

SECOND REGULAR SESSION

HOUSE BILL NO. 1610

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TILLEY.

Read 1st time February 1, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4682L.01I

AN ACT

To repeal sections 41.950, 328.010, 328.015, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 328.075 328.080, 328.085, 328.090, 328.100, 328.110, 328.115, 328.120, 328.130, 328.140, 328.150, 328.160, 329.010, 329.015, 329.025, 329.028, 620.010, 620.105, 620.120, and 620.125, RSMo, and to enact in lieu thereof ten new sections relating to barbers and barber establishments.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 41.950, 328.010, 328.015, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 328.075 328.080, 328.085, 328.090, 328.100, 328.110, 328.115, 328.120, 328.130, 328.140, 328.150, 328.160, 329.010, 329.015, 329.025, 329.028, 620.010, 620.105, 620.120, and 620.125, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 41.950, 329.010, 329.015, 329.025, 329.028, 329.047, 620.010, 620.105, 620.120, and 620.125, to read as follows:

41.950. 1. Any resident of this state who is a member of the national guard or of any reserve component of the armed forces of the United States or who is a member of the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard or an officer of the United States Public Health Service detailed by proper authority for duty with any branch of the United States armed forces described in this section and who is engaged in the performance of active duty in the military service of the United States in a military conflict in which reserve components have been called to active duty under the authority of 10 U.S.C. 672(d) or 10 U.S.C. 673b or any such subsequent call or order

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 by the President or Congress for any period of thirty days or more shall be relieved from certain
10 provisions of state law, as follows:

11 (1) No person performing such military service who owns a motor vehicle shall be
12 required to maintain financial responsibility on such motor vehicle as required under section
13 303.025, RSMo, until such time as that person completes such military service, unless any
14 person shall be operating such motor vehicle while the vehicle owner is performing such military
15 service;

16 (2) No person failing to renew his driver's license while performing such military service
17 shall be required to take a complete examination as required under section 302.173, RSMo, when
18 renewing his license within sixty days after completing such military service;

19 (3) Any motor vehicle registration required under chapter 301, RSMo, that expires for
20 any person performing such military service may be renewed by such person within sixty days
21 of completing such military service without being required to pay a delinquent registration fee;
22 however, such motor vehicle shall not be operated while the person is performing such military
23 service unless the motor vehicle registration is renewed;

24 (4) Any person enrolled by the supreme court of Missouri or licensed, registered or
25 certified under chapter 168, 256, 289, 317, 325, 326, 327, [328,] 329, 330, 331, 332, 333, 334,
26 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640 or 644, RSMo, whose
27 license, registration or certification expires while performing such military service, may renew
28 such license, registration or certification within sixty days of completing such military service
29 without penalty;

30 (5) In the case of annual reports, franchise tax reports or other reports required to be filed
31 with the office of secretary of state, where the filing of such report would be delayed because of
32 a person performing such military service, such reports shall be filed without penalty within one
33 hundred twenty days of the completion of such military service;

34 (6) No person performing such military service who is subject to a criminal summons
35 for a traffic violation shall be subject to nonappearance sanctions for such violation until after
36 one hundred eighty days after the completion of such military service;

37 (7) No person performing such military service who is required under state law to file
38 financial disclosure reports shall be required to file such reports while performing such military
39 service; however, such reports covering that period of time that such military service is
40 performed shall be filed within one hundred eighty days after the completion of such military
41 service;

42 (8) Any person with an indebtedness, liability or obligation for state income tax or
43 property tax on personal or real property who is performing such military service or a spouse of
44 such person filing a combined return or owning property jointly shall be granted an extension

45 to file any papers or to pay any obligation until one hundred eighty days after the completion of
46 such military service or continuous hospitalization as a result of such military service
47 notwithstanding the provisions of section 143.991, RSMo, to the contrary and shall be allowed
48 to pay such tax without penalty or interest if paid within the one-hundred-eighty-day period;

49 (9) Notwithstanding other provisions of the law to the contrary, for the purposes of this
50 section, interest shall be allowed and paid on any overpayment of tax imposed by sections
51 143.011 to 143.998, RSMo, at the rate of six percent per annum from the original due date of the
52 return or the date the tax was paid, whichever is later;

53 (10) No state agency, board, commission or administrative tribunal shall take any
54 administrative action against any person performing such military service for that person's failure
55 to take any required action or meet any required obligation not already provided for in
56 subdivisions (1) to (8) of this subsection until one hundred eighty days after the completion of
57 such military service, except that any agency, board, commission or administrative tribunal
58 affected by this subdivision may, in its discretion, extend the time required to take such action
59 or meet such obligation beyond the one-hundred-eighty-day period;

60 (11) Any disciplinary or administrative action or proceeding before any state agency,
61 board, commission or administrative tribunal where the person performing such military service
62 is a necessary party, which occurs during such period of military service, shall be stayed by the
63 administrative entity before which it is pending until sixty days after the end of such military
64 service.

65 2. Upon completing such military service, the person shall provide the appropriate
66 agency, board, commission or administrative tribunal an official order from the appropriate
67 military authority as evidence of such military service.

68 3. The provisions of this section shall apply to any individual defined in subsection 1 of
69 this section who performs such military service on or after August 2, 1990.

329.010. As used in this chapter, unless the context clearly indicates otherwise, the
2 following words and terms mean:

3 (1) "Accredited school of cosmetology or school of manicuring", an establishment
4 operated for the purpose of teaching cosmetology as defined in this section and meeting the
5 criteria set forth under 34 C.F.R. Part 600, sections 600.1 and 600.2;

6 (2) "Apprentice" or "student", a person who is engaged in training within a cosmetology
7 establishment or school, and while so training performs any of the practices of the classified
8 occupations within this chapter under the immediate direction and supervision of a licensed
9 cosmetologist or instructor;

10 (3) **"Barber", any person who is engaged in the capacity so as to shave or cut the**
11 **hair for the general public shall be construed as practicing the occupation of barbering;**

12 **(4) "Barber establishment", that part of any building wherein or whereupon any**
13 **occupation of barbering is being practiced, including any space or barber chair rented**
14 **within a licensed establishment by a barber under this chapter, for the purpose of**
15 **rendering barbering services;**

16 **(5) "Board", the state board of cosmetology and barber examiners;**

17 **[(4)] (6) "Cosmetologist", any person who, for compensation, engages in the practice of**
18 **cosmetology, as defined in subdivision [(5)] (7) of this section;**

19 **[(5)] (7) "Cosmetology" includes performing or offering to engage in any acts of the**
20 **classified occupations of cosmetology for compensation, which shall include:**

21 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving,
22 permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair
23 of any person by any means; or removing superfluous hair from the body of any person by means
24 other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes.
25 Class CH - hairdresser also includes any person who either with the person's hands or with
26 mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations,
27 antiseptics, tonics, lotions or creams engages for compensation in any one or any combination
28 of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or
29 similar work upon the scalp, face, neck, arms or bust;

30 (b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting,
31 cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails,
32 massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming,
33 polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying
34 artificial toenails, massaging and cleaning a person's legs and feet;

