

# Chapter 690

## 1973 REPLACEMENT PART

(1975 reprint)

### Barbers

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## GENERAL PROVISIONS

**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 from the scalp, face, neck or upper part of the body.

(f) Waving the hair of male persons only.

[Amended by 1969 c.687 s.1]

**690.020 Registration, certificates, licenses and permits required.** No person shall:

(1) Practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to 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.

(6) Demonstrate any barbering technique without a demonstrator's permit issued pursuant to ORS 690.160.

[Amended by 1961 c.300 s.3; 1969 c.687 s.2]

**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 constitut-

ing 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.

## LICENSING

**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 s.1; 1961 c.436 s.1]

**690.060 Apprentices; effect of failure to pass examination; admission of non-residents.** (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 physician licensed under ORS chapter 677 or 685 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 350 hours, to be completed within three months, of not more than 48 hours in any one working week, 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 s.2; 1961 c.436 s.2; 1969 c.687 s.3]

**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 registered apprentice.

[Amended by 1961 c 300 s.4; 1969 c 687 s.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; renewal dates.** (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. However, the board may vary the dates of registration renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee. Every certificate of registration which has not been renewed 30 days after date of expiration may be renewed by paying the required restoration fee.

(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 s.5; 1973 c.832 s.38]

**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 an active, practicing registered barber in this state for at least one year during the two years 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. However, the person shall not reapply sooner than the 31st day after the day of his prior examination. A person shall not 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. However, with the approval of the board, a school may, for a period not to exceed 60 days, employ a registered barber to teach for a trial period or during an emergency.

[1961 c.300 s.2; 1969 c.687 s.6]

**690.130 Approval and licensing of barber schools.** (1) No school for the teaching of barbering shall be approved and licensed by the board unless:

(a) 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 under ORS chapter 677 or 685 that the applicant for admission is free from contagious and infectious diseases, including but not limited to tuberculosis. A barber school shall furnish proof of a student's compliance with the educational requirement of this paragraph not later than the 61st day after the day the student is admitted to the barber school.

(b) It requires as a prerequisite to graduation a course of instruction of not less than 1,350 hours in courses specified in paragraph (c) of this subsection, to be completed within 12 consecutive months, of not more than 48 hours in any one working week.

(c) Its course of study shall include theory and practical application of fundamental skills and elementary sciences related to barbering, including barbering hygiene, bacteriology, histology of the hair, skin, muscles and nerves of the scalp, face and neck; elementary chemistry relating to sterilization, antiseptics and sanitation; common diseases of the hair, scalp, glands, face and neck; haircutting, shaving, shampooing, and the application of hair tonics, dressings and rinses; massaging of the scalp,

face and neck, and facial and scalp treatments with creams, lotions, oils and other cosmetic preparations either by hand or mechanical appliances, but such appliances shall not be galvanic or faradic; demonstration of coloring, bleaching, tinting and waving of the hair; salesmanship, shop management and implements; the history of barbering and the ethics, laws and regulations governing the practice of barbering.

(d) 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 proof that each is a registered barber teacher in good standing; the hours for lectures and instruction in theory and in practical application.

(e) 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.

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

(g) It has at least one work station available eight hours a day for each registered student attending class; and it has no fewer than 20 work stations complete with adequate facilities for individualized training. A work station shall contain a barber chair and dustproof cabinet and a basin with hot and cold running water for every three barber chairs.

(h) 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.

(i) 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.

(j) It employs one full-time registered barber teacher for each 15 students, or fraction thereof. However, a school must employ at least two full-time registered barber teachers. As used in this subsection, "students" shall mean the average number of students in daily attendance at the particular barber school during the preceding calendar quarter, and the size of the teaching staff shall be reviewed and modified, if necessary, at the beginning of each calendar quarter.

(k) 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 attorney fees.

(L) Every barber college shall keep a daily record of the attendance of each student and the number of hours of instruction given by the school in required subjects. The barber college shall establish a grading system and administer examinations.

(m) The owner or manager of a barber college shall file a monthly student class attendance and subjects taught record with the board. This record shall be certified to by the owner or manager of the college and shall include a list of all registered students; the number of days each student attended class; the number of hours each student attended class; each student's total cumulative number of hours; and the theoretical subjects taught by the school during the particular reporting period.

(2) The board shall not issue a barber college license to a college unless the head instructor of the college was actively engaged in barber teaching at a licensed barber college in Oregon during the three years immediately preceding the day the application for a barber college license was filed.

(3) Paragraphs (e), (g), (h) and (i) of subsection (1) of this section and subsection (2) of this section do not apply to a school of barbering established at a state institution.

[Amended by 1959 c.630 s.3; 1961 c.300 s.6; 1961 c.436 s.3; 1969 c.687 s.7]

**690.140 License to conduct barber shop or school; renewal dates; fees.** (1) The board shall approve or deny an application for a barber shop and for a barber college license within a reasonable time after application therefor. No application for a license to conduct a barber shop shall be approved unless the shop complies with the applicable health and safety laws and regulations of the State Board of Health, other state agencies and the city where the shop is located. If an application is approved, the board shall issue the license upon payment of the required fee.

