

Chapter 690

1961 REPLACEMENT PART (1963 reprint)

Barbers

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690.010 Definitions. (1) As used in this chapter, unless the context requires otherwise, "board" means the Board of Barber Examiners.

(2) When done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment, for the public generally, any one or more of the following practices constitute the "practice of barbering":

(a) Shaving, trimming the beard or cutting the hair.

(b) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances.

(c) Singeing, shampooing or dyeing the hair or applying hair tonics.

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, neck or upper part of the body.

(e) Removing superfluous hair, warts, moles or other blemishes from the scalp, face, neck or upper part of the body.

690.020 Registration of barbers, apprentice barbers and barber teachers required; barber shops and schools to be licensed and operated by registered barbers. No person shall:

(1) Practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this chapter by the board.

(2) Serve or attempt to serve as an apprentice under a registered barber without a certificate of registration as a registered apprentice issued by the board.

(3) Operate a barber shop unless it is at all times under the direct supervision and management of a registered barber.

(4) Operate a barber school or be a teacher or instructor in such school unless he is a registered barber teacher.

(5) Operate a barber shop, barber school or college unless it has been licensed by the board as provided in this chapter.

[Amended by 1961 c.300 §3]

690.030 Status of apprentices. (1) No registered apprentice may independently practice barbering, but he may, as an apprentice, do any or all of the acts constituting the practice of barbering under the immediate personal supervision of a registered

barber. Only one such apprentice shall be employed in any licensed shop.

(2) No registered apprentice shall be allowed to barber for more than three years on an apprentice license.

690.040 Persons not affected. (1) The following persons are exempt from the provisions of ORS 690.010 to 690.120 and 690.130 to 690.150 and 690.220 to 690.340 while in the proper discharge of their professional duties:

(a) Persons authorized by the law of this state to practice medicine and surgery.

(b) Commissioned medical and surgical officers of the United States Army, Navy or Marine Hospital Service.

(c) Registered nurses.

(d) Persons authorized by the law of this state to practice cosmetic therapy.

(2) The provisions of this section shall not be construed to authorize any of the persons exempted to shave or trim the beard of any person for cosmetic purposes.

690.050 Barbers; qualifications for registration; effect of failure to pass examination. (1) A person is qualified to receive a certificate of registration to practice barbering if he:

(a) Is qualified under the provisions of ORS 690.060.

(b) Is at least 18 years of age.

(c) Is of good moral character and temperate habits.

(d) Has practiced as a registered apprentice for a period of 15 months under the immediate personal supervision of a registered barber.

(e) Has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

(f) Produces a certificate from a registered physician that he is free from contagious or infectious disease.

(2) An applicant for a certificate of registration to practice as a registered barber, who fails to pass a satisfactory examination conducted by the board, must continue to practice as an apprentice for an additional six months, before he is again entitled to take the examination for a registered barber.

(3) Where the applicant has received any part of his course of study in barbering at a state institution the requirement of paragraph (c) of subsection (1) of this section shall be determined solely from the conduct of

the applicant after the granting of his parole from or discharge from the institution.

[Amended by 1959 c.630 §1; 1961 c.436 §1]

690.060 Apprentices; effect of failure to pass examination; admission of nonresidents. (1) A person is qualified to receive a certificate of registration as a registered apprentice, or to receive his license as a licensed apprentice, if he:

(a) Has a diploma showing graduation from the eighth grade of a grammar school or an equivalent education as determined by an examination conducted by the board;

(b) Is at least 18 years of age;

(c) Is of good moral character and temperate habits;

(d) Except as provided in subsection (4) of this section, has been graduated from a school of barbering approved by the board;

(e) Has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice; and

(f) Produces a certificate from a registered physician that he is free from contagious or infectious disease.

(2) Where the applicant has received any part of his course of study in barbering at a state institution the requirement of paragraph (c) of subsection (1) of this section shall be determined solely from the conduct of the applicant after the granting of his parole from or discharge from the institution.

(3) An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination is required to complete a further course of study of not less than 500 hours, to be completed within three months, of not more than eight hours in any one working day, in a school of barbering approved by the board.

(4) A person who has practiced as an apprentice in another state may be admitted to practice within this state under the rules and regulations to be determined by the board.

(5) A person who has received and satisfactorily passed training in barbering in any state institution may take the examination provided for in ORS 690.080 upon making application for such examination in accordance with the provisions of ORS 690.070.

[Amended by 1959 c.630 §2; 1961 c.436 §2]

690.070 Application for examination. Each applicant for an examination shall:

(1) Make application to the board on

blank forms prepared and furnished by the board, such application to contain proof under the applicant's oath of the particular qualifications of the applicant.

(2) Furnish to the board two signed photographs of the applicant, five inches by three inches in size, one to accompany the application and one to be returned to the applicant, to be presented to the board when the applicant appears for examination.

(3) Pay to the board the required fee.

690.080 Times, places, nature and scope of examinations. (1) The board shall conduct examinations of applicants for certificates of registration to practice as registered barbers and of applicants for certificates of registration to practice as registered apprentices and applicants to enter barber schools to determine their educational fitness, not less than four times each year at such times and places as the board may determine.

(2) The examinations of applicants for certificates of registration as registered barbers and registered apprentices shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the board.

690.090 Nonresident barbers; qualifications for examination; effect of failure to pass. (1) Upon payment of the required fee, a person shall be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering if he is at least 18 years of age and of good moral character and temperate habits and has a diploma showing graduation from the eighth grade of a grammar school, or its equivalent as determined by the board, and either:

(a) Has a license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this chapter; or

(b) Can prove by sworn affidavits that he has practiced as a barber in another state or country for at least two years immediately prior to making application in this state.

(2) If such person fails to pass the examination, he may file a new application, accompanied by the required fee, and take another examination if he desires. In no event will he be permitted to practice barbering until such time as he has passed a

satisfactory examination and has received a certificate of registration as a registered barber.

690.100 Issuance of registration certificates. Whenever the provisions of this chapter have been complied with, the board shall issue a certificate of registration as a registered barber, registered barber teacher or as a registered apprentice.

[Amended by 1961 c.300 §4]

690.110 Display of certificates. Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair.

690.120 Annual renewal of certificates.

(1) Subject to subsection (2) of ORS 690.030, every registered barber, registered barber teacher and every registered apprentice who continues in active practice or service shall, annually, on or before July 1 of each year, renew his certificate of registration and pay the required fee. Every certificate of registration which has not been renewed prior to the month of July in any year shall expire on September 1 in that year.

(2) A registered barber or registered barber teacher who retires from the practice of barbering for not more than five years may renew his certificate of registration upon payment of the required restoration fee. After five years he must take the regular examination and pay the required fee.

[Amended by 1961 c.300 §5]

690.125 Barber teachers; qualifications for registration; effect of failure to pass examinations. (1) A person is qualified to receive a certificate of registration as a barber teacher if he:

(a) Has passed an examination conducted by the board to determine his fitness to teach barbering. The examination shall include practical, oral and written tests and shall embrace the subjects required by ORS 690.130 to be taught in schools of barbering approved by the board.

(b) Has been a registered barber in this state for at least six months immediately prior to the filing of his application for a certificate of registration as a barber teacher.

(2) If the person fails to pass the examination, he may file a new application, accompanied by the required fee, and take another

examination within 60 days from the date of his prior examination. In no event will he be permitted to teach barbering until such time as he has passed an examination and has received a certificate of registration as a registered barber teacher.

[1961 c.300 §2]

690.130 Approval and licensing of barber schools. No school for the teaching of barbering shall be approved and licensed by the board unless:

(1) It requires, as a prerequisite to admission thereto, graduation from the eighth grade of a grammar school or its equivalent as determined by an examination conducted by the board, and a certificate from a physician licensed by the State Board of Medical Examiners that the applicant for admission is free from contagious and infectious diseases.

(2) It requires as a prerequisite to graduation a course of instruction of not less than 1,248 hours, to be completed within nine consecutive months, of not more than eight hours in any one working day.

(3) Its course of instruction shall include scientific fundamentals for barbering, hygiene, bacteriology, histology of the hair, skin, nails, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands and nails, massaging and manipulation of the muscles of the upper body, hair cutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair.

