

**SENATE BILL No. 353**

By Committee on Ways and Means

1-26

1 AN ACT concerning barbers; relating to the powers of the board; fees;  
2 licensure; amending K.S.A. 65-1819 and 65-1820a and K.S.A. 2011  
3 Supp. 65-1817 and 65-1824 and repealing the existing sections.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 65-1817 is hereby amended to read as  
7 follows: 65-1817. (a) In each fiscal year, the board shall determine the  
8 amount of funds which will be required during the next ensuing fiscal year  
9 to properly administer the laws which the board is directed to enforce and  
10 administer and shall fix fees in accordance with this section for such  
11 ensuing year in such reasonable sums as may be necessary for such  
12 purposes.

13 (b) After fixing such fees, the board may charge and collect the fees,  
14 in advance for the following purposes, subject to the following limitations:

|  |       |
|--|-------|
| 15 For examination of applicant to practice barbering – not more                           |       |
| 16 than.....   | \$100 |
| 17 For issuance of license to practice barbering – not more than.....                      | 80    |
| 18 For renewal of license to practice barbering – not more than.....                       | 80    |
| 19 For restoration of expired license to practice barbering,                               |       |
| 20 if expiration period is under <del>three</del> two years, the lapsed fees plus a        |       |
| 21 restoration fee of not more than.....   | 100   |
| 22 After <del>three</del> two years applicant shall be reexamined upon                     |       |
| 23 payment of the regular examination fee – not more than.....                             | 100   |
| 24 For instructors license or annual renewal thereof – not more than.                      | 90    |
| 25 For restoration of expired instructors license, if expiration period is under           |       |
| 26 <del>three</del> two years, the lapsed fees   |       |
| 27 plus a restoration fee of not more than.....  | 90    |
| 28 After <del>three</del> two years the instructor shall be reexamined upon payment of     |       |
| 29 the regular examination fee – not   |       |
| 30 more than.....  | 170   |
| 31 For a license to operate a barber school or barbercollege, annual fee – not             |       |
| 32 more than.....  | 500   |
| 33 For shop inspection, and annual license fee – not more than.....                        | 40    |
| 34 For restoration of expired shop license, if expiration period is under <del>three</del> |       |
| 35 two years, the lapsed fee plus a  |       |
| 36 restoration fee of not more than.....   | 80    |

1 For a new shop, relocation or change of ownership – not more than.....  
 2 80  
 3 *For issuance of new chair lease license or renewal thereof – not*  
 4 *more than..... 25*  
 5 *For restoration of expired chair lease license, if expiration is under two*  
 6 *years, the lapsed fee plus a restoration*  
 7 *fee – not more than..... 40*  
 8 For issuance of a seminar permit – not more than..... 80  
 9 For issuance of student learning license – not more than..... 55

10 (c) A duplicate license will be issued upon the filing of a statement  
 11 covering the loss of same and the payment of a fee of \$5 for the issuance  
 12 of same. Each duplicate shall have the word "duplicate" stamped across  
 13 the face thereof and will bear the same number as the original.

14 Sec. 2. K.S.A. 65-1819 is hereby amended to read as follows: 65-  
 15 1819. (a) Every licensed barber, instructor, operator of a barber shop and  
 16 operator of a barber school or barber college shall annually renew the  
 17 license and pay the required fee. The expiration date of each license which  
 18 is issued, restored or renewed by the board shall be established by rules  
 19 and regulations of the board so that licenses are renewed by the board  
 20 throughout the year on a continuing basis. In each case in which a license  
 21 is issued, restored or renewed for a period of time of less than one year, the  
 22 board may prorate the amount of the fee established under K.S.A. 65-  
 23 1817, and amendments thereto.

24 (b) ~~A barber~~ Every licensed barber, instructor, operator of a barber  
 25 shop and operator of a barber school or barber college whose license has  
 26 been expired for a period of less than ~~three~~ two years may have the license  
 27 renewed ~~immediately~~ upon payment of the required restoration fee *and*  
 28 *approval of the board.* Any barber whose license has been expired for a  
 29 period of ~~three~~ two or more years, may renew the license after a successful  
 30 reexamination by the board and upon the payment of the required  
 31 examination and license fees.