35 (c) "Class CA - hairdressing and manicuring" includes all practices of cosmetology, as
36 defined in paragraphs (a) and (b) of this subdivision;

37 (d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or
38 appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to
39 exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one,
40 or any combination, of the following practices: massaging, cleansing, stimulating, manipulating,
41 exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso,
42 legs or feet and removing superfluous hair by means other than electric needle or any other
43 means of arching or tinting eyebrows or tinting eyelashes, of any person;

44 **[(6)] (8) "Cosmetology establishment", that part of any building wherein or whereupon**
45 **any of the classified occupations are practiced including any space rented within a licensed**
46 **establishment by a person licensed under this chapter, for the purpose of rendering cosmetology**
47 **services;**

48 [(7) "Cross-over license", a license that is issued to any person who has met the licensure
49 and examination requirements for both barbering and cosmetology;
50 (8)] (9) "Hairdresser", any person who, for compensation, engages in the practice of
51 cosmetology as defined in paragraph (a) of subdivision [(5)] (7) of this section;
52 [(9)] (10) "Instructor", any person who is licensed to teach cosmetology or any practices
53 of cosmetology pursuant to this chapter;
54 [(10)] (11) "Manicurist", any person who, for compensation, engages in any or all of the
55 practices in paragraph (b) of subdivision [(5)] (7) of this section;
56 [(11)] (12) "Parental consent", the written informed consent of a minor's parent or legal
57 guardian that must be obtained prior to providing body waxing on or near the genitalia;
58 (13) "School of barbering", **an establishment operated for the purpose of teaching**
59 **barbering, as defined in subdivision (3) of this section;**
60 [(12)] (14) "School of cosmetology" or "school of manicuring", an establishment
61 operated for the purpose of teaching cosmetology as defined in subdivision [(5)] (7) of this
62 section.

329.015. 1. There is hereby created and established a "Board of Cosmetology and Barber
2 Examiners" for the purpose of licensing all persons engaged in the practice of cosmetology,
3 manicuring, esthetics, and [barbering] **every shop or establishment in which the occupation**
4 **of barbering is practiced**, including but not limited to shaving or trimming the beard or cutting
5 the hair; and to fulfill all other duties and responsibilities delegated by [chapter 328, RSMo, as
6 it pertains to barbers and] this chapter as it pertains to cosmetologists. The duties and
7 responsibilities of the board of cosmetology and barber examiners as such duties and
8 responsibilities pertain to [barbers] **barber establishments** and cosmetologists shall not take full
9 force and effect until such time as the governor appoints the members of the board of
10 cosmetology and barber examiners and the appointments are confirmed by the senate. At such
11 time, the powers and duties of the board of barber examiners and the state board of cosmetology
12 shall be merged into the board under section 329.023.

13 2. The governor shall appoint members to the board by and with the advice and consent
14 of the senate. The board shall consist of eleven members each of whom are United States
15 citizens and who have been residents of this state for at least one year immediately preceding
16 their appointment. Of these eleven members, three shall be licensed cosmetologists holding a
17 Class CA license classification, one shall be an accredited cosmetology school owner as defined
18 in section 329.010, one shall be the owner of a school licensed under subsection 1 of section
19 329.040, one shall be a cosmetologist with a license of any type of cosmetology classification,
20 three shall be [licensed barbers] **owners of barber establishments**, and two shall be voting
21 public members. All members, except the public members and the accredited cosmetology

22 school owner member, shall be cosmetologists and [barbers] **owners of barber establishments**
23 duly registered as such and licensed under the laws of this state and shall have been actively
24 engaged in the lawful practice of their profession for a period of at least five years immediately
25 preceding their appointment. All members of the board, including public members and the
26 accredited cosmetology school owner member, shall be chosen from lists submitted by the
27 director of the division of professional registration.

28 3. Upon the appointment of the initial board members, at least two cosmetologist
29 members and two [barber members] **owners of barber establishments** shall be appointed by
30 the governor to serve a term of four years; two cosmetologist members, one [barber member]
31 **owner of a barber establishment** and a public member shall be appointed to serve a term of
32 three years, and the remaining members of the initial board shall be appointed for a term of two
33 years. Thereafter, all members shall be appointed by the governor by and with the advice and
34 consent of the senate to serve four-year terms. The governor shall appoint members to fill any
35 vacancies, whether it occurs by the expiration of a term or otherwise; provided, however, that
36 any board member shall serve until his or her successor is appointed and duly qualified. No
37 person shall be eligible for reappointment that has served as a member of the board for a total
38 of twelve years.

39 4. At the time of appointment, the public members shall be citizens of the United States,
40 residents of this state for a period of at least one year immediately preceding their appointment,
41 and a registered voter. The public members and the spouse of such members shall be persons
42 who are not and never were a member of any profession licensed or regulated by the board. The
43 public members and the spouse of such members shall be persons who do not have and never
44 have had a material financial interest in the provision of the professional services regulated by
45 the board, or an activity or organization directly related to any professions licensed or regulated
46 by the board. The duties of the public members and the accredited school owner member shall
47 not include the determination of the technical requirements to be met for licensure, or whether
48 any person meets such technical requirements, or of the technical competence or technical
49 judgment of a licensee or a candidate for licensure.

50 5. Any member who is a **cosmetology** school owner shall not be allowed access to the
51 testing and examination materials nor shall any such member be allowed to attend the
52 administration of the examinations, except when such member is being examined for licensure.

53 6. The members of the board shall receive as compensation for their services the sum
54 set by the board not to exceed seventy dollars for each day actually spent in attendance at
55 meetings of the board plus actual and necessary expenses.

329.025. 1. The board shall have power to:

2 (1) Prescribe by rule for the examination of applicants for licensure to practice the
3 classified [occupations of barbering and] **occupation of** cosmetology and issue licenses;

4 (2) Prescribe by rule for the inspection of barber and cosmetology establishments and
5 **cosmetology** schools and appoint the necessary inspectors and examining assistants;

6 (3) Prescribe by rule for the inspection of **cosmetology and barber** establishments and
7 schools of [barbering and] cosmetology as to their sanitary conditions and to appoint the
8 necessary inspectors and, if necessary, examining assistants;

9 (4) Set the amount of the fees that this chapter [and chapter 328, RSMo, authorize and
10 require] **authorizes and requires**, by rules promulgated under section 536.021, RSMo. The fees
11 shall be set at a level sufficient to produce revenue that shall not substantially exceed the cost and
12 expense of administering this chapter [and chapter 328, RSMo];

13 (5) Employ and remove board personnel, as set forth in subdivision (4) of subsection 15
14 of section 620.010, RSMo, including an executive secretary or comparable position, inspectors,
15 investigators, legal counsel and secretarial support staff, as may be necessary for the efficient
16 operation of the board, within the limitations of its appropriation;

17 (6) Elect one of its members president, one vice president, and one secretary with the
18 limitation that no single profession can hold the positions of president and vice president at the
19 same time;

20 (7) Promulgate rules necessary to carry out the duties and responsibilities designated by
21 this chapter [and chapter 328, RSMo];

22 (8) Determine the sufficiency of the qualifications of applicants; and

23 (9) Prescribe by rule the minimum standards and methods of accountability for the
24 [schools] **school** of [barbering and] cosmetology licensed under this chapter [and chapter 328,
25 RSMo].

