

CHAPTER 457

BARBERS

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457.01 Definitions. The following terms, whenever used in this chapter, shall have the meanings indicated as follows:

(1) "Barbering" consists of engaging in any one or combination of the following practices for compensation either directly or indirectly or in the reasonable expectation thereof:

(a) Shaving, trimming the beard, or cutting or styling the hair;

(b) Giving facial or scalp massages or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances;

(c) Singeing, shampooing, arranging, curling, waving, dressing, hair relaxing or dyeing of the hair, or applying hair tonics;

(d) Applying cosmetic preparations, antiseptics, powders, oils, clay or lotion to the scalp, face or neck;

(e) Styling or cutting hair pieces or wigs.

(2) "Barber shop" embraces and includes any establishment or place of business wherein the practice of barbering is engaged in or carried on.

(3) A "barber" is any person who engages in the practice of barbering.

(3e) "Examining board" means the barbers examining board.

(4) A "shop manager" is any person who has fulfilled the requirements of a shop manager as provided in this chapter and who holds a valid shop manager's license issued by the examining board.

(5) A "master barber" is any person who has fulfilled the requirements of a master barber as provided in this chapter and who holds a valid master barber's license issued by the examining board.

(7) An "apprentice barber" is any person who is serving an apprenticeship at the trade, who is indentured as an apprentice with the department of industry, labor and human relations, and who is registered as an apprentice with the examining board under this chapter.

(8) "Apprenticeship" is defined to mean that period of time in which any person serves as an apprentice in the barber trade.

(9) "Operator of a barber shop" means any person who conducts, maintains, manages or operates a barber shop.

(14) The following shall not be deemed "barbers" and are not required to be licensed:

(a) Physicians licensed under the laws of this state and commissioned medical or surgical officers of the United States army, navy or marine hospital service;

(b) Licensed masseurs;

(c) Registered nurses;

(d) Persons licensed to practice cosmetic art;

(e) Embalmers;

(f) But this subsection 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, excepting, however, that persons licensed pursuant to ch. 458 may bob, shape, thin, singe, and shampoo hair in addition to the rights and privileges conferred in ch. 458.

History: 1971 c. 164; 1973 c. 264; 1975 c. 39 ss. 659g to 660, 732 (2); 1979 c. 175 ss. 31, 32, 53; 1979 c. 221 ss. 666, 667, 2202 (45); 1979 c. 292; 1981 c. 20.

The legislature cannot constitutionally prohibit a cosmetologist from cutting a man's hair. 60 Atty. Gen. 376.

457.02 Rules. (1) The examining board shall prescribe and enforce rules consistent with this chapter, governing barber shops and schools teaching barbering, the examination and licensing of instructors and master barbers and the registration of apprentices, and on all other matters upon which supplemental rules may be necessary in the administration of this chapter.

(2) The examining board shall keep a record of all registered indentured apprentices and licensed master barbers and instructors, and a record of its proceedings relating to reprimands and to the issuance, refusal, renewal, limitation, suspension and revocation of each license, with the name, place of business and residence of

each licensee and certificate and permit holder. These records shall be open to public inspection.

History: 1975 c. 39 s. 732 (2); 1977 c. 418; 1979 c. 175 s. 31; 1979 c. 221 s. 667e; 1979 c. 292.

457.03 School teaching barbering. (1)

No person may operate a school for the purpose of teaching barbering for compensation unless a biennial certificate of registration has been obtained from the examining board. Application for the certificate shall be filed with the examining board in the form the examining board prescribes. The original fee for certificate of registration shall be the fee specified under s. 440.05 (8) and shall be paid before the school is opened. The renewal fee specified in s. 440.05 (8) shall be paid before September 1 in odd-numbered years. Barber schools shall make no charge to patrons for barbering services. Vocational, technical and adult education schools in this state are exempt from paying registration fees.

(2) No school or college teaching barbering shall enroll or admit any apprentice unless such apprentice shall make and file a duly verified application in a form to be prescribed and furnished by the examining board.

