

CHAPTER 158

BARBERS

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158.01 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.

(3n) "Department" means the department of health and social services.

(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 department.

(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 department.

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

(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 department 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.

(12) An "inspector" is any person required by this chapter to make inspection of barber shops and barber schools.

(13) "Examiners" are those persons required by this chapter to conduct the required examinations.

(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. 159 may bob, shape, thin, singe, and shampoo hair in addition to the rights and privileges conferred in ch. 159.

History: 1971 c 164; 1973 c 264

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

158.02 Regulations. (1) The department shall prescribe and enforce rules and regulations, consistent with this chapter, governing barber shops and schools teaching barbering, the examination and licensing of master and

journeymen barbers and the registration of apprentices, and on all other matters upon which supplemental rules and regulations may be necessary in the administration of this chapter.

(2) The department shall keep a record of all registered indentured apprentices, licensed journeymen and master barbers, and a record of its proceedings relating to the issuance, refusal, renewal, 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 the public inspection.

158.03 School teaching barbering. (1) No person shall operate a school for the purpose of teaching barbering for compensation unless an annual certificate of registration has been obtained from the department. Application for such certificate shall be filed with the department in such form as the department shall prescribe. The original fee for certificate of registration shall be \$300 and shall be paid before the school is opened. The renewal fee shall be \$100 and shall be paid before September 1 annually; when renewed after said date, an additional penalty fee of \$100 shall be paid. 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 department.

(3) No school or college teaching barbering shall be approved by the department 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 department.

(4) No person shall engage in teaching or instructing apprentices in any school or college teaching barbering unless he holds a Wisconsin master barber'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 extension division of the university of Wisconsin and has passed an examination for an instructor's certificate in barbering conducted by the department. Such certificate shall expire on June 1 next succeeding issuance and be renewed on or before the expiration date at a renewal fee of \$10. After that date an additional fee of \$5 shall be paid. The examination shall cover such subjects as are usually taught in barber schools and colleges in practical work and theory. The examination fee for instructors shall be \$20.

History: 1971 c 154 s 79 (3)

158.04 Practice. (1) No person shall engage in the practice of barbering unless he holds one of the following:

- (a) A master barber's license;
- (b) A journeyman barber's license; or
- (c) An apprentice permit card.

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

(3) No permit to operate a barber shop shall be issued by the department 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 department.

(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 department 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 department accompanied by an inspection fee of \$30.

(c) Changes of ownership of any barber shop shall be reported to the department 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 department has on record an order or orders to comply with any section of this chapter or any rules or regulations promulgated

by the department 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 revoked as provided in s. 158.14, for violating any of the foregoing provisions or if any regulations of the department 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, his employes or members of his immediate family if employed in the shop. Interior doors leading to any commercial place of business must remain closed and locked and shall be used only in cases of extreme emergency.

(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 department.

(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 relaundersed.

(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) Any member or employe of the department or any inspector shall have authority to enter into and inspect any barber shop or school or college teaching barbering at any time during business hours.

158.05 Barber section. (1) There is created under the department of health and social services, division of health, a barber section. The division of health shall appoint a supervisor and not less than 2 inspectors under the classified service. The supervisor and all inspectors shall have been engaged in the practice of barbering for at least 5 years immediately preceding their appointments.

(2) There is provided under the barber section an examining council in accordance with s. 15.197 (4) (a).

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

(2) Examinations of applicants for journeymen barber licenses and 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 department.

(3) Examinations of applicants for master barber licenses shall consist of practical demonstrations only.

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

- (a) Who is at least 16 years of age; and
- (b) Who is of good moral character and temperate habits; and
- (c) Who, as shown by affidavits, has completed the 10th grade and who has graduated from the 12th grade or reached the age of 18 after July 1, 1970; 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 his apprenticeship contract is completed and he has passed the journeyman examination or until his 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 a department-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 department.

(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 department, 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 his 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.

(6) Each application for an apprentice's permit shall be accompanied by a fee of \$10.

History: 1971 c. 154 s. 79 (4); 1973 c. 120

Note: Chapter 111, laws of 1967, which amended sub. (1) (c) to increase the educational requirement also provided that the change does not apply to anyone who reached the age of 18 on or before August 25, 1967.

Note: Chapter 120, laws of 1973, which amended subs. (1) and (5) also provided that the changes do not apply to anyone who possessed a current apprentice permit on September 26, 1973.

158.10 Journeyman barbers. (1) A journeyman barber's license shall be issued only to a person 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. 158.09 (5).

