REQUIRES TWO-THIRDS MAJORITY VOTE
(§§ 8, 9)

A.B. 315

ASSEMBLY BILL NO. 315–ASSEMBLYMEN THOMPSON, CARRILLO, FRIERSON, MCCURDY II; AND NEAL

MARCH 17, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Temporarily authorizes the use of mobile units for the practice of barbering. (BDR 54-510)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to barbering; temporarily authorizing a person to apply to the State Barbers' Health and Sanitation Board for a license to operate a mobile unit for the practice of barbering; requiring the Board to issue such a license under certain circumstances; imposing fees for the inspection and licensure of mobile units; providing for the regulation of mobile units; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing and regulation of barbershops by the State Barbers' Health and Sanitation Board. (NRS 643.171-643.1717) This bill authorizes the licensing and operation of mobile units for the practice of barbering until June 30, 2019.

Section 2 of this bill prohibits a person from operating a mobile unit for the practice of barbering unless the person has obtained a license from the Board. **Section 3** of this bill requires a person who operates a mobile unit to submit certain reports to the Board. **Sections 7 and 9** of this bill require an applicant for a license to operate a mobile unit to submit to the Board an application and a fee of $50 and sign a form indicating that the applicant acknowledges that the authorization to operate a mobile unit expires on June 30, 2019. **Sections 7, 8 and 9** of this bill require: (1) the applicant to submit a fee of $50 for an inspection of the mobile unit; and (2) a member of the Board to inspect the mobile unit and issue a temporary license if the applicant complies with existing laws and regulations. **Section 8** further requires the Board to issue a license to the applicant before the expiration of the temporary license. **Section 10** of this bill prohibits a license to operate a mobile unit from being assigned or transferred. **Section 11** of this bill requires a mobile unit to be operated in compliance with existing laws and regulations, and **section 12** of this bill authorizes the Board to suspend or revoke a license to operate a

mobile unit under certain circumstances. **Sections 14 and 15** of this bill establish certain unlawful acts relating to the operation of mobile units for the practice of barbering. **Section 5** of this bill authorizes the Board to prescribe sanitary requirements for mobile units and to inspect a mobile unit at certain times. **Section 6** of this bill imposes on mobile units certain requirements imposed on barbershops. **Sections 16 and 17** of this bill provide that the authority to operate a mobile unit expires on June 30, 2019.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 643 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***No person may operate a mobile unit unless the Board has issued a license to operate a mobile unit to that person.***

Sec. 3. ***1. A person shall not operate a mobile unit except on private property with the written permission of the owner of the property.***

2. For every location where a person operates a mobile unit, the person shall provide to the Board:

(a) An identification of the location;

(b) The written permission of the owner of the private property comprising the location;

(c) The number of customers for whom barbering services were provided; and

(d) If the mobile unit is operated by a barber school, the number of hours of barbering services provided by students as part of the required course of study of the barber school.

3. A person who operates a mobile unit shall offer to each customer of the mobile unit the opportunity to complete a survey of the customer's satisfaction with the barbering services provided at the mobile unit. The person who operates the mobile unit shall provide to the Board each survey completed by a customer pursuant to this subsection.

Sec. 4. NRS 643.010 is hereby amended to read as follows:

643.010 As used in this chapter, unless the context otherwise requires:

1. "Barber school" includes a school of barbering, college of barbering and any other place or institution of instruction training persons to engage in the practice of barbering.

2. "Barbershop" means any establishment or place of business where the practice of barbering is engaged in or carried on. ***The term does not include a mobile unit.***

3. "Board" means the State Barbers' Health and Sanitation Board.

4. "Instructor" means any person who is licensed by the Board pursuant to the provisions of this chapter to instruct the practice of barbering in a barber school.

5. "Licensed apprentice" means a person who is licensed to engage in the practice of barbering as an apprentice pursuant to the provisions of this chapter.

6. "Licensed barber" means a person who is licensed to engage in the practice of barbering pursuant to the provisions of this chapter.

7. ***"Mobile unit" means a motor vehicle or trailer that is specially designed, constructed and equipped for the practice of barbering.***

8. "Practice of barbering" means any of the following practices for cosmetic purposes:

(a) Shaving or trimming the beard, cutting or trimming the hair, or hair weaving.

(b) Giving massages of the face or scalp or treatments with oils, creams, lotions or other preparations, by hand or mechanical appliances.

(c) Singeing, shampooing or dyeing the hair, or applying hair tonics.

(d) Applying cosmetic preparations, antiseptics, powders, oils or lotions to the scalp, face or neck.

(e) Arranging, fitting, cutting, styling, cleaning, coloring or dyeing a hairpiece or wig, whether made of human hair or synthetic material. This does not restrict any establishment from setting or styling a hairpiece or wig in preparation for retail sale.

~~[8.]~~ ***9.*** "Student" means a person receiving instruction in a barber school.

Sec. 5. NRS 643.050 is hereby amended to read as follows:

643.050 1. The Board may:

(a) Maintain offices in as many locations in this State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt regulations necessary to carry out the provisions of this chapter.

2. The Board shall prescribe, by regulation, sanitary requirements for barbershops ***, mobile units*** and barber schools.

3. Any member of the Board or its agents or assistants may enter and inspect any barbershop ***, mobile unit*** or barber school at any time during business hours or at any time when the practice of barbering or instruction in that practice is being carried on.

4. The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of licenses. The record must contain the name, place of business and residence of each licensed barber, licensed apprentice and instructor, and the date and number of the license. The record must be open to public inspection at all reasonable times.

5. The Board may approve and, by official order, establish the days and hours when barbershops ***or mobile units*** may remain open for business whenever agreements fixing such opening and closing hours have been signed and submitted to the Board by any organized and representative group of licensed barbers of at least 70 percent of the licensed barbers of any county. The Board may investigate the reasonableness and propriety of the hours fixed by such an agreement, as is conferred by the provisions of this chapter, and the Board may fix hours for any portion of a county.

6. The Board may adopt regulations governing the conduct of barber schools and the course of study of barber schools.

Sec. 6. NRS 643.150 is hereby amended to read as follows:

643.150 1. Each licensed barber and licensed apprentice shall display the license in a conspicuous place adjacent to or near his or her work chair.

2. A copy of the regulations adopted by the Board must be:

(a) Provided to the owner or manager of each barbershop ***, mobile unit*** or barber school; and

(b) Displayed in a conspicuous place in the barbershop ***, mobile unit*** or barber school.

Sec. 7. NRS 643.1711 is hereby amended to read as follows:

643.1711 ***1.*** An applicant for a license to operate a barbershop ***or mobile unit*** shall file an application with the Board on forms prescribed by the Board accompanied by the fee specified in NRS 643.1714.

2. An applicant for a license to operate a mobile unit shall sign a form prescribed by the Board acknowledging that the authorization to operate a mobile unit expires on June 30, 2019.

Sec. 8. NRS 643.1713 is hereby amended to read as follows:

643.1713 1. An applicant for a license to operate a new barbershop ***or mobile unit*** shall submit an application and an inspection fee to the Secretary of the Board.

2. A member of the Board shall then, within 6 days, inspect such ~~[shop]~~ ***barbershop or mobile unit*** and issue a temporary license to the applicant which is valid for 20 days if such applicant complies with the applicable provisions of this chapter and the regulations adopted by the Board.

3. The Board shall issue a regular license to the applicant before the expiration of such 20-day period.

Sec. 9. NRS 643.1714 is hereby amended to read as follows:

643.1714 1. The Board shall establish the fee for an inspection, which must not be more than $50. The fee for a license to operate a barbershop ***or mobile unit*** or for the renewal of ~~[the]~~ ***a*** license ***to operate a barbershop*** must not be more than $50.

2. Each license to operate a barbershop must be renewed biennially, during April of each odd-numbered year. Each licensee shall pay the biennial fee for registration which must be prorated for the period from the date the license is issued to the end of the biennium. Each such license which has not been renewed in April of an odd-numbered year expires on May 1 of that year. An expired license may be restored upon payment of:

(a) The license fee; and

(b) A restoration fee established by the Board, which must not be more than $50.

Sec. 10. NRS 643.1715 is hereby amended to read as follows:

643.1715 A license to operate a barbershop ***or mobile unit*** may not be:

1. Assigned from one person to any other person; or

2. Transferred from one location to another ~~[.]~~ ***or from one mobile unit to another mobile unit.***

Sec. 11. NRS 643.1716 is hereby amended to read as follows:

643.1716 A person may not operate any barbershop ***or mobile unit*** unless he or she complies with all the applicable requirements of NRS 643.200 and the regulations adopted by the Board.

Sec. 12. NRS 643.1717 is hereby amended to read as follows:

643.1717 1. The Board may immediately suspend a license to operate a barbershop ***or mobile unit*** for violation of any of the applicable provisions of this chapter or regulations adopted by the Board until the violation is cured.

2. Except for immediate suspensions authorized pursuant to subsection 1, the Board may suspend or revoke a license to operate a barbershop ***or mobile unit*** for a violation of the provisions of this chapter or any regulation adopted by the Board only in a manner consistent with the provisions of chapter 622A of NRS.

3. When a license to operate a barbershop ***or mobile unit*** has been suspended or revoked for a violation of the provisions of this chapter or the sanitary requirements of the Board, the Board shall post a notice on the ~~[shop]~~ ***barbershop or mobile unit*** stating the fact of suspension or revocation and the reason therefor.