(3) No school or college teaching barbering shall be approved by the examining board unless the school or college requires as a prerequisite to graduation a course of instruction of not less than 1,248 hours to be completed within a period of not less than 9 months' instruction. There shall be at least one instructor for every 19 apprentices. The course of instruction shall include study of: Scientific fundamentals of barbering; hygiene and bacteriology, histology of the hair, skin, muscles and nerves; structure of the head, face and neck; elementary chemistry pertaining to disinfection and antiseptics; diseases of the skin, hair, and glands; massaging and manipulating of the muscles; hair cutting, shaving and care of instruments and equipment as may be related to the practice of barbering or approved by the examining board.

(4) No person may engage in teaching or instructing apprentices in any school or college teaching barbering unless he or she holds a master barber's or shop manager's license, is a graduate from an approved high school or its equivalent as determined by examination by the board of vocational, technical and adult education or the university of Wisconsin extension and has passed an examination for an instructor's certificate in barbering conducted by the examining board and paid the fee specified in s. 440.05 (1). The certificate shall expire on June 1 in odd-numbered years succeeding issuance and be renewed on or before the expiration date at the renewal fee specified in s. 440.05 (3). The

examination shall cover subjects usually taught in barber schools and colleges in practical work and theory.

History: 1971 c. 154 s. 79 (3); 1975 c. 39 ss. 661, 662, 732 (2); 1975 c. 199, 224, 422; 1977 c. 29; 1979 c. 175 s. 31; 1979 c. 221 s. 667m.

457.04 Practice. (1) No person may engage in the practice of barbering without a shop manager's license, master barber's license or an apprentice permit card.

(2) No person, firm or corporation may hire or employ any person to engage in the practice of barbering unless the person employed holds a valid master barber, shop manager license or apprentice permit card.

(3) No permit to operate a barber shop shall be issued by the examining board unless each such barber shop has in charge, full time therein, a licensed shop manager.

(4) No person owning, operating, managing or working in a barber shop which is not connected with a recognized school or college teaching barbering shall hold such barber shop out as a barber school or college or teach barbering therein for compensation, but this shall not apply to instructions given employees in the regular course of business for which they are not required to pay.

(5) It shall be unlawful:

(a) For any barber to use any instrument or article that has not been disinfected in accordance with the sanitary standards established by the examining board.

(b) Any person or persons proposing to open a shop in a new location or to make major alterations shall first make application to the examining board for an inspection and approval of the premises, submitting an exact description and floor plan of the proposed location of the premises on a form prescribed by the examining board.

(c) Changes of ownership of any barber shop shall be reported to the examining board by the manager of such shop within 5 days after such change of ownership and no inspection fee shall be charged unless there is a change of shop manager or the examining board has on record an order or orders to comply with this chapter or any rules or regulations promulgated by the examining board for which such compliance has not been obtained or any subsequent alterations in the physical structure of the establishment result in noncompliance with this chapter or any of the rules or regulations aforementioned. In such cases the license to operate shall be obtained in accordance with par. (b).

(d) Any permit granted under authority of this subsection may be limited, suspended or revoked, or the permittee reprimanded, as pro-

vided in s. 457.14, for violating any of the foregoing provisions or if any regulations of the examining board are not complied with in the operation of a licensed barber shop.

(e) Interior doors leading to the barber shop from the employer's private living quarters shall at all times be closed and shall not be used by any one except by the employer barber, the employes or members of the immediate family if employed in the shop. Interior doors leading to any commercial place of business which may create a health, sanitary, safety or nuisance hazard if connected to a barber shop must remain closed and locked and shall be used only in cases of extreme emergency. The premises of the barber shop shall be well defined. The premises shall be capable of being separated from any commercial place of business and any interior doors leading to any other commercial place of business shall be capable of being closed. Nothing in this paragraph prohibits a barber shop and a beauty salon as defined in s. 458.01 (3) from utilizing a common waiting room.

(6) Any barber or other person in charge of a barber shop shall supply continuously hot and cold running water therein in such quantities as may be necessary to conduct such shop in a sanitary manner. In places where there is a sewer or water system in close proximity to a barber shop the owner thereof shall cause such shop to be connected with such system or systems. Where hot running water is not available receptacles equipped with faucets must be installed holding not less than 5 gallons of hot water and must be connected with a wash bowl in a manner satisfactory to the examining board.