(4) It has filed with the board on forms furnished by the board the names and addresses of the owner or owners of such school; the name and address of each teacher, together with the subjects taught by each and that each is a registered barber teacher in good standing; the hours for lectures and instruction in theory and in practical application.

(5) It is so located and arranged physically as to be entirely separate and apart from any living quarters, barber shop or other place of business.

(6) It does not display or sell merchandise except such merchandise as is incidental to or related to barbering.

(7) It has not less than 20 work stations complete with adequate facilities for the individual training of students.

(8) It furnishes to each enrolling student a financial schedule showing the total cost of tuition and of all charges involved in the course of study, including all tools, books and equipment necessary for graduation.

(9) It is to be operated by a registered barber teacher who has demonstrated to the satisfaction of the board his qualifications to educate and instruct students in all subjects necessary to qualify them as competent barbers.

(10) It has filed with the board a bond, with sufficient individual or corporate surety, in the sum of \$5,000 for the benefit of any pupil concerned, conditioned that tuition paid will be refunded upon the failure of the school to operate, upon which bond any pupil may maintain an action for recovery of such tuition and costs and reasonable attorneys fees.

(11) Subsections (5), (7), (8) and (9) of this section shall not apply to a school of barbering established at a state institution.
[Amended by 1959 c.630 §3; 1961 c.300 §6; 1961 c.436 §3]

690.140 License to conduct barber shop or school. No original license to conduct a barber shop shall be granted for at least a reasonable time after the application therefor. A license to operate a barber shop, barber school or college shall expire on July 1 of each year.

690.150 Fees payable. (1) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is \$25, and for issuance of the certificate is \$5.

(2) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is \$15, and for the issuance of the certificate is \$3.

(3) The fee to be paid by an applicant for an examination to determine his preliminary education is \$3.

(4) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to teach barbering is \$25.

(5) The fee to be paid for the renewal of a certificate of registration to practice barbering is \$5, and for the restoration of an expired certificate is \$10.

(6) The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is \$3, and for the restoration of an expired certificate is \$5.

(7) The fee to be paid for the renewal of a certificate of registration to teach barbering is \$5, and for restoration of an expired certificate is \$10.

(8) The annual license fee to be paid by an applicant for a license to conduct a barber shop is \$5.

(9) The annual fee to be paid by an applicant for a license to conduct a barber school or college is \$100.

[Amended by 1961 c.300 §7]

690.160 to 690.190 [Reserved for expansion]

690.200 Shaving tools to be disinfected. No person, who shaves another, shall again use his tools, towels or water without first having subjected them to disinfection to remove any virus, scale or filth that may be on such tools, towels or instrument in accordance with the rules and regulations of the State Board of Health.

690.210 Barbering on Sunday prohibited. No person shall carry on the business of barbering on Sunday in Oregon.

690.220 Prohibited practices. No person shall:

(1) Permit any person in his employ, supervision or control, to practice as an apprentice or as a barber, unless that person has a certificate of registration as a registered apprentice or as a barber, as the case may be.

(2) Obtain or attempt to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentations.

(3) Fail wilfully to display a certificate of registration.

(4) Use any room or place for barbering which is also used for residential or business purposes, except the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco and such commodities as are used and sold in barber shops, unless a substantial solid partition of ceiling height separates the portion used for residential or business purposes.

(5) Use upon a patron a towel that has been used upon another person until the towel has been relaundersed.

(6) Use a chair without a relaundersed towel or sheet of clean paper upon the headrest for the patron.

(7) Work upon a patron without an unused strip of cotton neck band or towel being placed so that the hair cloth does not

come in contact with the neck or skin of the patron.

(8) Use on any patron tools or instruments which are not sanitary and which are not kept, when not in use, in a cabinet sterilizer.

(9) Work as a barber while having an infectious, contagious or communicable disease.

(10) Operate a barber shop or college unless continuous hot and cold water is provided where practicable.

(11) Operate a barber school or college wherein the practice of barbering is carried on unless displaying at all entrances to the place where the barbering is done a sign indicating that the work done therein is done exclusively by students.

(12) Operate a barber shop which is unclean, untidy or unsanitary.

(13) Operate a barber shop the floor of which is not covered with impervious covering.

690.230 Grounds for refusal, suspension or revocation of registration. The board may either refuse to issue or may suspend or revoke any certificate of registration for any one or more of the following causes:

(1) Conviction of a felony.

(2) Gross malpractice or gross incompetency.

(3) Continued practice by a person knowingly having a communicable disease.

(4) Advertising by means of deceptive statements.

(5) Habitual drunkenness or habitual addiction to use of morphine, cocaine or other habit-forming drugs.

(6) Immoral or unprofessional conduct.

(7) Violation of any of the provisions of ORS 690.010 to 690.120 and 690.130 to 690.150 or 690.220 to 690.340.

(8) Where the applicant has received any part of his course of study in barbering at a state institution, the requirements of subsections (1), (5) and (6) of this section shall be determined solely upon the conduct of the applicant after the granting of his parole from or his discharge from the institution.

[Amended by 1961 c.436 §4]

690.240 Procedure for refusal to issue or renew or to suspend or revoke certificates.

(1) The board may neither refuse to issue nor refuse to renew nor suspend or revoke any certificate of registration for any cause named in ORS 690.230 unless the person

accused is given a notice in writing of the charge against him and a public hearing by the board. Before suspending, revoking or refusing to issue any certificate of registration for any of the causes mentioned in ORS 690.230, the board shall give written notice thereof to the person accused, stating the specific reason for its adverse action, and such person shall be granted the opportunity to appear before the board for a public hearing within not less than 10 days from the date of the notice.

(2) At the hearing the defendant may be represented by counsel. Upon the hearing of the proceeding, the board may administer oaths and may procure by its subpoena the attendance of witnesses and the production of relevant books, records and papers. Subpoenas may be issued by the secretary of the board, directed to the sheriff of the proper county, to be served and returned in the same manner as subpoenas in criminal cases. Fees and mileage of the sheriff and of witnesses shall be the same as allowed in criminal cases and shall be paid from the fund of the board as other expenses of the board are paid. Any circuit court, or any judge of the circuit court, either in term time or in vacation, upon application either of the accused or of the board may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension or revocation of certificates of registration. If the defendant prevails at the hearing, the board shall grant him the proper relief without delay.

(3) Any investigation, inquiry or hearing thus authorized may be undertaken or held by or before any member or members of the board, and the finding or order of such member or members, when approved and confirmed by the board, shall be deemed the finding and order of the board.

690.250 Appeal from action of board. In case of the refusal, suspension or revocation of a license by the board the licensee whose license is refused, suspended or revoked by the board has the right to appeal from the refusal, suspension or revocation within 30 days of the cancellation of the license. The appeal shall be to the circuit court in the county in which was held the meeting of the board in which the refusal, suspension or revocation was made. If a person desires to take an appeal he shall

serve, or cause to be served, upon the secretary of the board a written notice of appeal, which shall contain a statement of the grounds of appeal, and shall file in the office of the secretary an appeal bond with good and sufficient surety, to be approved by the secretary, running to the State of Oregon, conditioned on the speedy prosecution of the appeal and the payment of such costs as may be charged against him upon appeal. The secretary, within 10 days after service of the notice of appeal, and the filing and approval of the bond, shall transmit to the clerk of the circuit court to which the appeal is taken a certified copy, under the seal of the board, of accusations on which the revocation was based, the ground for appeal, together with the notice and bond of appeal. The clerk of the court shall thereupon docket the appeal causes and they shall be tried in all respects as ordinary civil actions, and like proceedings shall be had thereon. Upon appeal the causes shall be tried de novo. Either party may appeal from the judgment of the circuit court to the Supreme Court in the same manner as civil actions may be appealed thereto.

690.260 Revocation of license to conduct barber shop. A license to conduct a barber shop may be revoked at any time for any violation of ORS 690.010 to 690.120 and 690.130 to 690.150 or 690.220 to 690.340.

690.270 Making false statement as perjury. The wilful making of any false statement as to a material matter in any oath or affidavit which is required by the provisions of this chapter is perjury and is punishable as such.