Sec. 13. NRS 643.182 is hereby amended to read as follows:

643.182 1. The Board may by regulation require a licensed barber to maintain a barbershop licensed by the Board as his or her primary base of operation for the performance of barbering services.

2. The provisions of this section do not prevent a licensed barber who complies with regulations adopted pursuant to subsection 1 from providing barbering services to customers away from his or her shop ***, or using a mobile unit,*** as a matter of convenience to those customers.

Sec. 14. NRS 643.190 is hereby amended to read as follows:

643.190 It is unlawful:

1. For any person to engage in the practice of barbering or attempt to engage in the practice of barbering without a license as a barber or an apprentice issued by the Board pursuant to this chapter.

2. For any owner or manager of any barbershop ***or mobile unit*** to hire or employ a barber or an apprentice who does not have a license issued by the Board pursuant to this chapter or whose barbershop does not meet the sanitary requirements of the Board.

3. For any person to serve as an apprentice under a licensed barber without a license as an apprentice issued by the Board pursuant to this chapter.

4. For any person to operate a barbershop ***or mobile unit*** unless the barbershop ***or mobile unit*** is at all times under the direct supervision and management of a licensed barber.

5. For any person to hire or employ any person to engage in the practice of barbering or attempt to engage in the practice of barbering unless the person holds a license as a barber or an apprentice issued by the Board pursuant to this chapter.

6. For any person licensed pursuant to chapter 644 of NRS or any other person to:

(a) Hold himself or herself out to the public, solicit business or advertise as a licensed barber or as operating a licensed barbershop ~~[;]~~ ***or mobile unit;***

(b) Use the title or designation "barber ***,"*** ~~[" or]~~ "barbershop" ***or "mobile barbershop"*** under circumstances which would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop ~~[;]~~ ***or mobile unit;*** or

(c) Engage in any other act or practice which would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop ~~[.]~~ ***or mobile unit,***

➥ unless the person holds, as appropriate, a license as a barber or a license to operate a barbershop ***or mobile unit*** issued by the Board pursuant to this chapter or the person is operating a licensed cosmetological establishment that is leasing space to or employing a licensed barber pursuant to NRS 644.360.

7. For any person licensed pursuant to chapter 644 of NRS or any other person to place a barber pole in a location which would

create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop ***or mobile unit*** unless the operator of the business holds a license to operate a barbershop ***or mobile unit*** issued by the Board pursuant to this chapter or the business is a licensed cosmetological establishment that is leasing space to or employing a licensed barber pursuant to NRS 644.360. As used in this subsection, "barber pole" means:

(a) A red and white striped vertical cylinder with a ball located on top of the cylinder; or

(b) Any object of a similar nature, regardless of its actual shape or coloring, which would create or tend to create the impression to members of the general public that a business located near the object is a barbershop ~~[.]~~ ***or mobile unit.***

Sec. 15. NRS 643.200 is hereby amended to read as follows:

643.200 1. It shall be unlawful for any licensed barber or apprentice:

(a) Knowingly to continue the practice of barbering, or for any student knowingly to continue as a student in any barber school while the person has an infectious, contagious or communicable disease.

(b) To use upon one patron a towel that has been used upon another patron unless the towel has been relaundered.

(c) Not to provide the headrest on each chair with a relaundered towel or a sheet of clean paper for each patron.

(d) Not to place around the patron's neck a strip of cotton, towel or neckband so that the hair cloth does not come in contact with the neck or skin of the patron's body.

(e) To use in the practice of barbering any styptic pencils, finger bowls, sponges, lump alum or powder puffs. Possession of a styptic pencil, finger bowl, sponge, lump alum or powder puff in a barbershop ***or mobile unit*** is prima facie evidence that the item is being used therein in the practice of barbering.

(f) To use on any patron any razors, scissors, tweezers, combs, rubber discs or parts of vibrators used on another patron, unless the items are kept in a closed compartment and immersed in boiling water or in a solution of 2 percent carbolic acid, or its equivalent, before each use.

2. It shall be unlawful to own, manage, control or operate any barbershop ***or mobile unit*** unless:

(a) Continuously hot and cold running water is provided.

(b) A recognized sign is displayed at the main entrance to the ~~[shop]~~ ***barbershop or mobile unit*** indicating that it is a barbershop ~~[.]~~ ***or mobile unit.***

Sec. 16. Notwithstanding any other provision of law, a license to operate a mobile unit issued by the State Barbers' Health and Sanitation Board pursuant to section 2 of this act expires on June 30, 2019.

Sec. 17. This act becomes effective upon passage and approval and expires by limitation on June 30, 2019.