26 2. The board shall create no expense exceeding the sum received from time to time from
27 fees imposed under this chapter [and chapter 328, RSMo].

28 3. A majority of the board, with at least one representative of each profession being
29 present, shall constitute a quorum for the transaction of business.

30 4. The board shall meet not less than six times annually.

31 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
32 is created under the authority delegated in this chapter [and chapter 328, RSMo,] shall become
33 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
34 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
35 nonseverable and if any of the powers vested with the general assembly under chapter 536,
36 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently

37 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
38 after August 28, 2001, shall be invalid and void.

329.028. 1. There is hereby created in the state treasury a fund to be known as the
2 "Board of Cosmetology and Barber Examiners Fund", which shall consist of all moneys collected
3 by the board. All fees provided for in this chapter [and chapter 328, RSMo,] shall be payable
4 to the director of the division of professional registration in the department of economic
5 development, who shall keep a record of the account showing the total payments received and
6 shall immediately thereafter transmit them to the department of revenue for deposit in the state
7 treasury to the credit of the board of cosmetology and barber examiners fund. All the salaries
8 and expenses for the operation of the board shall be appropriated and paid from such fund.

9 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
10 this fund shall not be transferred and placed to the credit of general revenue until the amount in
11 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
12 board's funds for the preceding fiscal year or, if the board requires by rule license renewal less
13 frequently than yearly, then three times the appropriation from the board's funds for the preceding
14 fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which
15 exceeds the appropriate multiple of the appropriations from the board's funds for the preceding
16 fiscal year.

17 3. Upon appointment by the governor and confirmation by the senate of the board, all
18 moneys deposited in the board of barbers fund created in section 328.050, RSMo, and the state
19 board of cosmetology fund created in section 329.240, shall be transferred to the board of
20 cosmetology and barber examiners fund created in subsection 1 of this section. The board of
21 barbers fund and the state board of cosmetology fund shall be abolished when all moneys are
22 transferred to the board of cosmetology and barber examiners fund.

**329.047. 1. The owner of every shop or establishment in which the occupation of
2 barbering is practiced shall obtain a license for such shop or establishment issued by the
3 board before barbering is practiced therein. A new license shall be obtained for a barber
4 establishment within forty-five days when the establishment changes ownership or
5 location. The sanitary inspector shall inspect the sanitary conditions required for
6 licensure, established under subsection 2 of this section, for an establishment that has
7 changed ownership or location without requiring the owner to close business or deviate in
8 any way from the establishment's regular hours of operation.**

9 **2. The board shall issue a license for a barber establishment upon receipt of the
10 license fee from the applicant if the board finds that the establishment complies with the
11 sanitary regulations adopted under section 329.045. All barber establishments shall
12 continue to comply with the sanitary regulations. Failure of a barber establishment to**

13 **comply with the sanitary regulations shall be grounds for the board to file a complaint with**
14 **the administrative hearing commission to revoke, suspend, or censure the establishment's**
15 **license or place the establishment's license on probation.**

16 **3. The license for a barber establishment shall be renewable. The applicant for**
17 **renewal of the license shall, on or before the renewal date, submit the completed renewal**
18 **application accompanied by the required renewal fee. If the renewal application and fee**
19 **are not submitted within thirty days following the renewal date, a penalty fee plus the**
20 **renewal fee shall be paid to renew the license. If a new establishment opens any time**
21 **during the licensing period and does not register a license before opening, there shall be**
22 **a delinquent fee in addition to the regular fee. The license shall be kept posted in plain**
23 **view within the barber establishment at all times.**

24 **4. The board shall set the amount of the fees for the licensure of barber**
25 **establishments by rules and regulations promulgated under section 536.021, RSMo. The**
26 **fees shall be set at a level to produce revenue which shall not substantially exceed the cost**
27 **and expense of administering this chapter.**

28 **5. The board shall, with the approval of the department of health and senior**
29 **services, prescribe such sanitary rules as it may deem necessary to prevent the creation and**
30 **spread of infectious and contagious diseases. A copy of such rules shall be posted in a**
31 **conspicuous place in every barber shop and barber school or college in this state.**

620.010. 1. There is hereby created a "Department of Economic Development" to be
2 headed by a director appointed by the governor, by and with the advice and consent of the senate.
3 All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus
4 State Reorganization Act of 1974 shall continue to apply to this department and its divisions,
5 agencies and personnel.

6 2. The office of director of the department of business and administration, chapter 35,
7 RSMo, and others, is abolished and all powers, duties, personnel and property of that office, not
8 previously reassigned by executive reorganization plan no. 1 of 1973 as submitted by the
9 governor pursuant to chapter 26, RSMo, are transferred by type I transfer to the director of the
10 department of economic development. The department of business and administration is hereby
11 abolished.

12 3. The duties and responsibilities relating to subsection 2 of section 35.010, RSMo, are
13 transferred by type I transfer to the personnel division, office of administration.

14 4. The powers, duties and functions vested in the public service commission, chapters
15 386, 387, 388, 389, 390, 392, and 393, RSMo, and others, and the administrative hearing
16 commission, sections 621.015 to 621.198, RSMo, and others, are transferred by type III transfers,
17 and the state banking board, chapter 361, RSMo, and others, and the savings and loan

18 commission, chapter 369, RSMo, and others, are transferred by type II transfers to the
19 department of economic development. The director of the department is directed to provide and
20 coordinate staff and equipment services to these agencies in the interest of facilitating the work
21 of the bodies and achieving optimum efficiency in staff services common to all the bodies.
22 Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public service
23 commission from presenting additional budget requests or from explaining or clarifying its
24 budget requests to the governor or general assembly.

25 5. The powers, duties and functions vested in the office of the public counsel are
26 transferred by type III transfer to the department of economic development. Funding for the
27 general counsel's office shall be by general revenue.

28 6. The public service commission is authorized to employ such staff as it deems
29 necessary for the functions performed by the general counsel other than those powers, duties and
30 functions relating to representation of the public before the public service commission.

31 7. There is hereby created a "Division of Credit Unions" in the department of economic
32 development, to be headed by a director, nominated by the department director and appointed
33 by the governor with the advice and consent of the senate. All the powers, duties and functions
34 vested in the state supervisor of credit unions in chapter 370, RSMo, and the powers and duties
35 relating to credit unions vested in the commissioner of finance in chapter 370, RSMo, are
36 transferred to the division of credit unions of the department of economic development, by a type
37 II transfer, and the office of the state supervisor of credit unions is abolished. The salary of the
38 director of the division of credit unions shall be set by the director of the department within the
39 limits of the appropriations therefor. The director of the division shall assume all the duties and
40 functions of the state supervisor of credit unions and the commissioner of finance only where the
41 director has duties and responsibilities relating to credit unions as set out in chapter 370, RSMo.

42 8. The powers, duties and functions vested in the division of finance, chapters 361, 362,
43 364, 365, 367, and 408, RSMo, and others, are transferred by type II transfer to the department
44 of economic development. There shall be a director of the division who shall be nominated by
45 the department director and appointed by the governor with the advice and consent of the senate.

46 9. All the powers, duties and functions vested in the director of the division of savings
47 and loan supervision in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by any other
48 provision of law are transferred to the division of finance of the department of economic
49 development by a type I transfer. The position of the director of the division of savings and loan
50 supervision is hereby abolished. The director of the division of finance shall assume all the
51 duties and functions of the director of the division of savings and loan supervision as provided
52 in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any other provision of law.
53 The division of savings and loan is hereby abolished. The powers of the savings and loan

54 commission are hereby limited to hearing appeals from decisions of the director of the division
55 of finance approving or denying applications to incorporate savings and loan associations or to
56 establish branches of savings and loan associations and approving regulations pertaining to
57 savings and loan associations. Any appeals shall be held in accordance with section 369.319,
58 RSMo.

59 10. On and after August 28, 1990, the status of the division is modified under a specific
60 type transfer pursuant to section 1 of the Omnibus Reorganization Act of 1974. The status of
61 the division is modified from that of a division transferred to the department of economic
62 development pursuant to a type II transfer, as provided for in this section, to that of an agency
63 possessing the characteristics of a division transferred pursuant to a type III transfer; provided,
64 however, that the division will remain within the department of economic development. The
65 division of insurance shall be assigned to the department of economic development as a type III
66 division, and the director of the department of economic development shall have no supervision,
67 authority or control over the actions or decisions of the director of the division. All authority,
68 records, property, personnel, powers, duties, functions, matter pending and all other pertinent
69 vestiges pertaining thereto shall be retained by the division except as modified by this section.
70 If the division of insurance becomes a department by operation of a constitutional amendment,
71 the department of economic development shall continue until December 31, 1991, to provide at
72 least the same assistance as was provided in previous fiscal years for personnel, data processing
73 support and other benefits from appropriations.

74 11. All the powers, duties and functions of the commerce and industrial development
75 division and the industrial development commission, chapters 184 and 255, RSMo, and others,
76 not otherwise transferred, are transferred by type I transfer to the department of economic
77 development, and the industrial development commission is abolished. All powers, duties and
78 functions of the division of commerce and industrial development and the division of community
79 development are transferred by a type I transfer to the department of economic development, and
80 the division of commerce and industrial development and the division of community
81 development are abolished.

82 12. All the powers, duties and functions vested in the tourism commission, chapter 258,
83 RSMo, and others, are transferred to the "Division of Tourism", which is hereby created, by type
84 III transfer.

85 13. All the powers, duties and functions of the department of community affairs, chapter
86 251, RSMo, and others, not otherwise assigned, are transferred by type I transfer to the
87 department of economic development, and the department of community affairs is abolished.
88 The director of the department of economic development may assume all the duties of the
89 director of community affairs or may establish within the department such subunits and advisory

90 committees as may be required to administer the programs so transferred. The director of the
91 department shall appoint all members of such committees and heads of subunits.

92 14. (1) There is hereby established a "Division of Professional Registration" assigned
93 to the department of economic development as a type III division, headed by a director appointed
94 by the governor with the advice and consent of the senate.

95 (2) The director of the division of professional registration shall promulgate rules and
96 regulations which designate for each board or commission assigned to the division the renewal
97 date for licenses or certificates. After the initial establishment of renewal dates, no director of
98 the division shall promulgate a rule or regulation which would change the renewal date for
99 licenses or certificates if such change in renewal date would occur prior to the date on which the
100 renewal date in effect at the time such new renewal date is specified next occurs. Each board or
101 commission shall by rule or regulation establish licensing periods of one, two, or three years.
102 Registration fees set by a board or commission shall be effective for the entire licensing period
103 involved, and shall not be increased during any current licensing period. Persons who are
104 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees
105 for the remainder of the period remaining at the time the fees are paid. Each board or
106 commission shall provide the necessary forms for initial registration, and thereafter the director
107 may prescribe standard forms for renewal of licenses and certificates. Each board or commission
108 shall by rule and regulation require each applicant to provide the information which is required
109 to keep the board's records current. Each board or commission shall issue the original license
110 or certificate.

111 (3) The division shall provide clerical and other staff services relating to the issuance and
112 renewal of licenses for all the professional licensing and regulating boards and commissions
113 assigned to the division. The division shall perform the financial management and clerical
114 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and
115 renewal of licenses and certificates" means the ministerial function of preparing and delivering
116 licenses or certificates, and obtaining material and information for the board or commission in
117 connection with the renewal thereof. It does not include any discretionary authority with regard
118 to the original review of an applicant's qualifications for licensure or certification, or the
119 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action
120 contemplated against the licensee or certificate holder. The division may develop and implement
121 microfilming systems and automated or manual management information systems.

122 (4) The director of the division shall establish a system of accounting and budgeting, in
123 cooperation with the director of the department, the office of administration, and the state
124 auditor's office, to ensure proper charges are made to the various boards for services rendered
125 to them. The general assembly shall appropriate to the division and other state agencies from

126 each board's funds, moneys sufficient to reimburse the division and other state agencies for all
127 services rendered and all facilities and supplies furnished to that board.

128 (5) For accounting purposes, the appropriation to the division and to the office of
129 administration for the payment of rent for quarters provided for the division shall be made from
130 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for
131 the purpose defined in subdivision (4) of subsection 14 of this section. The fund shall consist
132 of moneys deposited into it from each board's fund. Each board shall contribute a prorated
133 amount necessary to fund the division for services rendered and rent based upon the system of
134 accounting and budgeting established by the director of the division as provided in subdivision
135 (4) of this subsection. Transfers of funds to the professional registration fees fund shall be made
136 by each board on July first of each year; provided, however, that the director of the division may
137 establish an alternative date or dates of transfers at the request of any board. Such transfers shall
138 be made until they equal the prorated amount for services rendered and rent by the division. The
139 provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall
140 not be transferred and placed to the credit of general revenue.

141 (6) The director of the division shall be responsible for collecting and accounting for all
142 moneys received by the division or its component agencies. Any money received by a board or
143 commission shall be promptly given, identified by type and source, to the director. The director
144 shall keep a record by board and state accounting system classification of the amount of revenue
145 the director receives. The director shall promptly transmit all receipts to the department of
146 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall
147 provide each board with all relevant financial information in a timely fashion. Each board shall
148 cooperate with the director by providing necessary information.

149 (7) All educational transcripts, test scores, complaints, investigatory reports, and
150 information pertaining to any person who is an applicant or licensee of any agency assigned to
151 the division of professional registration by statute or by the department of economic development
152 are confidential and may not be disclosed to the public or any member of the public, except with
153 the written consent of the person whose records are involved. The agency which possesses the
154 records or information shall disclose the records or information if the person whose records or
155 information is involved has consented to the disclosure. Each agency is entitled to the
156 attorney-client privilege and work-product privilege to the same extent as any other person.
157 Provided, however, that any board may disclose confidential information without the consent of
158 the person involved in the course of voluntary interstate exchange of information, or in the
159 course of any litigation concerning that person, or pursuant to a lawful request, or to other
160 administrative or law enforcement agencies acting within the scope of their statutory authority.
161 Information regarding identity, including names and addresses, registration, and currency of the

162 license of the persons possessing licenses to engage in a professional occupation and the names
163 and addresses of applicants for such licenses is not confidential information.

