

Chapter 690

1977 REPLACEMENT PART

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GENERAL PROVISIONS

690.005 Definitions. As used in ORS 690.005 to 690.243:

(1) "Board" means the State Board of Barbers and Hairdressers.

(2) "Certificate" means a certificate of registration, issued in accordance with ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, authorizing the holder to practice hair design, cosmetology or manicure in accordance with the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(3) "Cosmetology" means the use of the hands, mechanical or electrical apparatus or appliances, cosmetic preparations, antiseptics, tonics, lotions or creams in massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work performed on 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 for the public generally.

(4) "Hair design" means, when done upon 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 for the public generally, any one or more of the following practices:

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

(b) Arranging, styling, dressing, curling, temporary waving, permanent waving, relaxing, cutting, singeing, bleaching, coloring, dyeing, cleansing, shampooing, conditioning, applying hair tonics or similar work upon the hair of an individual.

(5) "License" means a license to operate a shop issued under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(6) "Manicure" means cutting, trimming, polishing, coloring, tinting, cleansing, or otherwise treating the nails of the hand or massaging, cleansing, treating or beautifying the hands performed for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally.

(7) "Practitioner" means a person certified and registered to practice hair design, cosmetology or manicure under the provisions of

ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(8) "School of hair design" means an establishment operated for the purpose of teaching hair design and licensed under ORS chapter 345.

(9) "Shop" means an establishment operated for the purpose of engaging in the practice of hair design, cosmetology or manicure and licensed under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

[1977 c.886 §1]

690.010 [Amended by 1969 c.687 §1; 1977 c.270 §1; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.015 Certificate required; prohibited acts. No person shall:

(1) Practice or attempt to practice hair design, cosmetology or manicure without a certificate as a practitioner issued pursuant to ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(2) Operate a shop unless it is at all times under the direct supervision and management of a practitioner.

(3) Display a sign or in any way advertise or hold himself out as a practitioner, barber or hairdresser or as being engaged in the practice or business of hair design, cosmetology or manicure without first obtaining a certificate or license as provided in ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(4) Knowingly make a false statement on an application for a license, certificate or permit or for the renewal of a license, certificate or permit issued under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(5) Permit any person in his employ or under his supervision or control to practice hair design, cosmetology or manicure without a certificate as required by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(6) Obtain or attempt to obtain a certificate, license or permit by fraudulent means.

(7) Permit the fraudulent use of his certificate by another person.

[1977 c.886 §3]

690.020 [Amended by 1961 c.300 §3; 1969 c.687 §2; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.025 Application of chapter. ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 do not apply to:

(1) Services performed without compensation in case of emergency or in domestic administration.

(2) The following persons while in the proper discharge of their professional duties:

(a) Persons authorized by the law of this state to practice medicine, osteopathy, surgery or dentistry.

(b) Registered nurses.

(c) Persons licensed by the State Board of Pharmacy, merchants or other individuals when demonstrating apparatus or supplies for purposes of sale.

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

(3) A student attending a school licensed to teach hair design, cosmetology or manicure under ORS chapter 345 nor is such person required to obtain a license under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 to perform within the scope of his training.

[1977 c.886 §2]

690.030 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

CERTIFICATES, LICENSES AND PERMITS

690.035 Application for license or certificate. A person desiring to obtain a license or certificate shall apply in writing to the board on a form provided by the board. Each application shall be accompanied by evidence under oath or affirmation and satisfactory to the board that the applicant possesses the necessary qualifications.

[1977 c.886 §4]

690.040 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.045 Qualifications; issuance of certificate; duration of validity. (1) To be issued a certificate as a practitioner, each applicant shall:

(a) Pass the certification examination given by the board pursuant to ORS 690.065;

(b) Pay the examination fee and application fee determined by the board; and

(c) If the applicant is applying for a certificate to practice hair design, have successfully completed all courses a school of hair design is

required to teach to be licensed under ORS chapter 345; or

(d) If the applicant is applying for a certificate to practice cosmetology or manicure, have successfully completed all courses a school permitted to teach cosmetology or manicure is required to teach to be licensed under ORS chapter 345.

(2) An applicant who holds a currently valid license or certificate to perform hair design, cosmetology or manicure issued by a licensing agency of another state or territory of the United States shall not be required to comply with paragraph (c) or (d) of subsection (1) of this section.

(3) An applicant shall not be required to comply with paragraph (c) or (d) of subsection (1) of this section if the applicant is the graduate of a hair design, cosmetology or manicure school in another state or territory or in a state correctional institution and the requirements for successful completion of training at the school are determined by the Superintendent of Public Instruction to meet the minimum requirements for licensing a school of hair design or a school permitted to teach cosmetology or manicure under ORS chapter 345.