(9) Any barber or other person in charge of a barber shop or school or college teaching barbering shall use or cause to be used therein separate and clean towels for each customer and every barber serving any customer shall wear washable outer linen, coat or apron, which shall be kept clean. Used towels must be discarded until relaundered.

(10) Any barber or other person in charge of a barber shop shall provide the head rest on each chair with a separate clean sheet of paper for each patron.

(11) A clean strip of cotton, towel or paper band shall be placed around the neck of each patron served so that at no time the hair cloth will come in contact with the neck or skin of the patron.

(13) An inspector appointed under s. 457.05 or 458.05 shall have authority to enter into and inspect any barber shop, beauty or electrolysis

salon, or school of barbering or cosmetology at any time during business hours.

History: 1975 c. 39 ss. 662m, 732 (2); 1975 c. 265, 421; 1977 c. 29, 418; 1979 c. 175 ss. 31, 53; 1979 c. 221 ss. 667s, 784m, 2202 (45); 1979 c. 292, 355; 1981 c. 390.

457.05 Inspectors. The department shall appoint inspectors under the classified service to inspect barber shops, beauty and electrolysis salons and schools of barbering and cosmetology, who may be the same persons appointed under s. 458.05.

History: 1975 c. 39; 1979 c. 175 s. 31; 1979 c. 221 s. 669.

457.06 Examinations. (1) The examining board shall conduct all examinations of applicants for master barber, shop manager and instructor licenses not less than 4 times each year at such time and place as the examining board determines. Special examinations may be held upon authorization by the examining board.

(2) Examinations of applicants for shop manager licenses shall consist of written tests only and shall embrace the subject required to be taught in schools or colleges teaching barbering and subjects approved by the examining board.

(3) Examinations of applicants for master barber licenses shall consist of written tests and practical demonstrations requiring subjects to demonstrate minimum competency in services and subjects substantially related to public health and safety.

History: 1975 c. 39 s. 732 (2); 1979 c. 175 s. 31; 1979 c. 221 s. 670; 1979 c. 292; 1981 c. 20, 224.

457.09 Apprentices. (1) Any person may receive an apprentice permit:

- (a) Who is at least 16 years of age; and
- (b) Who does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335; and
- (c) Who, as shown by affidavits, has completed the 10th grade and reached the age of 18 or has graduated from the 12th grade or has been granted a declaration of equivalency of high school graduation by the state superintendent of public instruction or has a general educational development certificate of high school equivalency issued by the U.S. armed forces; and

(d) Who is indentured as an apprentice or is attending an approved school or college teaching barbering in this state.

(e) All indentured apprentices shall attend a vocational, technical and adult education school offering instruction in the theory and practical application of barbering where one is available in the city in which the apprentice resides or works, or in the nearest designated city, in which

this instruction is offered to average at least 4 hours per week in the daytime on the employer's time, until the apprenticeship contract is completed and the apprentice has passed the master barber examination or until the apprentice's contract has been canceled or suspended by the department of industry, labor and human relations. All apprentices who have satisfactorily completed 1,248 hours of instruction in an examining board-approved school or college teaching barbering shall satisfactorily complete at least 288 hours of related instruction. Other apprentices shall satisfactorily complete at least 432 hours of related instruction at a vocational, technical and adult education school.

(2) Indentured apprentices shall be governed by ch. 106 and apprenticeship rules and regulations of the department of industry, labor and human relations and the examining board.

(5) The period of apprenticeship shall be 3 years and shall begin on the date of registration and terminate after a period of not more than 5 years from the time of first registration. Attendance at a school or college teaching barbering, approved by the examining board, for a period of not less than 1,248 hours of instruction to be completed within a period of not less than 9 months shall entitle the apprentice to a credit of 9 months toward the completion of such apprenticeship period. If the apprentice is inducted or ordered into active service in the U.S. armed forces or the apprentice's services are specifically requested by the federal government during a period officially proclaimed to be a national emergency or a limited national emergency, the 5-year apprenticeship period may be extended for an amount of time equal to the length of such service. Service as a barber while a member of the armed forces of the United States shall entitle the apprentice to a credit toward the completion of such apprenticeship period equal to the length of such service.

(5m) (a) The examining board may grant credit to the apprentice permit applicant for related training and experience received prior to the date of registration. Credit may be granted toward completion of barber school and the apprenticeship requirements needed to qualify for the master barber examination but may not exceed more than two-thirds of those requirements. The 5-year permit termination date shall be reduced by an amount equal to the credit granted to the applicant.

(b) The examining board may grant credit under par. (a) to any person who is indentured as an apprentice or is attending an approved school or college teaching barbering, or a state penal institution offering barbering as a rehabil-

itation program, in this state on or after November 8, 1977.

(6) Each application for an apprentice's permit shall be accompanied by a fee specified in s. 440.05 (6).

(7) Each apprentice shall be assigned to a full-time licensed shop manager for supervision and training.

History: 1971 c. 154 s. 79 (4); 1973 c. 120; 1975 c. 39 ss. 664, 732 (2); 1975 c. 199, 224; 1977 c. 29, 137; 1979 c. 90 ss. 5, 25; 1979 c. 160; 1979 c. 175 s. 31; 1979 c. 221 s. 671; 1979 c. 292; 1981 c. 380; 1981 c. 391 s. 211.

Legislative Council Note, 1979: [As to sub. (5m) (b)] Chapter 137, laws of 1977, specified prior training and experience which may be granted as credit to barber apprentice permit application. Section 2 of chapter 137, laws of 1977, pertaining to credit for time served as an apprentice, attendance at a school or participation in a rehabilitation program at a state penal institution, was not incorporated into the statutes. This act incorporates section 2 of chapter 137, laws of 1977, into the statutes. [Bill 458-A]

457.11 Master barbers. (1) A master barber's license shall be issued only to a person who possesses all of the following characteristics:

(a) Who is at least 18 years of age.

(b) Who has completed 3 years as a registered indentured apprentice under the supervision of a licensed shop manager, with credit for attendance at a school or college teaching barbering as provided in s. 457.09 (5);

(c) Who has satisfactorily passed an examination conducted by the examining board to determine fitness to practice barbering.

(2) The fee to be paid by an applicant for an examination to determine fitness to receive a master barber's license shall be that specified in s. 440.05 (1).

(3) All master barber licenses shall expire on June 1 of odd-numbered years. A renewal license shall be issued to any licensed master barber on payment of the renewal fee specified in s. 440.05 (3).

(4) (a) The examining board may, upon application and payment of the fee specified in s. 440.05 (2), grant a license as a master barber to any person who holds a valid license issued by the proper authority in any state, territory or possession of the United States or in any country and who has met the requirements for obtaining the license which meet or exceed the requirements for licensure under this section.

(b) The board may enter into reciprocity agreements for licensing master barbers with responsible officials of other states and grant licenses to persons licensed in other states according to the terms of such an agreement. Any reciprocity agreement entered into by the board under this paragraph shall establish requirements for licensure which equal or exceed the requirements for licensure under this section.

History: 1971 c. 213 s. 5; 1975 c. 39 ss. 664m, 732 (2); 1975 c. 199, 224, 422; 1977 c. 29; 1979 c. 175 s. 31; 1979 c. 221 s. 673; 1979 c. 292; 1981 c. 314 s. 146.

457.12 Shop managers. (1) No barber shop may be conducted in this state except by one who holds a shop manager's license issued by the examining board, as provided in this section. The examining board shall issue a separate shop manager's license for each shop, which is valid only in the place specified in the license, and which is not transferable.

(2) An original shop manager's license may be granted only to one:

(a) Who holds an unexpired master barber's license.

(b) Who has satisfactorily passed an examination conducted by the examining board to determine fitness in managing a shop. The application blank and fee for examination specified in s. 440.05 (1) must be received by the examining board at least 10 days prior to the examination.

(3) When application is made by more than one qualified person for a license covering the same shop such license may be issued in the name of all applicants. Any person seeking a shop manager's license for more than one shop shall pay a separate fee for each shop.

(4) All shop manager licenses shall expire on June 1 of odd-numbered years and may be renewed on payment of the renewal fee specified in s. 440.05 (3) and upon proof that the applicant holds either an unexpired or an expired master barber license.

(5) No shop manager may supervise more than 3 apprentices.

History: 1975 c. 7; 1975 c. 39 ss. 665, 732 (2); 1975 c. 199, 224, 422; 1977 c. 29; 1979 c. 13; 1979 c. 175 s. 31; 1979 c. 221 s. 674; 1979 c. 292; 1979 c. 337 s. 2; 1979 c. 355; 1981 c. 380.

457.124 Restoration of licenses. (1) A manager previously licensed in this state who fails to renew his or her license may, on application, if filed within 4 years after the expiration of his or her last license, secure a license without examination by payment of the fee specified in s. 440.05 (3) or by examination and payment of the fee under s. 440.05 (1). A shop manager who fails to renew his or her license within 4 years after the expiration of his or her last license may secure a license only by examination and payment of the fee under s. 440.05 (1). The time limitations prescribed in this subsection shall not include the service period of the shop manager as an active member of the U.S. armed forces.

(2) Any person who has practiced barbering in this state as a duly licensed master barber and whose license has lapsed shall, if in good health, upon application and the payment of renewal fees under s. 440.05 (3), be reinstated and granted a renewal license without examination.

History: 1975 c. 39, 199, 224, 422; 1977 c. 29, 418; 1979 c. 175 s. 31; 1979 c. 221 s. 675; 1979 c. 292; 1981 c. 380.

457.13 Licenses and certificates. (1) The examining board shall furnish a card in such form as it shall determine to each person licensed under this chapter.

(2) Every person licensed under this chapter shall post his or her license in a conspicuous place in the establishment in which the licensee practices barbering.

(4) A duplicate license may be issued upon filing of a statement alleging loss of the license, verified by the oath of the applicant.

(5) No license issued pursuant to this chapter shall be transferred.

History: 1975 c. 39; 1979 c. 175 s. 31; 1979 c. 221 s. 675; 1979 c. 292.

457.14 Perjury and revocation. (1) The wilful making of any false statement as to the material matter in any oath or affidavit which is required by this chapter is perjury and shall be punished as such.

(2) Subject to the rules promulgated under s. 440.03 (1), the examining board may refuse to issue or renew, or may limit, suspend or revoke any shop manager's, instructor's or master barber's license or indentured apprentice's registration card and may reprimand the holder of any such license or registration card for any of the following causes:

(a) Subject to ss. 111.321, 111.322 and 111.335, conviction of a crime;

(b) Malpractice or incompetency;

(c) Continued practice by a person who knowingly has an infectious, contagious or communicable disease;

(d) Fraudulent advertising;

(e) Advertising, practicing or attempting to practice under another's name or another's trade name;

(f) Addiction to alcohol or other drugs;

(h) Violation of this chapter or of any of the rules or regulations prescribed under authority thereof.

History: 1975 c. 39 s. 732 (2); 1977 c. 125, 418; 1979 c. 175 s. 31; 1979 c. 221 s. 675; 1979 c. 292; 1981 c. 334 s. 25 (1); 1981 c. 380.

457.15 Penalty. An owner, proprietor or manager of a barber shop or a school or college who contracts to teach any person barbering and accepts money in payment or who sells or rents or offers to sell or rent such barber shop to any person who has not a shop manager's or a master barber's license without first explaining to such person the provisions of this chapter; and any person who shall practice barbering without a license, or an indentured apprentice registration card; and any person who shall conduct or manage a barber shop without a manager's license; or who shall in any manner violate any provision of this chapter or any rule or regula-

tion made by the examining board pursuant thereto; and any person who shall aid or abet any person in violating any provision of this chapter or in obtaining a license fraudulently or who shall employ an unlicensed barber, shall be fined

not less than \$10 nor more than \$100 or imprisoned for not less than 10 days nor more than 90 days or both.

History: 1975 c. 39 s. 732 (2); 1979 c. 175 s. 31; 1979 c. 221 s. 675.