164 (8) Any deliberations conducted and votes taken in rendering a final decision after a
165 hearing before an agency assigned to the division shall be closed to the parties and the public.
166 Once a final decision is rendered, that decision shall be made available to the parties and the
167 public.

168 15. (1) The division of registration and examination, department of education, within
169 chapter 161, RSMo, and others, is abolished and the following boards and commissions are
170 transferred by specific type transfers to the division of professional registration, department of
171 economic development: state board of accountancy, chapter 326, RSMo; [state board of barber
172 examiners, chapter 328, RSMo;] state board of registration for architects, professional engineers
173 and land surveyors, chapter 327, RSMo; state board of chiropractic examiners, chapter 331,
174 RSMo; state board of cosmetology, chapter 329, RSMo; state board of healing arts, chapter 334,
175 RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and funeral
176 directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; state board of
177 nursing, chapter 335, RSMo; board of pharmacy, chapter 338, RSMo; state board of podiatry,
178 chapter 330, RSMo; Missouri real estate commission, chapter 339, RSMo; and Missouri
179 veterinary medical board chapter 340, RSMo. The governor shall appoint members of these
180 boards by and with the advice and consent of the senate from nominees submitted by the director
181 of the department.

182 (2) The boards and commissions assigned to the division shall exercise all their
183 respective statutory duties and powers, except those clerical and other staff services involving
184 collecting and accounting for moneys and financial management relating to the issuance and
185 renewal of licenses, which services shall be provided by the division, within the appropriation
186 therefor. All clerical and other staff services relating to the issuance and renewal of licenses of
187 the individual boards and commissions are abolished. All clerical and other staff services
188 pertaining to collecting and accounting for moneys and to financial management relative to the
189 issuance and renewal of licenses of the individual boards and commissions are abolished.
190 Nothing herein shall prohibit employment of professional examining or testing services from
191 professional associations or others as required by the boards or commissions on contract.
192 Nothing herein shall be construed to affect the power of a board or commission to expend its
193 funds as appropriated. However, the division shall review the expense vouchers of each board.
194 The results of such review shall be submitted to the board reviewed and to the house and senate
195 appropriations committees annually.

196 (3) Notwithstanding any other provisions of law, the director of the division shall
197 exercise only those management functions of the boards and commissions specifically provided

198 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,
199 personnel other than board personnel, and equipment.

200 (4) "Board personnel", as used in this section or chapters 326, 327, [328,] 329, 330, 331,
201 332, 333, 334, 335, 336, 338, 339 and 340, RSMo, shall mean personnel whose functions and
202 responsibilities are in areas not related to the clerical duties involving the issuance and renewal
203 of licenses, to the collecting and accounting for moneys, or to financial management relating to
204 issuance and renewal of licenses; specifically included are executive secretaries (or comparable
205 positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these
206 positions; and such other positions as are established and authorized by statute for a particular
207 board or commission. Boards and commissions may employ legal counsel, if authorized by law,
208 and temporary personnel if the board is unable to meet its responsibilities with the employees
209 authorized above. Any board or commission which hires temporary employees shall annually
210 provide the division director and the appropriation committees of the general assembly with a
211 complete list of all persons employed in the previous year, the length of their employment, the
212 amount of their remuneration and a description of their responsibilities.

213 (5) Board personnel for each board or commission shall be employed by and serve at the
214 pleasure of the board or commission, shall be supervised as the board or commission designates,
215 and shall have their duties and compensation prescribed by the board or commission, within
216 appropriations for that purpose, except that compensation for board personnel shall not exceed
217 that established for comparable positions as determined by the board or commission pursuant
218 to the job and pay plan of the department of economic development. Nothing herein shall be
219 construed to permit salaries for any board personnel to be lowered except by board action.

220 (6) Each board or commission shall receive complaints concerning its licensees' business
221 or professional practices. Each board or commission shall establish by rule a procedure for the
222 handling of such complaints prior to the filing of formal complaints before the administrative
223 hearing commission. The rule shall provide, at a minimum, for the logging of each complaint
224 received, the recording of the licensee's name, the name of the complaining party, the date of the
225 complaint, and a brief statement of the complaint and its ultimate disposition. The rule shall
226 provide for informing the complaining party of the progress of the investigation, the dismissal
227 of the charges or the filing of a complaint before the administrative hearing commission.

228 16. All the powers, duties and functions of the division of athletics, chapter 317, RSMo,
229 and others, are transferred by type I transfer to the division of professional registration. The
230 athletic commission is abolished.

231 17. The state council on the arts, chapter 185, RSMo, and others, is transferred by type
232 II transfer to the department of economic development, and the members of the council shall be
233 appointed by the director of the department.

234 18. The Missouri housing development commission, chapter 215, RSMo, is assigned to
235 the department of economic development, but shall remain a governmental instrumentality of
236 the state of Missouri and shall constitute a body corporate and politic.

237 19. All the authority, powers, duties, functions, records, personnel, property, matters
238 pending and other pertinent vestiges of the division of manpower planning of the department of
239 social services are transferred by a type I transfer to the "Division of Job Development and
240 Training", which is hereby created, within the department of economic development. The
241 division of manpower planning within the department of social services is abolished. The
242 provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating
243 to the manner and procedures for transfers of state agencies shall apply to the transfers provided
244 in this section.

245 20. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
246 is created under the authority delegated in this chapter shall become effective only if it complies
247 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
248 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and
249 effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity
250 of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable
251 provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the
252 powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
253 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
254 grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be
255 invalid and void.

620.105. The provisions of this act relating to disciplinary proceedings against any
2 person licensed or regulated under the provisions of chapter 326, 327, [328,] 329, 330, 331, 332,
3 333, 334, 335, 336, 337, 338, 339, 340, 345 or 346, RSMo, do not apply for any circumstance
4 occurring prior to September 28, 1981, or to the construction and application of any defense in
5 a disciplinary proceeding for such circumstances. All disciplinary proceedings for circumstances
6 occurring prior to September 28, 1981, shall be conducted and determined according to the
7 provisions of law existing at the time of the occurrence of the circumstances involved in the
8 proceeding in the same manner as if this act had not been enacted, any other provision of law to
9 the contrary notwithstanding.

620.120. When making appointments to the boards governed by chapters 326, 327,
2 [328,] 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340 and 346, RSMo, the governor
3 shall take affirmative action to appoint women and members of minority groups. In addition,
4 the governor shall not discriminate against or in favor of any person on the basis of race, sex,
5 religion, national origin, ethnic background, or language.

620.125. No rule or portion of a rule promulgated under the authority of chapters 326,
2 327, [328,] 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 345, and 346, RSMo,
3 shall become effective unless it has been promulgated pursuant to the provisions of section
4 536.024, RSMo.

[328.010. As used in this chapter, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Barber", any person who is engaged in the capacity so as to shave the
4 beard or cut and dress the hair for the general public shall be construed as
5 practicing the occupation of "barber", and the said barber or barbers shall be
6 required to fulfill all requirements within the meaning of this chapter;

7 (2) "Barber establishment", that part of any building wherein or
8 whereupon any occupation of barbering is being practiced including any space
9 or barber chair rented within a licensed establishment by a person licensed under
10 this chapter, for the purpose of rendering barbering services;

11 (3) "Board", the board of cosmetology and barber examiners;

12 (4) "Cross-over license", a license that is issued to any person who has
13 met the licensure and examination requirements for both barbering and
14 cosmetology;

15 (5) "School of barbering", an establishment operated for the purpose of
16 teaching barbering as defined in subdivision (1) of this section.]
17

[328.015. 1. Upon appointment by the governor and confirmation by the
2 senate of the board, the board of barber examiners shall be abolished and its
3 duties and responsibilities shall merge into the board as established under section
4 329.015, RSMo. The board shall be a continuance of and shall carry out the
5 duties of the board of barber examiners.

6 2. Upon appointment by the governor and confirmation by the senate of
7 the board, all of the powers, duties, and functions of the board of barber
8 examiners shall be transferred to, conferred, and imposed upon the board. The
9 board shall be the successor in every way to the powers, duties, and functions of
10 the board of barber examiners.

11 3. Every act performed in the exercise of such powers, duties, and
12 authorities by or under the authority of the board shall be deemed to have the
13 same force and effect as if performed by the board of barber examiners under this
14 chapter, including any amendments thereto effective with the passage of this
15 section or prior to August 28, 2005.

16 4. All rules of the board of barber examiners and any amendments to
17 such rules shall continue to be effective and shall be deemed to be duly adopted
18 rules of the board until revised, amended, or repealed by the board. The board
19 shall review such rules and shall adopt new rules as required for the
20 administration of this chapter for barbers and cosmetologists.

21 5. Any person or entity licensed or provisionally licensed by the board
22 of barber examiners prior to the appointment by the governor and confirmation

23 by the senate of the board, shall be considered licensed in the same manner by the
24 board.]

25

2 [328.020. It shall be unlawful for any person to practice the occupation
3 of a barber in this state, unless he or she shall have first obtained a license, as
4 provided in this chapter.]

4

2 [328.030. A board of examiners consisting of four members, including
3 one voting public member, shall be appointed by the governor, by and with the
4 advice and consent of the senate. Each member of the board shall be a United
5 States citizen, shall have been a resident of Missouri for one year and, except for
6 the public member, shall have been a registered and practicing barber for the five
7 years immediately preceding his or her initial appointment. The public member
8 shall be a registered voter and a person who is not and never was a member of
9 any profession licensed or regulated pursuant to this chapter or the spouse of such
10 person; and a person who does not have and never has had a material, financial
11 interest in either the providing of the professional services regulated by this
12 chapter, or an activity or organization directly related to any profession licensed
13 or regulated pursuant to this chapter. All members, including public members,
14 shall be chosen from lists submitted by the director of the division of professional
15 registration. The duties of the public member shall not include the determination
16 of the technical requirements to be met for licensure or whether any person meets
17 such technical requirements or of the technical competence or technical judgment
18 of a licensee or a candidate for licensure. Each member shall serve for a term of
19 four years and until his or her successor is appointed and qualified, except that
20 the successors to the members whose terms expire in 1981 shall consist of one
21 member whose term shall be for two years, one member whose term shall be for
22 three years, and one member whose term shall be for four years. Each member
23 shall take the oath provided by law for public officers. Vacancies on the board
24 shall be filled by appointment by the governor.]

24

2 [328.040. The board shall annually elect from its number a president,
3 vice president, and secretary-treasurer, shall have its headquarters in Jefferson
4 City, Missouri, may employ such board personnel, as defined in subdivision (4)
5 of subsection 16 of section 620.010, RSMo, as it shall deem necessary within the
6 appropriation therefor. The board shall not create any expense exceeding the sum
7 received from time to time as fees as provided by law, shall have a common seal,
8 and the president and vice president shall have the power to administer oaths. A
9 majority of the board, in meeting duly assembled, may perform the duties and
10 exercise the powers devolving upon the board under the provisions of this
11 chapter.]

11

2 [328.050. 1. Each member of the board shall receive as compensation
3 an amount set by the board not to exceed fifty dollars for each day devoted to the
4 affairs of the board, and shall be entitled to reimbursement of his expenses
5 necessarily incurred in the discharge of his official duties. All money payable
6 under this chapter shall be collected by the division of professional registration
7 in the department of economic development which shall transmit them to the
8 department of revenue for deposit in the state treasury to the credit of a "Board
9 of Barbers Fund". Warrants shall be drawn upon the treasurer out of this fund
10 only for the payment of the salaries, office and other necessary expenses of the
11 board. A detailed statement of the expenses incurred by the board, approved by
12 the secretary-treasurer of the board, shall be filed with the commissioner of
13 administration before warrants are drawn for their payment.

14 2. The provisions of section 33.080, RSMo, to the contrary
15 notwithstanding, money in this fund shall not be transferred and placed to the
16 credit of general revenue until the amount in the fund at the end of the biennium
17 exceeds two times the amount of the appropriation from the board's funds for the
18 preceding fiscal year or, if the board requires by rule permit renewal less
19 frequently than yearly, then three times the appropriation from the board's funds
20 for the preceding fiscal year. The amount, if any, in the fund which shall lapse
21 is that amount in the fund which exceeds the appropriate multiple of the
22 appropriations from the board's funds for the preceding fiscal year.]

2 [328.060. 1. The board shall set the amount of the fees which this
3 chapter authorizes and requires by rules and regulations promulgated pursuant to
4 section 536.021, RSMo. The fees shall be set at a level to produce revenue which
5 shall not substantially exceed the cost and expense of administering this chapter.

6 2. The board shall, with the approval of the department of health and
7 senior services, prescribe such sanitary rules as it may deem necessary to prevent
8 the creation and spread of infectious and contagious diseases. A copy of such
9 rules shall be posted in a conspicuous place in every barber shop and barber
10 school or college in this state.]

2 [328.070. The board shall hold public examinations at least four times
3 in each year, at such times and places as it may deem advisable, notice of such
4 examinations to be published at least ten days prior to the date of the
5 examination. The board shall publish its notice of the examination date, place,
6 and time in any manner that it deems appropriate. In lieu of holding its own
7 examinations for barber applicants, the board may contract with an outside entity
8 qualified to examine applicants for licensure.]

2 [328.075. 1. Any person desiring to practice as an apprentice for
3 barbering in this state shall apply to the board, shall be registered as an apprentice
with the board, and shall pay the appropriate fees prior to beginning their

4 apprenticeship. Barber apprentices shall be of good moral character and shall be
5 at least seventeen years of age.

6 2. Any person desiring to act as an apprentice supervisor for barbering
7 in this state shall first possess a license to practice the occupation of barbering,
8 apply to the board, pay the appropriate fees, complete an eight-hour apprentice
9 supervision instruction course certified by the board, and be issued a license as
10 a barber apprentice supervisor prior to supervising barber apprentices.

11 3. The board may promulgate rules establishing the criteria for the
12 supervision and training of barber apprentices.

13 4. Any rule or portion of a rule, as that term is defined in section 536.010,
14 RSMo, that is created under the authority delegated in this section shall become
15 effective only if it complies with and is subject to all of the provisions of chapter
16 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
17 536, RSMo, are nonseverable and if any of the powers vested with the general
18 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date,
19 or to disapprove and annul a rule are subsequently held unconstitutional, then the
20 grant of rulemaking authority and any rule proposed or adopted after August 28,
21 2004, shall be invalid and void.]
22

[328.080. 1. Any person desiring to practice barbering in this state shall
2 make application for a license to the board and shall pay the required barber
3 examination fee.

4 2. The board shall examine each qualified applicant and, upon successful
5 completion of the examination and payment of the required license fee, shall
6 issue the applicant a license authorizing him or her to practice the occupation of
7 barber in this state. The board shall admit an applicant to the examination, if it
8 finds that he or she:

- 9 (1) Is seventeen years of age or older and of good moral character;
10 (2) Is free of contagious or infectious diseases;
11 (3) Has studied for at least one thousand hours in a period of not less than
12 six months in a properly appointed and conducted barber school under the direct
13 supervision of a licensed instructor; or, if the applicant is an apprentice, the
14 applicant shall have served and completed no less than two thousand hours under
15 the direct supervision of a licensed barber apprentice supervisor;
16 (4) Is possessed of requisite skill in the trade of barbering to properly
17 perform the duties thereof, including the preparation of tools, shaving, haircutting
18 and all the duties and services incident thereto; and
19 (5) Has sufficient knowledge of the common diseases of the face and skin
20 to avoid the aggravation and spread thereof in the practice of barbering.

21 3. The board shall be the judge of whether the barber school, the barber
22 apprenticeship, or college is properly appointed and conducted under proper
23 instruction to give sufficient training in the trade.

24 4. The sufficiency of the qualifications of applicants shall be determined
25 by the board.

26 5. For the purposes of meeting the minimum requirements for
27 examination, the apprentice training shall be recognized by the board for a period
28 not to exceed five years.]
29

 [328.085. 1. The board shall grant without examination a license to
2 practice barbering to any applicant who holds a current barber's license which is
3 issued by another state or territory whose requirements for licensure were
4 equivalent to the licensing requirements in effect in Missouri at the time the
5 applicant was licensed or who has practiced the trade in another state for at least
6 two consecutive years. An applicant under this section shall pay the appropriate
7 application and licensure fees at the time of making application. A licensee who
8 is currently under disciplinary action with another board of barbering shall not be
9 licensed by reciprocity under the provisions of this chapter.

10 2. Any person who has lawfully practiced or received training in another
11 state who does not qualify for licensure without examination may apply to the
12 board for licensure by examination. Upon application to the board, the board
13 shall evaluate the applicant's experience and training to determine the extent to
14 which the applicant's training and experience satisfies current Missouri licensing
15 requirements and shall notify the applicant regarding his deficiencies and inform
16 the applicant of the action which he must take to qualify to take the examination.
17

18 3. The applicant for licensure under this section shall pay a fee equivalent
19 to the barber examination fee.]
20

 [328.090. Any person desiring to teach barbering in this state in a barber
2 school, college or barber shop must first possess a license to practice the
3 occupation of barbering and make application to the board for an examination as
4 a teacher or instructor in said occupation and shall pay the required instructor
5 examination fee. The board shall examine such applicant and after finding that
6 he or she is duly qualified to teach said occupation, the board shall issue to him
7 or her a license entitling him or her to teach barbering in this state, subject to all
8 the provisions of this chapter. Holders of licenses to teach barbering shall, on or
9 before the expiration of their respective licenses, make application for the
10 renewal of same, and shall in each case pay the instructor renewal fee. Should
11 any person holding a license to teach barbering fail to renew same within the time
12 prescribed herein, such person shall be required to pay a reinstatement fee in
13 addition to the regular license fee provided for herein. Any person failing to
14 renew his or her license to teach barbering for a period not exceeding two years
15 may reinstate said license upon the payment of the renewal fee in addition to the
16 reinstatement fee, but any person failing to renew his or her license to teach
17 barbering for a period exceeding two years and desiring to be licensed as a

18 teacher of barbering in this state will be required to pass a satisfactory
19 examination as to his or her qualifications to teach barbering and shall pay the
20 instructor examination fee.]
21

[328.100. The board may at any time require any barber to whom a
2 certificate of registration is issued to be examined at the licensee's expense by a
3 licensed physician to ascertain if such barber is free of infectious or contagious
4 diseases and is not afflicted with any physical or mental ailment which would
5 render him unfit to practice the occupation of barbering.]
6

[328.110. 1. Every person engaged in barbering shall on or before the
2 renewal date apply for the renewal of his or her license.

3 2. Each application for renewal shall state the number of the licensee's
4 expiring license, and be accompanied by his or her renewal fee. Any person
5 holding a license as a barber, except as herein provided, who fails to apply for
6 renewal within two months of the expiration date of his or her license, shall pay
7 a reinstatement fee in addition to the regular license renewal fee. Any person
8 who fails to renew his or her license, except as herein provided, for a period not
9 exceeding two years may reinstate his or her license upon payment of the license
10 renewal fee for each delinquent year in addition to the reinstatement fee
11 prescribed herein, but any barber, except as herein provided, who fails to renew
12 his or her license for a period exceeding two years but less than five years and
13 desires to be licensed as a barber in this state will be required to pass the
14 practicum portion of the state's licensing examination as to his or her
15 qualifications to practice barbering and shall pay the barber examination fee.

16 3. A holder of a barber license who has been honorably discharged from
17 the United States armed forces, and has not renewed his or her license as herein
18 provided, shall, upon his or her return to barbering within one year from date of
19 honorable discharge, pay one dollar for renewal of same.]
20

[328.115. 1. The owner of every shop or establishment in which the
2 occupation of barbering is practiced shall obtain a license for such shop or
3 establishment issued by the board before barbering is practiced therein. A new
4 license shall be obtained for a barber shop or establishment before barbering is
5 practiced therein when the shop or establishment changes ownership or location.

6 2. The board shall issue a license for a shop or establishment upon receipt
7 of the license fee from the applicant if the board finds that the shop or
8 establishment complies with the sanitary regulations adopted pursuant to section
9 328.060. All shops or establishments shall continue to comply with the sanitary
10 regulations. Failure of a shop or establishment to comply with the sanitary
11 regulations shall be grounds for the board to file a complaint with the
12 administrative hearing commission to revoke or suspend the license for the shop
13 or censure or place on probation the holder thereof.

14 3. The license for a shop or establishment shall be renewable. The
15 applicant for renewal of the license shall on or before the renewal date submit the
16 completed renewal application accompanied by the required renewal fee. If the
17 renewal application and fee are not submitted within thirty days following the
18 renewal date, a penalty fee plus the renewal fee shall be paid to renew the license.
19 If a new shop opens any time during the licensing period and does not register a
20 license before opening, there shall be a delinquent fee in addition to the regular
21 fee. The license shall be kept posted in plain view within the shop or
22 establishment at all times.]
23

2 [328.120. 1. Any firm, corporation or person may make application to
3 the board for a license to own and operate a barber school or college on the form
4 prescribed by the board. Every barber school or college in which the occupation
5 of barbering is taught shall be required to obtain a license from the board prior
6 to opening. The license shall be issued upon approval of the application by the
7 board, the payment of the required fees, and the board's determination that the
8 applicant meets all other requirements of this chapter and any rules promulgated
9 thereunder. The license shall be kept posted in plain view within the barber
10 school or college at all times.

11 2. A barber school or college license renewal application and fee shall be
12 submitted on or before the renewal date of any school or college license issued
13 under this section. If the barber school or college license renewal fee is not paid
14 on or before the renewal date, a late fee shall be added to the regular license
15 renewal fee.

16 3. The board shall promulgate rules and regulations regarding the course
17 of study in a barber school or college, and may revoke any license issued
18 hereunder for any violation of the provisions of this section or rule promulgated
19 pursuant to this section. The board shall follow the procedure prescribed by
20 chapter 621, RSMo, to revoke a barber school license. Licenses shall not be
21 restricted to any one group or person but shall be granted to any reasonably
22 qualified person or group under a fair and nondiscriminating method of
23 determination.

24 4. There shall be not less than one teacher or instructor for every fifteen
25 students in any barber school or college holding a license under this section.

26 5. The barber school or college shall immediately file with the board the
27 name and age of each student entering the school, and the board shall cause the
28 same to be entered in a register kept for that purpose. A registration fee shall be
29 paid by the student.

30 6. The barber school or college shall certify to the board the names of all
31 students who successfully completed a course of study approved by the board and
32 consisting of at least one thousand hours of study under the direct supervision of
a licensed instructor in a period of not less than six months.

33 7. No rule or portion of a rule promulgated under the authority of this
34 chapter shall become effective unless it has been promulgated pursuant to the
35 provisions of section 536.024, RSMo.]
36

2 [328.130. The board shall issue a printed license to each person
3 successfully meeting the board's requirements for licensure, which shall be
4 evidence the holder thereof is entitled to practice the occupation of barbering in
5 this state. The licensee shall post his or her license in a conspicuous place in
6 front of his or her working chair where it may be readily seen by all persons
7 whom he or she may serve.]

2 [328.140. There shall be kept a register, in which shall be entered the
3 names of all persons to whom certificates are issued, and to whom permits for
4 serving apprenticeship, or as students, under this chapter, and said register shall,
5 at all reasonable times, be open to the public inspection.]

2 [328.150. 1. The board may refuse to issue any certificate of registration
3 or authority, permit or license required pursuant to this chapter for one or any
4 combination of causes stated in subsection 2 of this section. The board shall
5 notify the applicant in writing of the reasons for the refusal and shall advise the
6 applicant of his right to file a complaint with the administrative hearing
7 commission as provided by chapter 621, RSMo.

8 2. The board may cause a complaint to be filed with the administrative
9 hearing commission as provided by chapter 161, RSMo, against any holder of
10 any certificate of registration or authority, permit or license required by this
11 chapter or any person who has failed to renew or has surrendered his certificate
12 of registration or authority, permit or license for any one or any combination of
13 the following causes:

14 (1) Use of any controlled substance, as defined in chapter 195, RSMo,
15 or alcoholic beverage to an extent that such use impairs a person's ability to
16 perform the work of any profession licensed or regulated by this chapter;

17 (2) The person has been finally adjudicated and found guilty, or entered
18 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
19 any state or of the United States, for any offense reasonably related to the
20 qualifications, functions or duties of any profession licensed or regulated under
21 this chapter, for any offense an essential element of which is fraud, dishonesty or
22 an act of violence, or for any offense involving moral turpitude, whether or not
23 sentence is imposed;

24 (3) Use of fraud, deception, misrepresentation or bribery in securing any
25 certificate of registration or authority, permit or license issued pursuant to this
26 chapter or in obtaining permission to take any examination given or required
pursuant to this chapter;

27 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
28 compensation by fraud, deception or misrepresentation;

29 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation
30 or dishonesty in the performance of the functions or duties of any profession
31 licensed or regulated by this chapter;

32 (6) Violation of, or assisting or enabling any person to violate, any
33 provision of this chapter, or of any lawful rule or regulation adopted pursuant to
34 this chapter;

35 (7) Impersonation of any person holding a certificate of registration or
36 authority, permit or license or allowing any person to use his or her certificate of
37 registration or authority, permit, license or diploma from any school;

38 (8) Disciplinary action against the holder of a license or other right to
39 practice any profession regulated by this chapter granted by another state,
40 territory, federal agency or country upon grounds for which revocation or
41 suspension is authorized in this state;

42 (9) A person is finally adjudged insane or incompetent by a court of
43 competent jurisdiction;

44 (10) Assisting or enabling any person to practice or offer to practice any
45 profession licensed or regulated by this chapter who is not registered and
46 currently eligible to practice under this chapter;

47 (11) Issuance of a certificate of registration or authority, permit or license
48 based upon a material mistake of fact;

49 (12) Failure to display a valid certificate or license if so required by this
50 chapter or any rule promulgated hereunder;

51 (13) Violation of any professional trust or confidence;

52 (14) Use of any advertisement or solicitation which is false, misleading
53 or deceptive to the general public or persons to whom the advertisement or
54 solicitation is primarily directed;

55 (15) Failure or refusal to properly guard against contagious, infectious or
56 communicable diseases or the spread thereof.

57 3. After the filing of such complaint, the proceedings shall be conducted
58 in accordance with the provisions of chapter 621, RSMo. Upon a finding by the
59 administrative hearing commission that the grounds, provided in subsection 2,
60 for disciplinary action are met, the board may, singly or in combination, censure
61 or place the person named in the complaint on probation on such terms and
62 conditions as the board deems appropriate for a period not to exceed five years,
63 or may suspend, for a period not to exceed three years, or revoke the license,
64 certificate, or permit.]
65

2 [328.160. Any person practicing the occupation of barbering without
3 having obtained a license as provided in this chapter, or willfully employing a
4 barber who does not hold a valid license issued by the board, managing or
conducting a barber school or college without first securing a license from the

5 board, or falsely pretending to be qualified to practice as a barber or instructor or
6 teacher of such occupation under this chapter, or failing to keep any license
7 required by this chapter properly displayed or for any extortion or overcharge
8 practiced, and any barber college, firm, corporation or person operating or
9 conducting a barber college without first having secured the license required by
10 this chapter, or failing to comply with such sanitary rules as the board, in
11 conjunction with the department of health and senior services, prescribes, or for
12 the violation of any of the provisions of this chapter, shall be deemed guilty of
13 a class C misdemeanor. Prosecutions under this chapter shall be initiated and
14 carried on in the same manner as other prosecutions for misdemeanors in this
15 state.]

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