(4) The board shall issue to each qualified applicant a certificate. A certificate shall be valid for one year. The certificate shall be prima facie evidence of the right of the holder to practice in the field of practice for which the holder has qualified and to represent himself as a practitioner.

(5) At the request of any applicant who has qualified to perform hair design under this section, the board shall issue a certificate designating its holder as either a "barber" or "hairstylist," or both, as the applicant requests.

(6) A certificate shall state the areas of practice the practitioner may perform.

[1977 c.886 §5]

690.050 [Amended by 1959 c.630 §1, 1961 c.436 §1; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.055 Shop license requirements.

(1) To be issued a license for a shop, each applicant shall:

(a) Be 18 years of age.

(b) Comply with the rules of the board concerning health, safety and sanitation.

(c) Comply with the applicable health and safety laws and rules of the Health Division and any other state agencies.

(d) Pay the application fee determined by the board.

(2) The board shall issue to each qualified applicant a license. A license shall be valid for one year. The license shall be prima facie evidence of the right of the owner of the shop to operate a shop and to advertise as offering the services for which the shop is licensed.

(3) A shop issued a license under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 must at all times be under the direct supervision and management of a practitioner. If hair design is practiced in the shop, the practitioner who supervises the shop must have a certificate to practice hair design.

[1977 c.886 §6]

690.060 [Amended by 1959 c.630 §2; 1961 c.436 §2; 1969 c.687 §3; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.065 Examinations. (1) Examinations shall be given at such times and places as the board may determine, but in no instance less often than once every month.

(2) Examinations shall be written or oral tests and shall test the applicant's knowledge of sanitary practices and safety for all procedures permitted and in the use of all instruments, equipment or chemicals permitted within the scope of a license and certificate in the field of practice for which the applicant is seeking certification.

[1977 c.886 §7]

690.070 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

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

(1) Continued performance of hair design, cosmetology or manicure by a person knowingly having an infectious or communicable disease.

(2) Violation of ORS 646.608 in the conduct of a hair design, cosmetology or manicure business.

(3) Violation of any of the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

[1977 c.886 §8]

690.080 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.085 Renewal of certificates and licenses. (1) Except as otherwise provided by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, all certificates and licenses issued under ORS 690.005 to 690.243 and 690.992 shall expire one year after the date of issue, unless renewed within 30 days of the expiration date by payment of the required renewal fee and compliance with other requirements for renewal. The board, however, may vary the date of certificate and license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee.

(2) Any license or certificate not renewed before it expires may be renewed within one year by payment of the required renewal fee, compliance with other requirements for renewal and payment of a late renewal fee set by the board.

(3) A certificate that has not been renewed for more than one year, and less than five years, after the date of expiration may be renewed and restored upon payment of one year's renewal fee.

(4) A certificate that has not been renewed for a period of five years after date of expiration may be renewed and restored if the applicant:

(a) Satisfactorily passes the examination required by ORS 690.065.

(b) Pays one year's license fee in advance.
[1977 c.886 §9]

690.090 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.095 Display of certificate required. (1) Every holder of a certificate shall display it in a conspicuous place adjacent to or near his work chair. If he has no work chair, the certificate shall be displayed in a conspicuous place within the shop.

(2) Every holder of a license shall display it in a conspicuous place within the shop.

[1977 c.886 §10]

690.100 [Amended by 1961 c.300 §4; 1969 c.687 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.105 Permit requirements. (1) A person not certified under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 who wishes to practice, demonstrate and teach hair design, cosmetology or manicure, or perform any one or more of such functions, temporarily and primarily for educational purposes and is otherwise quali-

fied as determined by the board shall first obtain a permit from the board.

(2) The permit shall specify:

(a) The purpose for which it is granted.

(b) The period during which the person is permitted to practice, demonstrate and teach, which period shall not exceed 10 days.

(c) The time and place of exercising the privilege granted by the permit.

(3) A person may be granted a permit under subsection (1) of this section if he:

(a) Makes application to the board for the permit.

(b) Is currently licensed or certified to practice or teach hair design, cosmetology or manicure in another state and presents satisfactory evidence of that fact to the board, or is otherwise qualified as determined by the board.

(c) Describes the purpose for which the permit is sought.

(d) Pays the required permit fee.

[1977 c.886 §11]

690.110 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.115 Temporary premises license.

(1) A person who wishes to temporarily operate any premises for teaching hair design, cosmetology or manicure shall first obtain a temporary premises license from the board.

(2) A person may be granted a license under subsection (1) of this section if he:

(a) Makes application to the board.

(b) Describes the purpose for which the license is sought.

(c) Identifies the location of the premises to be licensed.

(d) States the time and dates for which the license will be issued.

(e) Pays the required license fee.

(3) The license shall specify:

(a) The times, dates and location.