(2) Barber shop and barber college licenses expire annually on July 1 and may be renewed by payment of the required renewal fee. The board may vary the renewal date by giving the applicant written notice of the renewal date being assigned

and by making prorated adjustments in the renewal fee. If a barber shop or school license is not renewed within 30 days of the expiration date it may be renewed upon payment of the required restoration fee.  
 [Amended by 1965 c.274 s.1; 1973 c.832 s.39]

**690.150 Fees; refunds.** (1) The fee to be paid by an applicant for an examination to determine his fitness to be a registered barber is \$40. An applicant failing such examination shall be refunded \$10 of his application fee.

(2) The fee to be paid by an applicant for an examination to determine his fitness to be a registered apprentice is \$20. An applicant failing such examination shall be refunded \$5 of his application fee.

(3) The fee to be paid by an applicant for an examination to determine his preliminary education is \$6.

(4) The fee to be paid by an applicant for an examination to determine his fitness to be a registered barber teacher is \$40. An applicant failing such examination shall be refunded \$15 of his application fee.

(5) The fee to be paid for the renewal of a license to practice barbering is \$10, and for the restoration of an expired license is \$15.

(6) The fee to be paid for the renewal of a license to practice as an apprentice is \$8, and for the restoration of an expired license is \$15.

(7) The fee to be paid for the renewal of a license to teach barbering is \$15, and for restoration of an expired license is \$25.

(8) The fee to be paid by an applicant for issuance of a license to conduct a barber shop is \$25, for renewal of a shop license is \$15 and for restoration of an expired shop license is \$25.

(9) The fee to be paid by an applicant for issuance or for renewal of a license to conduct a barber college is \$200, and for the restoration of an expired barber college license is \$225.

(10) The fee to be paid for a demonstrator's permit is \$15.

(11) A successful applicant for an examination to be a registered barber, registered apprentice or registered barber teacher shall be issued, without charge, a license for the licensing period during which he was examined.

[Amended by 1961 c.300 s.7; 1965 c.274 s.2; 1969 c.687 s.11; 1971 c.86 s.1; 1973 c.832 s.40]

**690.160 Demonstrator's permit.** (1) The board shall issue a demonstrator's per-

mit to any person who satisfies the requirements of ORS 690.170.

(2) A permit issued pursuant to subsection (1) of this section shall specify:

(a) The nature of the demonstration that will be performed;

(b) When the demonstration will be performed; and

(c) Where the demonstration will be performed.

[1969 c.687 s.9]

**690.170 Qualifications for demonstrator's permit.** A person is qualified to receive a demonstrator's permit if he:

(1) Makes written application to the board;

(2) Pays the fee required by ORS 690.150; and

(3) Is either:

(a) Registered as a barber under ORS 690.100 or a beautician licensed under ORS chapter 691; or

(b) Registered, certified or licensed as a barber or beautician under the laws of another state.

[1969 c.687 s.10]

**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 or 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 relaundered.

(6) Use a chair without a relaundered 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.

(14) Operate a barber shop which has less than 100 square feet of working space for the first chair and 40 square feet of working floor space for each additional chair.

(15) Issue a certificate, diploma or document of any kind to a barber to evidence the barber's attendance at or participation in a demonstration.

(16) Display in a barber shop or school, a certificate, diploma or document the issuance of which is prohibited by subsection (15) of this section.

[Amended by 1969 c.687 s.12]

**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 s.4]

**690.240**[Amended by 1969 c.377 s.2; repealed by 1971 c.734 s.21]

**690.245 Certificate, permit, license denial procedure; promulgation, review of rules and orders.** (1) Where the board proposes to revoke or suspend or to refuse to issue or renew a registration certificate, permit or license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Promulgation of rules, including establishment of sanitary requirements, conduct of hearings and issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.500.

[1971 c.734 s.146]

**690.250**[Amended by 1969 c.377 s.3; repealed by 1971 c.734 s.21]

**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.

## STATE BOARD

**690.280 Board of Barber Examiners; number and qualifications of members.** A board to be known as the Board of Barber Examiners in the Department of Commerce

is established to consist of three members to be appointed by the Director of Commerce. Each member shall be a barber registered by the board who has followed the occupation of barber in this state for at least five years immediately prior to his original appointment.

[Amended by 1965 c.373 s.1; 1971 c 753 s 31]

**690.290 Officers, deputies and employees of board.** (1) The board shall elect a president, vice president and appoint an executive secretary, who shall not be a member of the board and who shall serve at the pleasure of the board. The executive secretary shall be a barber who has been registered by the board for at least five years in the State of Oregon.

(2) 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.

(3) The board shall have the power to prescribe the duties to be performed by each of its members and employees.

[Amended by 1969 c.377 s.1; 1973 c.832 s.40a]

**690.300 Compensation and expenses of board members.** Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

[Amended by 1965 c.274 s.3, 1969 c.314 s.91, 1969 c.377 s.4; 1973 c.832 s.40b]

**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 executive secretary shall be the keeper of the seal and shall affix it to all certificates issued by the board.

[Amended by 1969 c 377 s.5]

**690.320 Records.** 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.

[Amended by 1973 c.832 s.41]

**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 s.5]

**690.340 Disposition of receipts.** The expenses of the board shall be paid from the fees received by the board under this chapter and no part of the salary or other expenses of the board shall be paid out of the State Treasury.

[Amended by 1967 c.637 s 34]

## PENALTIES

**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, Thomas G. Clifford, 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,  
November 1, 1973.

Thomas G Clifford  
Legislative Counsel