

BILL ANALYSIS

Senate Research Center
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S.B. 1193
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DIGEST AND PURPOSE

The portion of the Occupations Code pertaining to barbers was amended during the 77th Legislature. However, additional changes are required to allow the State Board of Barber Examiners to operate more efficiently and effectively. As proposed, S.B. 1193 revises and updates the regulations and licensing of barbers and related occupations, barbershops, specialty shops, and barber schools.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the State Board of Barber Examiners in SECTION 23 (Section 1601.506, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1601.051(b), Occupations Code, to require that one member of the State Board of Barber Examiners (SBBE) appointed under Subsection (a)(1) be a resident of a county with a population of 75,000 or less, rather than 25,000 or less.

SECTION 2. Amends Section 1601.253(b), Occupations Code, to require SBBE to issue a Class A barber certificate to an applicant who pays a fee set by SBBE rule, rather than a fee not to exceed \$100, as well as fulfilling other criteria.

SECTION 3. Amends Sections 1601.254(a) and (c), Occupations Code, as follows:

(a) Requires an applicant for a teacher's fee to submit an examination fee set by SBBE rule, rather than a fee not to exceed \$100, as well as fulfilling other criteria.

(c) Requires SBBE to issue a teacher's certificate to an applicant who pays a certificate fee set by SBBE rule, rather than an option of two different fees depending upon the circumstances, as well as fulfilling other criteria.

SECTION 4. Amends Sections 1601.256(b) and (d), Occupations Code, as follows:

(b) Requires an applicant for a barber technician license to submit a fee set by SBBE rule, rather than a \$10 administration fee, with the application as well as fulfilling other criteria.

(d) Requires SBBE to issue a barber technician licence to an applicant who pays a certificate fee set by SBBE rule, rather a \$100 fee, as well as fulfilling other criteria.

SECTION 5. Amends Sections 1601.257(b) and (c), Occupations Code, as follows:

(b) Requires an applicant for a manicurist license to be at least 17 years of age, rather than at least 16 years of age, and submit a fee set by SBBE rule, rather than a \$10 administration fee, with the application as well as fulfilling other criteria.

(c) Requires SBBE to issue a manicurist licence to an applicant who pays a license fee set by SBBE rule, rather than a fee not to exceed \$30, as well as fulfilling other criteria.

SECTION 6. Amends Section 1601.260, Occupations Code, as follows:

Sec. 1601.260. ELIGIBILITY FOR STUDENT PERMIT. (a) Requires an applicant for a permit to be a student in a barber school to submit with the application a nonrefundable application fee set by SBBE rule, rather than a fee in an amount not to exceed \$25, as well as fulfilling other criteria.

(b) Authorizes SBBE to charge a separate fee set by SBBE rule for any later enrollment, reenrollment, or transfer enrollment, rather than prohibiting SBBE from charging a separate fee for the above instances.

SECTION 7. Amends Section 1601.261(b), Occupations Code, to require SBBE by rule to set the fee, rather than the fee being in an amount not to exceed \$50, for an examination necessary to receive a certificate to practice barbering or to practice as a barber technician or a manicurist.

SECTION 8. Amends Section 1601.266, Occupations Code, to authorize SBBE to issue a duplicate certificate on written application of the certificate holder and a payment of a fee set by SBBE rule, rather than a fee not to exceed \$10.

SECTION 9. Amends Section 1601.301, Occupations Code, by amending Subsection (b) and adding Subsections (c) and (d), as follows:

(b) Requires a person who owns, operates, or manages a barbershop or specialty shop to, not later than the third day after the date on which the shop opens for business, submit an application to SBBE for an appropriate permit for the, rather than each, shop, accompanied by the application fee set by board rule. Deletes text referring to registering the person's full name and the location of each shop with SBBE.

(c) Sets forth the information the application is required to provide.

(d) Prohibits a person operating under a barbershop permit or specialty shop permit from moving the operation to another location without submitting a new application to the board, accompanied by the application fee set by SBBE rule.

SECTION 10. Amends Section 1601.303, Occupations Code, as follows:

Sec. 1601.303. ISSUANCE OF BARBERSHOP PERMIT. (a) Creates this subsection from existing text. Requires SBBE to issue a barbershop permit to an applicant if the applicant holds a Class A barber certificate and is an owner of the shop or is practicing barbering at the shop and the shop meets the minimum health standards for barbershops set by the board and all other rules of SBBE. Deletes text referring to an experience requirement.

(b) Requires the shop owner's name, if a barber is not the owner of the barbershop, also to appear on the barbershop permit.

SECTION 11. Amends Section 1601.304(b), Occupations Code, to require an applicant for a manicurist specialty shop permit to submit an inspection fee in an amount set by SBBE rule, rather than a fee not to exceed \$50, as well as an application including certain information.

SECTION 12. Amends Section 1601.353(b), Occupations Code, to require an applicant for a barber school permit to submit to SBBE a permit fee set by SBBE rule, rather than a permit fee not to exceed \$1,000, as well as other items.

SECTION 13. Amends Section 1601.356(b), Occupations Code, require SBBE to charge a reinspection fee in an amount set by SBBE rule, rather than a reinspection fee not to exceed \$500.