(b) The purpose for which the license is granted.

(c) The person to whom the license is issued. The person specified shall be responsible for the adherence to board rules governing health and sanitation.

(4) The period during which the premises shall be licensed shall not exceed five days.

(5) A temporary premises license is not required and shall not be issued if the educational activity is conducted in a licensed school of hair design, cosmetology or manicure.

[1977 c.886 §12]

690.120 [Amended by 1961 c.300 §5; 1973 c.832 §38; 1977 c.873 §8; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.123 Certificate of identification.

(1) A practitioner who practices outside of or away from a place of business shall carry with him a certificate of identification which must be shown to a person upon whom the work is being performed. The certificate shall contain the signature of the practitioner, his post-office address, the number and date of his certificate.

(2) The board shall, without charge, issue such certificates upon demand by any practitioner who practices away from his place of business on persons who are physically unable to visit a licensed shop.

[1977 c.886 §13]

690.125 [1961 c.300 §2; 1969 c.687 §6; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.130 [Amended by 1959 c.630 §3; 1961 c.300 §6; 1961 c.436 §3; 1969 c.687 §7; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.140 [Amended by 1965 c.274 §1; 1973 c.832 §39; 1977 c.873 §9; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.150 [Amended by 1961 c.300 §7; 1965 c.274 §2; 1969 c.687 §11; 1971 c.86 §1; 1973 c.832 §40; repealed by 1977 c.842 §26 and 1977 c.886 §42]

STATE BOARD

690.155 State Board of Barbers and Hairdressers; qualifications; appointment.

(1) There is created within the Department of Commerce a State Board of Barbers and Hairdressers consisting of seven members appointed by the Director of Commerce. Each member of the board shall serve for a term of three years and until his successor is appointed and qualified. At all times the membership of the board shall be so constituted that:

(a) Six members of the board shall be practitioners licensed under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(b) One member shall be a public member not licensed under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(2) A person is not eligible for appointment as a member of the board if:

(a) He is associated, directly or indirectly, in the manufacture of cosmetic or barber appliances or supplies or their rental, sale or distribution to licensees.

(b) He has previously served two terms.

(3) A member of the board serves at the pleasure of the Director of Commerce. Vacancies shall be filled by the Director of Commerce, by appointment for the unexpired term.

[1977 c.886 §14]

690.160 [1969 c.687 §9; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.165 Powers of board. In addition to the powers otherwise granted by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, the board shall have the power:

(1) To determine whether applicants to practice hair design, cosmetology or manicure meet the qualifications under ORS 690.045 or 690.055, to conduct examinations, and to grant certificates and licenses to qualified applicants upon compliance with ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 and the rules of the board.

(2) To establish sanitary and safety standards for the practice of hair design, cosmetology or manicure, and to enforce the standards.

(3) To prescribe and furnish forms for applications for examinations, certificates, licenses and permits.

(4) To do any act necessary or proper to effect and carry out the duties required of the board by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

[1977 c.886 §21]

690.170 [1969 c.687 §10; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.175 Officers; rules; meetings; quorum; compensation and expenses. (1) The board shall elect a chairperson. The board shall prescribe rules to govern the proceedings of the board. The board shall hold meetings at such times and places as it determines. A majority of the members of the board shall constitute a quorum.

(2) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

[1977 c.886 §§16, 17]

690.185 Administrator; appointment and compensation; services and employees. (1) The Director of Commerce shall fix the qualifications of and appoint an administrator

for the board who shall not be a member of the board. Subject to the applicable provisions of the State Merit System Law, the director shall fix the compensation of the administrator, who shall be in the unclassified service.

(2) The Director of Commerce shall provide the board with such services and employees as the board requires to carry out its duties under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

[1977 c.886 §18]

690.195 Records of board. The board shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates. This record shall also contain the name, place of business and the date of each certificate and license issued by the board. The records of the board shall at all reasonable times be open to inspection by the public.

[1977 c.886 §19]

690.200 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.205 Rules; approval of Health Division; when domestic use of premises permitted. (1) The board has authority to make reasonable rules for the administration of the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 and prescribe sanitary and safety requirements for shops. Sanitary requirements for shops shall be subject to the approval of the Health Division. A copy of the rules adopted by the board shall be furnished by the board to the owner or manager of each shop.

(2) Notwithstanding subsection (1) of this section, the board may not prohibit the use of the shop for domestic purposes if the part devoted to domestic purposes is in a completely separate room not used by customers, with walls extending from floor to ceiling and with any connecting doors kept closed while the shop is in actual operation.

(3) Any rules adopted by the board shall be adopted in accordance with the procedures set forth in ORS chapter 183.

