

CHAPTER 516

AN ACT to repeal 158.01 (10), 158.02 (3), 158.04 (1) (d), 158.04 (7), (8) and (12), 158.05 (5), 158.06 (3), 158.07, 158.08, 158.09 (3) and (4), 158.11 (1) (d), 158.13 (1) (b), (2) and (3) and 158.14 (2) (g); to amend 158.02 (1) and (2), 158.03 (2), (3) and (4), 158.04 (1) (b) and (c), 158.04 (2), 158.04 (6), 158.05 (1) and (2), 158.06 (1) and (2), 158.09 (1) (introductory paragraph) (c), (d), (e), (5) and (6), 158.10 (2) and (4), 158.11 (2), 158.12 (2) and (3), 158.13 (1) (a) and (4), 158.14 (2) (introductory paragraph) and 158.15; to repeal and recreate 158.01 (1) (introductory paragraph) and (9), 158.04 (3) and (5) (a), (b), (c), (d) and (e), 158.05 (3), 158.10 (3), 158.11 (3) and 158.12 (4); and to create 158.124 and 158.125 of the statutes, relating to barbers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 158.01 (1) (introductory paragraph) and (9) of the statutes are repealed and recreated to read:

158.01 (1) (introductory paragraph) "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:

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

SECTION 2. 158.01 (10) of the statutes is repealed.

SECTION 3. 158.02 (1) and (2) of the statutes are amended to read:

158.02 (1) The state board of health 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 journeyman 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 board 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.

SECTION 4. 158.02 (3) of the statutes is repealed.

SECTION 5. 158.03 (2), (3) and (4) of the statutes are amended to read:

158.03 (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 state board of health. * * *

(3) No school or college teaching barbering shall be approved by the 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 16 * * * 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 board.

(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 state board of vocational 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 board. Such certificate shall expire on June 1 next succeeding issuance and be renewed on or before the expiration date at a renewal fee of \$5. 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 \$10.

SECTION 6. 158.04 (1) (b) and (c) are amended to read:

158.04 (1) (b) A journeyman barber's license; or
(c) an * * * apprentice * * * permit card * * *.

SECTION 7. 158.04 (1) (d) of the statutes is repealed.

SECTION 8. 158.04 (2) of the statutes is amended to read:

158.04 (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.

SECTION 9. 158.04 (3) and (5) (a), (b), (c), (d) and (e) of the statutes are repealed and recreated to read:

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

(5) (a) For any barber to use any instrument or article that has not been disinfected in accordance with the sanitary standards established by the 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 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 board accompanied by an inspection fee of \$15.

(c) Changes of ownership of any barber shop shall be reported to the 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 board has on record an order or orders to comply with any section of this chapter or any rules or regulations promulgated by the 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 revoked as provided in s. 158.14, for violating any of the foregoing provisions or if any regulations of the 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, 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.

SECTION 10. 158.04 (6) of the statutes is amended to read:

158.04 (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 five gallons of hot water and must be connected with a wash bowl in a manner satisfactory to the board.*

SECTION 11. 158.04 (7), (8) and (12) of the statutes are repealed.

SECTION 12. 158.05 (1) and (2) of the statutes are amended to read:

158.05 (1) There is created and the state board of health shall maintain a division thereof to be known as the "barber division". Said division shall be composed of a supervisor, * * * 3 examiners, *not less than 2 inspectors*, and such * * * other assistants as the board may deem necessary to * * * carry out the provisions of this chapter. *All inspectors shall be appointed in accordance with ch. 16 and shall have been actively engaged in the practice of barbering in this state for at least 5 years immediately preceding their appointments.*

(2) The state board of health shall appoint and may remove for cause 3 barbers, who shall constitute the * * * committee of examiners in the barber division. Each of said examiners shall have been engaged in the practice of barbering in this state for at least 5 years immediately prior to his appointment *and must remain a practicing barber for the duration of his term.* One of the appointed members shall be selected from a list of 5 names recommended by the associated master barbers of Wisconsin and one from a list of 5 names recommended by the Wisconsin barbers' and beauty culture association. *The board shall notify the organized group concerned at least 90 days prior to the expiration of the examiner's term.* Not more than 2 persons shall be recommended from any one county. Appointments and removals of examiners may be made without reference to the civil service law. Such lists shall be submitted to the board * * * at least 20 days * * * prior to expiration of the term.

SECTION 13. 158.05 (3) of the statutes is repealed and recreated to read:

158.05 (3) Members of the committee of examiners shall be appointed and hold office for terms of three years each. All such terms shall expire on December 31 of the third year next following such appointment. No member shall succeed himself for more

than one term and each member shall hold office until his successor is appointed and qualified. Any vacancies on said committee shall be filled by appointment for the unexpired term. Each member of the committee of examiners shall receive a per diem of not to exceed \$15 per day for the actual number of days he is engaged in the performance of his duties including necessary travel time and in addition thereto his actual and necessary expenses.

SECTION 14. 158.05 (5) of the statutes is repealed.

SECTION 15. 158.06 (1) and (2) of the statutes are amended to read:

158.06 (1) The * * * committee of examiners 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 * * * committee may determine. Special examinations * * * may be held upon authorization by the board.