SECTION 14. Amends Section 1601.402(c), Occupations Code, to require SBBE to issue a

renewal certificate or license on receipt of a renewal application in the form prescribed by SBBE, accompanied by a renewal fee in an amount set by SBBE rule, rather than a renewal fee equal to the original certificate or license fee but not to exceed \$100.

SECTION 15. Amends Section 1601.403, Occupations Code, to require SBBE to renew a teacher's certificate biennially on or before November 1 of each odd-numbered year on payment of a renewal fee set by SBBE rule, rather than a renewal fee not to exceed \$100.

SECTION 16. Amends Sections 1601.404(b) and (c), Occupations Code, as follows:

(b) Requires the person to pay a fee set by SBBE rule, rather than a fee equal to the amount of the current certificate or license fee, and an additional delinquency fee set by SBBE rule, rather than a delinquency fee of \$30, for each year or part of a year the certificate or license has been expired.

(c) Authorizes a Class A barber or license holder who retires from practice and whose certificate or license has been expired for more than five years to qualify for a new certificate or license by applying to the board and by paying an examination fee set by SBBE rule, rather than an examination fee not to exceed \$100, as well as fulfilling other criteria.

SECTION 17. Amends Section 1601.405(b), Occupations Code, to require SBBE to issue a renewal certificate or license on application and payment of the current renewal fee, rather than a renewal fee, not later than the 90th day after the date the person is released or discharged from active duty in the armed forces. Deletes text referring to specific renewal fees.

SECTION 18. Amends Section 1601.406, Occupations Code, as follows:

Sec. 1601.406. RENEWAL OF BARBERSHOP OR SPECIALTY SHOP PERMIT. (a) Provides that a barbershop permit or specialty shop permit expires on the second anniversary of the date of issuance of the permit, rather than on July 1 of each odd-numbered year.

(b) Authorizes a barbershop permit holder to renew the permit by paying a renewal fee set by SBBE rule, rather than a renewal fee not to exceed \$70.

(c) Authorizes a specialty shop permit holder to renew the permit by submitting to SBBE a renewal application accompanied by a renewal fee set by SBBE rule, rather than a renewal fee not to exceed \$50.

SECTION 19. Amends Section 1601.407(b), Occupations Code, to authorize a barber school to renew its permit by paying a renewal fee set by SBBE rule, rather than a renewal fee not to exceed \$300.

SECTION 20. Amends Section 1601.408, Occupations Code, to authorize a person holding a barbershop, specialty shop, or barber school permit that has been expired for more than 30 days to renew the person's permit by submitting to the board a renewal application accompanied by the regular renewal fee and an additional delinquency fee set by SBBE rule, rather than an additional delinquency fee of \$30, for each year or part of a year the permit has been expired.

SECTION 21. Amends Subchapter I, Chapter 1601, Occupations Code, by adding Section 1601.409, as follows:

Sec. 1601.409. CONTINUING EDUCATION. Authorizes SBBE to recognize, prepare, or administer continuing education programs for the practice of barbering. Provides that participation in the programs is voluntary.

SECTION 22. Amends Section 1601.501, Occupations Code, as follows:

Sec. 1601.501. New heading: DISPLAY OF BARBERSHOP OR SPECIALTY SHOP PERMIT. Requires the holder of a barbershop permit or specialty shop permit to display the permit in a conspicuous place in the shop for which the permit is issued. Makes a nonsubstantive change.

SECTION 23. Amends Section 1601.506, Occupations Code, to require SBBE by rule to adopt reasonable standards for cleanliness applicable to each holder of a license or permit under this chapter. Deletes text referring to specific cleanliness requirements.

SECTION 24. Amends Section 1601.560(a), Occupations Code, to require a barber school that provides training leading to issuance of a Class A barber certificate, in addition to the teacher required by Section 1601.355(b), to have at least one qualified instructor holding a Class A certificate for every 25, rather than 20, students on the premises, rather than for instruction in practical work.

SECTION 25. Amends Sections 1601.651(a) and (b), Occupations Code, as follows:

(a) Authorizes the attorney general to file an action for an injunction or other proceeding to enforce this chapter or enjoin a barber, barbershop owner, or barber school from operating in violation of this chapter.

(b) Makes a conforming change.

SECTION 26. Amends Subchapter N, Chapter 1601, Occupations Code, by adding Section 1601.652, as follows:

Sec. 1601.652. CRIMINAL PENALTY. (a) Provides that a person commits an offense if the person violates this chapter or a rule adopted under this chapter.

(b) Provides that an offense under this section is a misdemeanor punishable by a fine of not less than \$100 or more than \$300.

SECTION 27. Amends Section 1601.705(a), Occupations Code, to delete failing to respond in a timely manner to the notice as a prerequisite to the executive director of SBBE setting a hearing and giving written notice of the hearing to the person.

SECTION 28. Repealer: Sections 1601.264 (Health Certificate Requirement), 1601.302 (Temporary Barbershop Permit), 1601.310 (Relocation of Specialty Shop), 1601.311 (Display of Specialty Shop Permit), 1601.402(d) (prohibiting SBBE from renewing a certificate or license until certain criteria are met), and 1601.503 (Notification of Change of Location), Occupations Code.

SECTION 29. Makes application of this Act prospective.

SECTION 30. Effective date: upon passage or September 1, 2003.