[1977 c.886 §§20, 22 (2)]

690.210 [Repealed by 1977 c.270 §3; 1977 c.842 §26 and 1977 c.886 §42]

690.215 When hearing required. Where the board proposes to revoke or suspend or refuse to issue or renew a certificate, permit or license, opportunity for hearing shall be accorded as provided in ORS chapter 183.

[1977 c.886 §22 (1)]

690.220 [Amended by 1969 c.687 §12; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.225 Inspections. (1) In addition to any other duties prescribed by law, the Director of Commerce shall establish within the Department of Commerce a program to provide for the inspection of shops licensed under ORS 690.005 to 690.243 and 690.992 and of schools licensed to teach hair design, cosmetology or manicure under ORS chapter 345.

(2) Inspections conducted under this section shall determine whether the shops comply with the sanitary and safety requirements under ORS 690.005 to 690.243 and 690.992 and rules adopted thereunder and whether the schools comply with the sanitary and safety requirements under ORS chapter 345 and rules adopted thereunder. Upon completion of each school inspection the Director of Commerce shall cause a report of the results of the inspection to be submitted to the Superintendent of Public Instruction. [1977 c.886 §26]

690.230 [Amended by 1961 c.436 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.235 Fees. Fees required to be paid shall be paid in amounts determined by the board and approved by the Director of Commerce, except that no fee shall exceed the following:

(1) The filing of an application for an original certificate as a practitioner, \$15.

(2) An annual renewal of a certificate as a practitioner, \$15.

(3) Each examination for a certificate as a practitioner, \$15.

(4) A temporary permit issued under ORS 690.105, \$5.

(5) A shop license, \$50.

(6) An annual renewal for a shop license, \$25.

(7) A temporary premises license, \$25.

(8) A duplicate or replacement of any certificate, license or permit, \$5.

(9) A late renewal fee, \$5.

[1977 c.886 §23]

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

690.243 Use of fees. All fees and other funds received by the Department of Commerce under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 shall be paid

into the Commerce Administration Account. The payments shall be credited to a separate subaccount, and are continuously appropriated for the purpose of administering ORS 690.005 to 690.243 and 690.992.

[1977 c.886 §24]

690.245 [1971 c.734 §146; repealed by 1977 c.842 §26 and 1977 c.886 §42]

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

690.260 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.270 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

SCHOOL LICENSE

690.275 Election for school to be regulated under this chapter or under vocational school law. (1) Notwithstanding any other provision of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, any school licensed to teach barbering under the provisions of this chapter on July 27, 1977, may continue, at the election of the school, to operate under the provisions of this chapter and any rules adopted thereunder as effective on July 27, 1977, and as administered by the Superintendent of Public Instruction. If a school elects to become subject to the provisions of this section all aspects of the operation of the school shall become subject to regulation under this section, including, but not limited to, the course of study, admission requirements, teacher requirements and qualifications, teacher licensing and license renewal, requisites for graduation, work station requirements, curriculum and all other requirements for the school.

(2) If a school elects to be regulated according to the provisions of this section, it is not subject to regulation pursuant to any other provision of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992. Any student attending a school regulated according to the provisions of this section and any teacher teaching in the school are subject to the requirements of this chapter and any rules adopted thereunder only while attending or teaching in the school.

(3) No school shall be regulated according to the provisions of this section unless the school so elects before the effective date of the rules adopted by the State Board of Education pursuant to section 39, chapter 886, Oregon Laws 1977. Any school electing to operate according to this section may at any later time elect to withdraw from the provisions of this

section and become regulated as otherwise provided by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(4) Any license or certificate to teach barbering issued by the Board of Barber Examiners pursuant to this chapter before July 27, 1977, shall remain valid and may be renewed according to the provisions of this chapter and rules adopted thereunder as effective on July 27, 1977, so long as the holder teaches at a school regulated according to this section.

(5) The Superintendent of Public Instruction shall administer the provisions of this section.
[1977 c.886 §38a]

690.280 [Amended by 1965 c 373 §1; 1971 c 753 §31, repealed by 1977 c.842 §26 and 1977 c.886 42]

690.290 [Amended by 1969 c.377 §1; 1973 c.832 §40a, repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.300 [Amended by 1965 c.274 §3, 1969 c.314 §91; 1969 c.377 §4; 1973 c.832 §40b; repealed by 1977 c 842 §26 and 1977 c.886 §42]

690.310 [Amended by 1969 c.377 §5; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.320 [Amended by 1973 c.832 §41; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.330 [Amended by 1961 c.436 §5; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.340 [Amended by 1967 c.637 §34, repealed by 1977 c 842 §26 and 1977 c.886 §42]

PENALTIES

690.990 [Amended by 1977 c 270 §2, repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.992 Penalties. Violation of ORS 690.015 is a Class B misdemeanor.
[1977 c.886 §25]

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,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel

