

Amendment No. 838

Assembly Amendment to Senate Bill No. 370 First Reprint	(BDR 54-673)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 370 R1 (§ 3).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 370—SENATORS
ATKINSON AND SPEARMAN

MARCH 17, 2015

JOINT SPONSOR: ASSEMBLYMAN THOMPSON

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to barbering. (BDR 54-673)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to barbering; revising provisions relating to the examination for a license as an instructor of the practice of barbering; requiring a barber school to be owned and operated by a certain number of instructors to obtain licensure of the barber school; revising the ratio of enrolled students to instructors at a barber school; revising the number of barber's chairs required to be on the premises of a barber school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the State Barbers' Health and Sanitation Board to oversee the examination for a license as an instructor of the practice of barbering but prohibits the Board from administering any aspect of the examination. **Section 1** also provides that the examination for a license as an instructor must include a practical demonstration and a written test. Finally, **section 1** requires the Board to: (1) contract with a national organization, with limited exceptions, to administer the examination for a license as an instructor; (2) include a specific term in any such contract entered into by the Board; and (3) use only proctors who are licensed as instructors of barbering in this State and approved by a national organization to administer the practical demonstration portion of the examination.

Sections 2.5, 5.5 and 6 of this bill require, on or after July 1, 2017, an applicant for a license to operate a barber school to submit information to the Board demonstrating that the barber school will be owned and operated by at least two instructors.

Existing law requires an applicant for a license as an instructor who fails to pass the examination for licensure to complete not more than 250 hours of further study before he or she is authorized to retake the examination. (NRS 643.110) **Section 2** of this bill ~~provides that such~~ **authorizes** an applicant ~~may fail~~ **who fails** to pass the examination ~~two times before he or she~~ **to retake the examination. Section 2 further provides that such an applicant: (1) is not required to complete further study in a barber school as a prerequisite to retaking the examination if the applicant retakes the examination not later than 1 year after taking the initial examination; and (2) is required to complete 250 hours of further study, + in a barber school before retaking the examination if the applicant retakes the examination later than 1 year after taking the initial examination.**

Section 4 of this bill: (1) revises the ratio of students enrolled in a barber school to instructors required to be on the premises of the barber school; and (2) requires a barber school to have at least one barber's chair for each student present during instruction in the barber school.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 643 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The examination of an applicant for a license as an instructor must include a practical demonstration and a written test that must include the subjects usually taught in barber schools approved by the Board.

2. The Board shall oversee the examination for a license as an instructor but shall not administer any aspect of the examination, including, without limitation, the practical demonstration or written test.

3. The Board shall:

(a) Except as otherwise provided in paragraph (c), contract with the National-Interstate Council of State Boards of Cosmetology, Inc. or any other national organization approved by the Board to administer the examination for a license as an instructor;

(b) Include as a term of any contract entered into pursuant to paragraph (a), a requirement that the organization provide the results of the examination to the applicant within 10 working days after the date of the examination; and

(c) Use only proctors who meet the requirements of subsection 4 to administer the practical demonstration portion of the examination for a license as an instructor.

4. To administer the practical demonstration portion of the examination for a license as an instructor, a proctor must be:

(a) An instructor; and

(b) Approved by the National-Interstate Council of State Boards of Cosmetology, Inc. or any other national organization approved by the Board to administer a practical examination for persons who wish to instruct students in the practice of barbering.

Sec. 2. NRS 643.110 is hereby amended to read as follows:

643.110 1. Except as otherwise provided in subsection 2, an applicant for a license as a barber who fails to pass the examination conducted by the Board must continue to practice as a licensed apprentice for an additional 3 months before he or she may retake the examination for a license as a barber.

2. An applicant for a license as a barber who is a cosmetologist licensed pursuant to the provisions of chapter 644 of NRS and who fails to pass the examination conducted by the Board must complete further study as prescribed by the Board, not exceeding 250 hours, in a barber school approved by the Board before he or she may retake the examination for a license as a barber.

3. An applicant for a license as an apprentice who fails to pass the examination provided for in NRS 643.080 must complete further study as prescribed by the Board in a barber school approved by the Board before he or she may retake the examination for a license as an apprentice.

4. An applicant for a license as an instructor who fails to pass the examination provided for in NRS 643.1775 *may retake the examination for a license as an*

~~instructor. *two additional times. If the applicant fails to pass the examination two or more times, they*~~ *If the applicant retakes the examination:*

(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete further study in a barber school before he or she may retake the examination; and

(b) Later than 1 year after taking the initial examination, the applicant must complete *250 hours of* further study ~~*prescribed by the Board, not to exceed 250 hours,*~~ in a barber school approved by the Board *each time* before he or she may retake the examination for a license as an instructor.

Sec. 2.5. NRS 643.174 is hereby amended to read as follows:

643.174 Upon receipt of an application to operate a barber school, the Board shall require the applicant, if the applicant is a sole proprietor, or a member, partner or officer, if the applicant is a firm, partnership or corporation, to appear personally before the Board and submit information in such form as the Board may by regulation prescribe showing:

1. The location of the proposed barber school and its physical facilities and equipment;

2. The proposed maximum number of students to be trained at any one time and the number of instructors to be provided;

3. The nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise;

4. The financial ability of the applicant to operate the barber school in accordance with the requirements of this chapter and the regulations of the Board; ~~*and*~~

5. *That the barber school will be owned and operated by at least two instructors; and*

6. Such other information as the Board considers necessary.

Sec. 3. NRS 643.176 is hereby amended to read as follows:

643.176 1. The Board may adopt and enforce reasonable regulations governing:

(a) The conduct of barber schools;

(b) The course of study of barber schools;

(c) ~~*The*~~ *Except as otherwise provided in section 1 of this act, the* examination of instructors;

(d) The fee for the examination of instructors, which may not exceed ~~*\$75;*~~ *\$100;* and

(e) The fee for the issuance and renewal of an instructor's license ~~*;*~~ *, which must not exceed \$250.*

2. The Board shall require, as a prerequisite for the renewal of an instructor's license, continuing education in the form of seminars or other training.

Sec. 4. NRS 643.177 is hereby amended to read as follows:

643.177 Any person who owns, manages, operates or controls any barber school, or part thereof:

1. Shall:

(a) Display a sign that may be easily seen upon entering the barber school on which is printed in bold letters "Work Performed Exclusively by Students";

(b) Have at least:

(1) One instructor on the premises of the barber school at all times if the active enrollment of the school is ~~*10*~~ *20* students or less;

(2) One additional instructor on the premises of the barber school for each ~~*10*~~ *20* students enrolled in the school in excess of ~~*10*~~ *20* students; ~~*and*~~

(3) Two instructors available to provide instruction at all times; *and*

(4) One barber's chair for each student present during instruction in the barber school;

(c) Not allow a student to provide barbering services to members of the general public for more than 7 hours in a day or for more than 5 days in any 7-day period;

(d) Not advertise that the barber school will charge for barbering services provided to members of the general public by students unless those barbering services are specifically advertised as services provided by students; and

(e) Comply with all other provisions of this chapter relating to barber schools.

2. May charge for barbering services provided to a member of the general public by a student if the student performs those barbering services as part of the required course of study of the barber school.

Sec. 5. NRS 643.1775 is hereby amended to read as follows:

643.1775 The Board shall license any person as an instructor who:

1. Has applied to the Board in writing on the form prescribed by the Board;

2. Holds a high school diploma or its equivalent;

3. Has paid the applicable fees;

4. Holds a license as a barber issued by the Board;

5. Submits all information required to complete the application;

6. Has practiced not less than 5 years as a full-time licensed barber in this State, the District of Columbia or in any other state or country whose requirements for licensing barbers are substantially equivalent to those in this State;

7. Has successfully completed a training program for instructors conducted by a licensed barber school which consists of not less than 600 hours of instruction within a 6-month period; and

8. Has passed an examination for instructors administered ~~by the Board~~ ***in accordance with section 1 of this act.***

Sec. 5.5. The amendatory provisions of section 2.5 of this act do not apply to a barber school for which a license to operate the barber school is issued or renewed before July 1, 2017.

Sec. 6. 1. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act.

2. This section and sections 1, 2, ~~3, 4 and 5~~ ***and 3 to 5.5, inclusive,*** of this act become effective on January 1, 2016, for all other purposes.

3. Section 2.5 of this act becomes effective on July 1, 2017, for all other purposes.