A barber shop licensee who shall employ a licensed cosmetologist shall also be a licensed barber-manager or employ a barber-manager.

(c) For the purpose of this section only, when a licensee under this act and a licensee under the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, are subject to formal proceedings for violations of this act or the Cosmetology Law, the board and the State Board of Cosmetology shall consolidate all formal actions against such licensees for the purpose of prosecution and hearing provided that the board shall retain to itself exclusively the power to revoke or suspend licenses after such prosecution and hearing.

(15-A.3 amended June 14, 1991, P.L.66, No.8)

Section 15-A.4. (a) It shall be unlawful (1) to own, manage, operate or control any barber shop, unless continuously hot and cold running water be provided for therein, (2) to own, manage, operate or control any barber school, or part or portion thereof, whether connected therewith or in a separate building, wherein the practice of barbering is engaged in or carried on, unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work is done by students exclusively, (3) to own, manage, control or operate any barber shop or school, unless the same displays a recognized sign indicating that it is a licensed barber shop or school, which shall be clearly visible at the main entrance to said shop, (4) for the owner of any barber shop to display a license of any barber not employed in such shop, or (5) for the owner of any barber school to display a certificate of registration of any teacher not employed in such school.

(b) The board shall have power to make such other rules and regulations and prescribe such other sanitary requirements as shall be deemed necessary to carry out the provisions of this act.

(15-A.4 added June 30, 1984, P.L.494, No.101)

Section 16. The provisions of this act are severable, and in the event any provisions thereof shall be declared unconstitutional, it is hereby declared to be the legislative intent that the remaining portions would be enacted notwithstanding such judicial determination of the invalidity of any particular provision or provisions in any respect.

Section 17. This act shall become effective on and after the first day of January, one thousand nine hundred and thirty-two.

Section 18. All act and parts of acts inconsistent with this act are repealed.

APPENDIX

Supplementary Provisions of Amendatory Statutes

1984, JUNE 30, P.L.494, NO.101

Section 21. This act, with respect to the State Board of Barber Examiners, shall constitute the legislation required to reestablish an agency pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Compiler's Note: Act 101 amended section 1, repealed section 2, added or amended sections 2.1, 2.2 and 3, repealed section 3.1 and added or amended sections 3.2, 4, 5, 5.2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15-A.1, 15-A.2, 15-A.3 and 15-A.4 of Act 202.

Section 23. A person who holds a certificate of registration under the act of June 19, 1931 (P.L.589, No.202), known as the Barbers' License Law, which certificate is not suspended, revoked or expired on the effective date of this act shall be deemed to be a "current licensee" and the holder of a "license" under this act.

Section 24. Persons who are members of the State Board of Barber Examiners on the effective date of this act shall serve until their current terms would have expired and until their successors are duly appointed and qualified, but no longer than six months after the expiration of their terms.

Section 25. Each rule and regulation of the board in effect on June 30, 1984, shall remain in effect after such date until repealed or amended by the board.