690.280 Board of Barber Examiners; number, qualifications and terms of members. A board to be known as the Board of Barber Examiners is established to consist of three members appointed by the Governor, not more than one from any congressional district. Each member shall be a practical barber who has followed the occupation of barber in this state for at least five years immediately prior to his appointment. The term of office of the board members is three years, except where the appointment is made to fill a vacancy produced by death, resignation or other cause, when the appointment shall be made for the unexpired portion of the term. Any member of the board may be removed at any time during his term of

office by and at the discretion of the Governor.

690.290 Officers, deputies and employees of board; location of office of board. The board shall elect a president, vice president and secretary-treasurer, each of whom shall execute in the name of the State of Oregon an undertaking in the sum of \$500, except the secretary-treasurer whose bond shall be for \$2,000. The bonds shall be executed by a surety company and the expense thereof shall be paid out of the funds of the board. The secretary-treasurer shall maintain an office in Portland, Oregon, and devote his entire time to the duties of the office. The board may, at its discretion, appoint one or more deputies, who shall exercise the powers granted by the board. The deputies shall be paid a compensation to be fixed by the board and shall execute an undertaking for the faithful performance of their duties to be approved by the board. The board shall have the power to prescribe the duties to be performed by each of its members and employees.

690.300 Compensation of board members. The secretary-treasurer shall receive the salary provided by law and expenses incurred, traveling and otherwise. Each member of the board, excepting the secretary-treasurer, shall receive \$10 per day for each day actually engaged in the performance of his duties under this chapter and shall also receive his actual traveling expenses while performing the duties of his office and all other necessary expenses incurred by him while in the exercise of his duties.

690.310 Seal of board. The board shall have the authority to adopt a seal and, until otherwise provided, the seal previously adopted by the board shall be the seal of the board. The secretary-treasurer shall be the keeper of the seal and shall affix it to all certificates issued by the board.

690.320 Reports and records. (1) The board shall render a quarterly itemized account of the work it has done to the Governor and render a report of all moneys received and disbursed by it pursuant to this chapter.

(2) The board shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates of registration. This record shall also contain

the name, place of business, and registered apprentice and the date and manner of his certificate of registration. The records of the board shall at all reasonable times be open to inspection by the public.

690.330 Rules and regulations; inspection of barber shops; posting of rules in barber shops. (1) The board has authority to make reasonable rules and regulations for the administration of the provisions of this chapter and prescribe sanitary requirements for barber shops and barber schools, subject to the approval of the State Board of Health. Any member of the board or its agents or assistants shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations adopted by the board shall be furnished by the board to the owner or manager of each barber shop and barber school, and the copy shall be posted in a conspicuous place in the barber shop or barber school.

(2) The board may make and enforce, under subsection (1) of this section, rules applicable only to the barbering schools established at state institutions.

[Amended by 1961 c.436 §5]

690.340 Disposition of receipts. Ten percent of all the fees received by the board under the provisions of this chapter shall be

set aside and paid into the State Treasury and placed to the credit of the General Fund, and such moneys hereby are made available for the payment of the general governmental expenses as are other moneys in the General Fund. The expenses of the board shall be paid from the remaining 90 percent of the fees received by the board under the provisions of this chapter and no part of the salary or other expenses of the board shall be paid out of the State Treasury.

690.350 to 690.980 [Reserved for expansion]

690.990 Penalties. (1) In addition to the other penalties provided in this chapter, violation of any of the provisions of this chapter, except ORS 690.200 and 690.210, is punishable, upon conviction, by a fine of not more than \$1,000, or by imprisonment in the county jail for not more than 90 days, or by both. Each day's violation shall constitute a separate offense.

(2) Violation of ORS 690.200 is punishable as provided in ORS 431.990.

(3) Violation of ORS 690.210 is punishable by a fine of \$10 or by imprisonment in the county jail for five days for the first offense, and by a fine of not less than \$25 nor more than \$50, or by imprisonment in the county jail for not less than 10 days nor more than 25 days, for the second and for each subsequent offense.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1961.

Sam R. Haley
Legislative Counsel