32 (c) *The board, in accordance with the provisions of the Kansas*  
 33 *administrative procedure act, may refuse to renew or restore a license.*

34 Sec. 3. K.S.A. 65-1820a is hereby amended to read as follows: 65-  
 35 1820a. (a) ~~The board may issue orders which require the remedying of any~~  
 36 ~~of the violations specified in subsection (b). If the violations are not~~  
 37 ~~remedied in a reasonable time after the order is issued, the board shall~~  
 38 ~~issue an order suspending the license of the violator. The board shall~~  
 39 ~~follow the procedure provided in the Kansas administrative procedure act~~  
 40 ~~to suspend a license.~~

41 (b) ~~The board may refuse to issue, renew, suspend or revoke a license~~  
 42 ~~for any one or combination of the following reasons: censure, limit,~~  
 43 ~~condition, suspend, revoke or refuse to issue or renew a license under this~~

1 *act if, after notice and an opportunity for a hearing in accordance with the*  
2 *provisions of the Kansas administrative procedure act, the board*  
3 *determines that an applicant or licensee has committed any one or any*  
4 *combination of the following:*

- 5 (1) ~~Malpractice or incompetency~~ *incompetence*;
- 6 (2) when an applicant or a licensed barber is or becomes afflicted  
7 with an infectious or communicable disease;
- 8 (3) advertising by knowingly false or deceptive statements;
- 9 (4) advertising, practicing or attempting to practice under a trade  
10 name other than one's own;
- 11 (5) habitual drunkenness or habitual addiction to habit-forming drugs;
- 12 (6) unprofessional conduct;
- 13 (7) obtaining or attempting to obtain a license for money other than  
14 the required fee, or for any other thing of value or by fraudulent  
15 misrepresentations;
- 16 (8) the willful failure to display a license to practice barbering as  
17 required by K.S.A. 65-1818, and amendments thereto;
- 18 (9) practicing or attempting to practice barbering by fraudulent  
19 misrepresentations;
- 20 (10) the violation of any of the sanitation standards adopted by the  
21 secretary of health and environment pursuant to K.S.A. 65-1,148, and  
22 amendments thereto, for the regulation of barber shops, barber schools and  
23 barber colleges; or
- 24 (11) the violation of rules and regulations of the board concerning the  
25 operation or management of a barber shop, barber school or barber  
26 college.

27 *(b) In all matters pending before the board, the board shall have the*  
28 *power to revoke the license of any licensee who voluntarily surrenders*  
29 *such person's or entity's license pending investigation of misconduct or*  
30 *while charges of misconduct against the licensee are pending or*  
31 *anticipated.*

32 Sec. 4. K.S.A. 2011 Supp. 65-1824 is hereby amended to read as  
33 follows: 65-1824. The board is hereby authorized, empowered, and  
34 directed to administer and enforce the provisions of this act and the board  
35 is hereby granted such specific powers as are necessary for the purpose of  
36 administering and enforcing the same. In addition thereto, the board shall  
37 have power:

38 (a) To supervise and regulate the barbering industry in this state.  
39 Nothing contained in this act shall be construed to abrogate, affect the  
40 status, force or operation of any provision of the general laws of this state  
41 relating to public health or any lawful rule, regulation or order  
42 promulgated thereunder, the law regulating the practice of barbering or any  
43 local health ordinance or regulation.

1 (b) To investigate all matters pertaining to the proper supervision and  
2 control of barber shops and the practice of barbering in this state.

3 (c) To subpoena barber shop owners, operators, managers or  
4 employees, their books and accounts, and other persons from whom such  
5 information may be desired, to carry out the purposes and intent of this act,  
6 and may issue commissions to take depositions from witnesses absent  
7 from the state. Any member of the board may sign and issue subpoenas  
8 and administer oaths to witnesses.

9 (d) To act as mediator and arbitrator in any controversy or issue that  
10 may arise among or between barbers as individuals or that may arise  
11 between them as groups. Nothing herein contained shall be construed as  
12 authorizing any interference with the authority of the state department of  
13 labor or the United States department of labor.

14 (e) *To issue a cease and desist order against any individual, operator*  
15 *or licensee if the board determines that such individual, operator or*  
16 *licensee has practiced without a valid license or engaged, or attempted to*  
17 *engage, in violation of article 18 of chapter 65 of the Kansas Statutes*  
18 *Annotated, and amendments thereto, or rules and regulations adopted*  
19 *thereunder.*

20 (f) *To make an application to any court of competent jurisdiction for*  
21 *an order enjoining any person who has engaged, or attempted to engage,*  
22 *in any act or practice in violation of article 18 of chapter 65 of the Kansas*  
23 *Statutes Annotated, and amendments thereto, or rules and regulations*  
24 *adopted thereunder. Upon a showing by the board that such person has*  
25 *engaged, or attempted to engage in, any such act or practice, an*  
26 *injunction, restraining order or such other order as may be appropriate*  
27 *shall be granted by such court without bond.*

28 The operation and effect of any provisions of this act which confer a  
29 general power upon the board shall not be impaired or qualified because a  
30 specific power has been granted to the board by this act.

31 Sec. 5. K.S.A. 65-1819 and 65-1820a and K.S.A. 2011 Supp. 65-1817  
32 and 65-1824 are hereby repealed.

33 Sec. 6. This act shall take effect and be in force from and after its  
34 publication in the statute book.