(2) Each application for a journeyman's license other than a renewal shall be in writing and accompanying the application shall be an examination fee of \$20. The fee for the license, if granted, shall be \$10. Issuance of a journeyman's license shall entitle the applicant to practice barbering under a licensed shop manager in this state for a period of one year from the date of the license. After expiration of this license it must be renewed and such journeyman must take the first examination for a master barber's license

given in his respective locality, provided he has served one year as a journeyman in this state.

(3) The department may refuse to grant a renewal of a journeyman's license to any journeyman who does not pass an examination for a master barber license after 3 attempts, to one who fails to qualify under s. 158.11 (1) (b) or to one who refuses to take such examination without good cause.

(4) Any barber from out of the state who is at least 20 years of age, of good moral character and temperate habits and has an active license or certificate as a practicing barber or eligibility therefor with 4 years' experience from another state which has substantially the same requirements as this state may be granted a journeyman license upon passing an examination consisting of a written test and practical examination. The fee for the examination is \$30. The application blank and fee must be filed with the department at least 10 days previous to the examination. Permission to work pending an examination shall not be granted.

(5) No apprentice or journeyman barber shall practice barbering except under the immediate personal supervision and direction of a licensed shop manager and cannot be the owner, manager, director or lessee of a barber shop or have any interest therein other than as an employe. Not more than one apprentice shall be employed by any barber shop. Any barber shop employing more than one apprentice is classified and shall be advertised as a barber school.

158.11 Master barbers. (1) A master barber's license shall be issued only to one:

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

(b) Who holds an active journeyman's license and who has practiced barbering averaging at least 40 hours a week for one year under a journeyman barber's license in this state.

(c) Who has satisfactorily passed an examination conducted by the department to determine his fitness to practice barbering;

(2) The fee to be paid by an applicant for an examination to determine his fitness to receive a master barber's license shall be \$30 and for the issuance of the master barber's license \$10.

(3) All master barber licenses shall expire on June 1 of the license year. A renewal license for the ensuing year shall be issued to any licensed master barber on payment of a renewal fee of \$10 providing the application, together with the fee, is filed before the beginning of the next license year. In case the application, together with the fee, is filed after the close of the license year the renewal fee shall be \$20.

History: 1971 c. 213 s. 5

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

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

(a) Who holds an unexpired master barber's license, and who has been actively engaged in barbering in this state not less than 40 hours per week for at least one-half of the 2-year period immediately preceding the date of application for a shop manager's license, except that the requirement as to having actively been engaged in barbering shall not apply to one who is in the military service of the United States and for 6 months after the termination of such service.

(b) Who has satisfactorily passed an examination conducted by the department to determine his fitness in managing a shop. The fee for examination for a shop manager's license shall be \$30. The application blank and fee for such examination must be received by the department at least 10 days previous to the examination.

(c) Who is a citizen of the United States.

(3) The fee to be paid upon application for the issuance of a shop manager's license shall be \$10. 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 the license year. A renewal license for the ensuing year shall be issued to any licensed shop manager on payment of a renewal fee of \$10 providing the application, together with the fee, is filed before the beginning of the next license year. In case the application, together with the fee, is filed after the close of the license year the renewal fee shall be \$20.

158.124 Restoration of licenses. (1) A manager previously licensed in Wisconsin who fails to renew his license may, on application, if filed within 3 years after the expiration of his last license, secure a license without examination by payment of a fee of \$20 for each year not licensed or by examination and payment of the fees as required for compliance with s. 158.12. A shop manager who fails to renew his license within 3 years after the expiration of his last license may secure a license only by examination and payment of the fees as required for compliance with s. 158.12. 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 journeyman or master barber and whose license has lapsed shall, if he is in good physical and mental health and of good moral character, upon application therefor and the payment of all renewal fees he would have paid had he continued his practice, be reinstated and granted a renewal license without examination.

158.13 Licenses and certificates. (1) The department shall furnish a card in such form as it shall determine bearing the seal of the department and the signature of its secretary to each:

(a) Apprentice, journeyman, and master barber, certifying that the holder is entitled to practice barbering and such license shall be posted in a conspicuous place in the establishment.

(c) Shop manager, certifying that he is entitled to conduct a barber shop and this license shall be posted in a conspicuous place in the shop managed by the licensee.

(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.

158.14 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) The department may either refuse to issue or renew, or may suspend or revoke any shop manager's, master's or journeyman's license, or indentured apprentice's registration card for any of the following causes:

(a) Conviction of a felony or 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) Habitual drunkenness or habitual addiction to the use of habit forming drugs;

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

(3) Any license, certificate or permit may be revoked or renewal thereof may be refused by the department upon 5 days' notice in writing of all charges relied upon for revocation or refusal of

renewal to the holder and upon a public hearing at which such holder shall have an opportunity to present testimony and to confront witnesses.

158.15 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 regulation made by the department 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.