(2) Examinations of applicants for journeyman barber licenses * * *, master barber licenses, and shop manager licenses shall include both practical demonstration and a written * * * test and shall embrace the subjects required to be taught in schools or colleges teaching barbering and such subjects as are approved by the board.

SECTION 16. 158.06 (3), 158.07 and 158.08 of the statutes are repealed.

SECTION 17. 158.09 (1) (introductory paragraph), (c), (d) and (e) of the statutes are amended to read:

158.09 (1) (introductory paragraph) Any person may receive an * * * apprenticeship * * * permit:

(c) Who, as shown by affidavits, has completed the eighth grade or has an equivalent education as determined by the state board of vocational and adult education or the extension division of the university of Wisconsin; and

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

(e) * * * All apprentices shall attend a vocational and adult education school offering instruction in the theory of barbering, which shall not be construed to include haircutting and shaving, where one is available in the city in which the apprentice resides or works, or in a nearby city, at least 8 hours a week in the daytime on the employer's time, until his apprenticeship contract is completed or until he registers for a full-time course in a school teaching barbering and so notifies the industrial commission * * *. Provided, however, that during such period of full-time instruction the employer shall be relieved from having to pay any compensation to the apprentice. Completion of the 1,248 hours of instruction, in a manner satisfactory to the state board of health, shall * * * reduce the requirement, under the indenture, of at least one hundred forty-four hours per year daytime attendance at a vocational and adult education school.

SECTION 18. 158.09 (3) and (4) of the statutes are repealed.

SECTION 19. 158.09 (5) and (6) of the statutes are amended to read:

158.09 (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 3 years from the time of first registration, except that the board may extend the term of apprenticeship for a period of not to exceed one year. Attendance at a school or college teaching barbering, approved by the state board of health, 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. 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 \$5. If training is not completed within 3 years, the renewal fee shall be \$2.

SECTION 20. 158.10 (2) of the statutes is amended to read:

158.10 (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 \$10. The fee for the license, if granted, shall be \$5. Issuance of a journeyman's license shall entitle the applicant to practice barbering under a master barber 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.

SECTION 21. 158.10 (3) of the statutes is repealed and recreated to read:

158.10 (3) The board 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

three 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.

SECTION 22. 158.10 (4) of the statutes is amended to read:

158.10 (4) Any barber from out of the state who is at least 20 years of age and of good moral character and temperate habits and has completed the eighth grade as shown by certificate or affidavit, or has an equivalent education as determined by the state board of vocational and adult education or the extension division of the university of Wisconsin, 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 * * * as required in s. 158.06 (2). The fee for the examination shall be * * * \$15. The application blank and fee must be filed with the state board of health at least 10 days previous to the examination. Permission to work pending an examination shall not be granted.

SECTION 23. 158.11 (1) (d) of the statutes is repealed.

SECTION 24. 158.11 (2) of the statutes is amended to read:

158.11 (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 * * * \$15 and for the issuance of the master barber's license * * * \$5.

SECTION 25. 158.11 (3) of the statutes is repealed and recreated to read:

158.11 (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 \$5 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 \$10.

SECTION 26. 158.12 (2) and (3) of the statutes are amended to read:

158.12 (2) (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 board to determine his fitness in managing a shop. The fee for examination * * * for a shop manager's license shall be * * * \$15. The application blank and fee for such examination must be in the office of the state board of health at least 10 days previous to the examination * * *. This paragraph does not apply to any person * * * who held a shop manager's license on or before June 5, 1943.

(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 * * * \$5. 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.

SECTION 27. 158.12 (4) of the statutes is repealed and recreated to read:

158.12 (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 \$5 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 licensed year the renewal fee shall be \$10.

SECTION 28. 158.124 and 158.125 of the statutes are created to read:

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 \$10 for each year not licensed or by examination and payment of the fees as required for compliance with the provisions of 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 the provisions of s. 158.12. The time limitations prescribed herein shall not include the service period of the shop manager as an active member of the military or naval forces of the United States.

(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.

158.125 TEMPORARY PERMITS. The board may grant a temporary permit to practice as a journeyman without examination provided that the applicant meets all the other requirements of this state for licensure as a journeyman and provided further that such qualifying training and experience was obtained in this state. The temporary permit shall be valid from the date of issue until the next regular examination conducted by the board and results are sent out but this period shall not exceed six months. No more than two such temporary permits shall be issued to any one applicant and such permits shall be issued without charge.

SECTION 29. 158.13 (1) (a) of the statutes is amended to read:

158.13 (1) (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.*

SECTION 30. 158.13 (1) (b), (2) and (3) of the statutes are repealed.

SECTION 31. 158.13 (4) of the statutes is amended to read:

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

SECTION 32. 158.14 (2) (introductory paragraph) of the statutes is amended to read:

158.14 (2) (introductory paragraph) The board 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:

SECTION 33. 158.14 (2) (g) of the statutes is repealed.

SECTION 34. 158.15 of the statutes is amended to read:

158.15 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 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 * * *.

Approved July 9, 1953.
