



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: July 25, 2022

SUBJECT: Rulemaking—mobile barber shops

House Bill 792 was signed by the governor on July 8, 2022, and most provisions go into effect on January 1, 2023. The bill creates a new type of license for mobile barber shops, which currently are prohibited. This memo discusses the attached *draft* set of 30 rule amendments and adoptions to implement the bill.

Please note that this memo doesn't discuss specific methods of implementation, such as the technology that will be deployed to fulfill the statutory and rule-based requirements. Although there are implementation plans, this memo is focused on the regulatory framework.

BACKGROUND

Role of the Barber Board

The newly merged Board of Barber and Electrolysis Examiners will be the agency that has the authority to adopt rules related to mobile barber shops. The current Board of Barber Examiners won't be able to adopt the rules. (There's a possibility that the Barber Board could *propose* but not *adopt* the rules, but it would be safest to let the new board propose the rules.)

Nonetheless, there's still a crucial role for the current Barber Board to play:

- Implementation of the mobile-barber-shop provisions in HB 792 need to begin well before January 1, 2023; in fact, several implementation steps have already begun.
- The Barber Board can solicit public input to help shape the rules. That way, when the new board proposes temporary and permanent rules in January, the rules will

be more polished, with opportunities for members of the public to have given feedback.

- I anticipate that all current board members will continue to serve on the new board, so your views on these rules will affect the views of the new board.
- The executive director will need to begin work on a fiscal note and substantive economic analysis well in advance of January. Fiscal notes and substantive economic analyses require multiple drafts based on feedback from the Office of State Budget and Management, and they require a significant amount of work and time to develop. It's important to being that work as soon as possible.
- The inspection staff will need to be trained to inspector mobile shops, and that training will need to be as developed as possible before January.

How the rules were developed

The board chair appointed an ad hoc committee for mobile barber shops in 2020, and the committee shared ideas about how mobile barbering would look in North Carolina. The rules are based in part on that discussion. In addition, the rules draw on the regulatory designs in other states that have mobile barber shops, such as California, Ohio, and South Carolina.

Terminology

This memo uses the terms “mobile barber shop” and “barber shop.” The board should understand the term “barber shop” (without the word “mobile”) to refer solely to a brick-and-mortar shop.

Organization of this memo

This memo is organized according to the subchapters in Title 21, Chapter 06, which is the chapter that deals with matters under the Barber Board’s jurisdiction. Board members can locate the specific rules by referring to these subchapters. For example, the attached rule 21 NCAC 06F .0120 is in Title 21, Chapter 06, Subchapter F, and the rules are consecutive according to the number after the decimal point.

RULEMAKING PROVISIONS

Although the board should carefully consider all of the draft rules, the most important ones will be in Subchapter L below. Those are the rules that set the most fundamental requirements for mobile barber shops.

Subchapter F – barber schools

The curriculum for schools would be updated to include mobile shops, though there would be no impact on the number of hours. Under current law, schools must spend 70 hours on “Barber Styling, Shop Management, and Product Knowledge.” The draft rule 21 NCAC 06F .0120 would specify that “shop management” includes both barber shops

and mobile barber shops. Unrelated to mobile shops, the amendment would also eliminate a paragraph that is no longer relevant.

Subchapter L – barber shops

General requirements

Throughout the subchapter, there are rules that currently apply only to barber shops. Various amendments would apply the same requirements to mobile shops. In addition, the amendments make the following changes.

- Currently, applications for shop permits must be submitted at least 15 days before the shop is ready for inspection. The amendment to Rule .0104 would repeal this requirement since the staff can often either issue a consent order or conduct an inspection within 15 days.
- The amendment to Rule .0109, which deals with disinfecting chemicals, specifies the necessary criteria for disinfectants. The rule says that the disinfectants which must be registered with the EPA and be effective against several viral, bacterial, and fungal infections.

Vehicles

Under a current rule, 21 NCAC 06L .0106, the board requires shops established in mobile homes, trailers, or recreational vehicles to be permanently affixed so they can't move. The reason they must be permanently affixed is because the present law prohibits mobile shops. Among the attached rules is an amendment that eliminates the requirement for a mobile vehicle to be permanently affixed, since the new law will allow mobile shops.

A new rule, 21 NCAC 06L .0201, would set the requirements for the types of vehicles that can serve as mobile shops. Only the following vehicle types could serve as mobile shops:

- A motor home, which is defined in G.S. 20-4.01(27)(k). HB 792 explicitly states that the board must allow this type of vehicle to be permitted.
- A self-contained, self-supporting, enclosed mobile vehicle that is at least 24 feet in length. The board should be aware that this length is among the longest of sprinter vans, so smaller vehicles would be excluded. The board should give careful thought to whether this requirement is too restrictive.

The rule excludes mobile homes, motor homes, trailers, or other vehicles previously approved by the board from operating as mobile shops, unless they meet the new requirements. As discussed above, the board currently allows some of the vehicles to be barber shops, but only if they're permanently affixed. The concept behind this new rule provision is to prevent those vehicles from converting from permanently affixed shops to mobile shops without first making sure they meet the new requirements.

All vehicles will need to comply with DMV requirements. They also will need signage outside the vehicle that includes the name of the mobile shop and its permit number, and this signage must be visible from a distance of 50 yards.

Equipment

Rule .0202 would require mobile shops to:

- Have cabinets that can be easily cleaned for barbering equipment;
- Have safety catches for all cabinet doors;
- Securely anchor all equipment not stored in cabinets;
- Have at least one covered container made of noncorrosive metal or plastic for hair clippings, refuse, and other waste materials;
- Have smooth finished walls and floors;
- Have at least one barber chair, which must be covered with a smooth, non-porous surface that can be easily cleaned;
- Maintain a supply of clean towels sufficient to provide barbering services;
- Have a cabinet where clean towels can be stored separately from used towels; and
- Ensure that all barbering equipment and tools are suitable for safe cutting of hair and maintained in sanitary and good operating condition.

Toilets, sinks, sewage, and wastewater

Rule .0203 will require mobile shops to:

- Have at least one functional sink with potable, running hot and cold water. This sink must be available to both mobile shop personnel and clients;
- Have hot water tanks with a minimum capacity of six gallons;
- Have soap and disposable towels at all sinks; and
- Have at least one self-contained, recirculating, flush chemical toilet with a holding tank. This toilet must be available for use by both mobile shop personnel and clients.

Mobile shops must comply with all applicable federal, state, and local commercial, transportation, and environmental regulations that deal with the disposal of sewage and wastewater. They also must immediately stop operating when:

- The wastewater storage capacity has been reached;
- The toilets don't function;
- The sinks don't have potable, running hot and cold water;
- There's no longer an adequate supply of clean water to complete barbering services; or
- There's no longer adequate wastewater capacity to complete barbering services.

Personnel

Rule .0204 would require each mobile shop to have a licensed barber manager, which would match a similar requirement currently in place for barber shops. The licensed barber manager would be responsible for the sanitary condition of the mobile shop, and he or she would need to verify that all barbering personnel had proper authorization (either a license or temporary permit) from the board. The licensed barber manager would be responsible for all activities at the mobile shop, whether he or she is on the premises or not.

Location reporting

HB 792 requires mobile shops to report their itineraries for the upcoming month, with the location, dates, and hours of operation. These itineraries will allow the inspection staff to know where the mobile shop will be on a particular date. Rule .0205 would make it mandatory for these itineraries to be submitted through the board's website (rather than through other means, such as fax or email). The rule also prohibits mobile shops from operating in a location and on a date not in the itinerary.

The board may want to consider whether it'll allow mobile shops to update their itineraries if circumstances change. It may be difficult for mobile shops to know a month in advance where they'll be, although it's clear that the new board will have the authority to establish this requirement. Rule .0205 could be updated to allow changes to the itinerary, perhaps with a certain amount of advance notice. At the same time, the board should keep in mind that the closer to the actual date that the itinerary can be modified, the harder it'll be for the staff to plan inspections.

Subchapter N – fees and forms

Fees

Rule .0101 would be amended to establish fees for mobile shop permits and renewals, late fees, and inspection fees. The proposed fees would be the maximum allowed under statute and would match the fees for barber shops:

Description	Amount
Mobile shop permit or renewal	\$50.00
Late fee to restore an expired mobile shop permit	\$45.00
Inspection of a newly established mobile shop	\$120.00

As with most other license types, either the mobile shop permit would need to be renewed online or the owner or manager would need to get a waiver to renew by mail.

Rule .0114, which allows members of the Armed Forces to have fees waived in certain circumstances, would be extended to include mobile shops.

Application

A new application type would be established by Rule .0116, which would require:

- The shop name;
- The permanent business address, which is a physical location that all mobile shops must have;
- Information about both the licensed barber manager and the owner;
- If available, the email address, website, or social media handle of the mobile barber shop;
- The physical dimension;
- The VIN, license plate number, and vehicle make and model for the mobile shop;
- Business hours;
- An explanation of how the mobile shop will dispose of sewage and wastewater;
- The type of fixtures installed; and
- The date the mobile shop will be ready for inspection.

Subchapter O – civil penalties

The following are already existing civil penalties for barber shops or schools, and they'll continue to exist. However, the amendments will extend the penalties to mobile barber shops. The indicated ranges of penalties depend on whether the recipient has previously committed the violation, and the draft rules don't propose to change the fine amounts.

- Barber shop or mobile barber shop manager allowing a barber or apprentice to practice without a license: \$300-\$500;
- Failure of a barber shop, mobile barber shop, or barber school to display a current license: \$100-\$250;
- Barber shop, mobile barber shop, or barber school allowing an individual to perform barbering without displaying a current license or permit: \$100-\$250;
- Refusing to permit or preventing the inspection of a barber shop, mobile barber shop, or barber school: \$150-\$500;
- Barber shop or mobile barber shop owner or manager failing to positively identify a licensed barber, apprentice, or holder of a temporary permit: \$100-\$250;
- Manager of a barber shop or mobile barber shop allowing an animal (apart from service dogs) in the barber shop or mobile barber shop: \$100-\$250;
- Failure of an owner or manager of a barber shop, mobile shop, or barber school to notify the board of a change of address: \$50-\$200;
- Failure of a barber shop, mobile barber shop, or barber school to display its sanitation grade or permit in a place visible to the public: \$150-\$400; and
- Failure of a barber shop or mobile shop to notify the board of a change of licensed barber manager: \$50-200. Though not related to mobile shops, the same rule is being amended to create a new paragraph, but the effect is to replicate the effect of an existing rule; the amendment is only necessary to reflect

the changed in name for barber school managers (which will be known as licensed instructor managers). In addition, a paragraph is proposed for repeal because it duplicates provisions that appear earlier in the rule and therefore is unnecessary.

The following would be new civil penalties that deal specifically with mobile barber shops:

- Operating a mobile shop without first filing an application for a mobile barber shop permit, obtaining an inspection, and obtaining a mobile barber shop permit: \$400-\$500. The board should note that there's a comparable civil penalty for barber shops, but the range of penalties is \$200-\$500. The justification for higher penalties for mobile shops is to help discourage illegal mobile shops and issue heftier fines at the outset, since illegal mobile shops would be harder to locate;
- Operating a mobile shop with an expired permit: \$200-500. The comparable barber shop penalty for a first offense is \$50 less expensive, but otherwise the penalties are identical. The justification for the higher amount for a first offense is the same as what was discussed in the previous bullet point;
- Operating a mobile shop after wastewater storage capacity has been reached: \$300-\$500;
- Operating a mobile shop with toilets that don't function: \$300-\$500;
- Operating a mobile shop without potable, running hot and cold water: \$300-\$500;
- Operating a mobile shop without soap and disposable towels for all sinks: \$200-\$400;
- Failing to submit the monthly report that shows the mobile shop's itinerary for the upcoming month: \$300-\$500;
- Operating a mobile shop at a location on a particular date not included in the monthly report: \$500. Please note that there is a single civil penalty for this violation, whereas violations usually (though not always) have a range of penalties, depending on whether it was a first, second, or third offense. Operators of mobile shops will be tempted to operate away from the reported locations; perhaps a client calls and asks to be fit in, or the shop simply decides it'd be easier to operate elsewhere. It'll be important to establish strong penalties for noncompliance, and \$500 is the maximum allowed under law; and
- Disposing of sewage or wastewater by means contrary to applicable federal, state, and local commercial, transportation, or environmental statutes and rules: \$500. Given the seriousness of this violation, the new board should establish a hefty penalty. Apart from issuing civil penalties, the board could also have a policy of referring these violations to the appropriate government authorities with jurisdiction over the unlawful disposal.

The following violation types would be repealed:

- Operating a mobile barber shop in a mobile home: \$200-500. As discussed earlier in this memo, the provisions in 21 NCAC 06L .0106(e) related to

permanently affixed mobile homes are being repealed, so this violation would also be repealed; and

- One paragraph in Rule .0119 is proposed for repeal, but only because the two paragraphs in that rule have been rewritten to combine the information into one paragraph. There would be no change in the requirement for barber shops or barber schools to notify the board of a change of address, nor would the penalties change for violations.

Subchapter Q – prohibited practices

There is one rule in this subchapter, dealing with the additional grounds for denial or discipline. Its provisions have been extended to mobile barber shops. Also, one of the terms in the rule has been updated to reflect new terms as established by HB 792 (“license” rather than “certificate of registration”). Otherwise, there will be no change in the impact of this rule on existing license types.

Subchapter R – display of sign or barber pole

The board has a single rule in this subchapter that requires entities to have signage (e.g., a barber pole or a sign that says “barber shop”). The amendment would extend the requirements to mobile barber shops.

1 21 NCAC 06F .0120 is proposed for amendment as follows:

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3 **21 NCAC 06F .0120 BARBER SCHOOL CURRICULA CURRICULUM**

4 (a) The following categories and courses shall comprise the minimum course work for all students at barber schools:

5

Hours

6

Classroom Lecture and Study Periods:

7

Hygiene and Good Grooming, Professional Ethics 25

8

Bacteriology, Sterilization, Sanitation 50

9

Implements, Honing, Stropping, and Shaving 30

10

Men's Haircutting 20

11

Cutting and Styling Curly Hair, Mustaches, and Beards 10

12

Shampooing and Rinsing, Scalp and Hair Treatments 10

13

Theory of Massage and Facial Treatments 5

14

Men's Razor Cutting, Women's Razor, and Shear Cutting 30

15

Finger Waving Men's Hair, Air Waving, and Curling Iron Techniques 5

16

Permanent Waving For Men, Chemical Hair Relaxing, and Blow Drying 25

17

Hair Coloring 10

18

Men's Hair Pieces 5

19

The Skin, Scalp, and Hair 30

20

Disorders of the Skin, Scalp, and Hair 15

21

Anatomy and Physiology 10

22

Electricity Therapy, Light Therapy, and Chemistry 10

23

Barber Styling, Barber Shop and Mobile Barber Shop Management, and Product Knowledge

24

70

25

Licensing Laws and Rules and History of Barbering 20

26

27

Supervised Practice in Barbering:

28

Shampooing and Scientific Hair and Scalp Treatments 55

29

Shaving 50

30

Tapered Hair Cutting 250

31

Hair Styling of Men and Women 400

32

Facials, Massages, and Packs 10

33

Bleaching, Frosting, Hair Coloring, and Body Permanents 90

34

Cutting and Fitting Hair Pieces 5

35

Hair Straightening 5

36

The Analyzing and Treatment of Hair and Skin Disorders 10

37

1	Lectures and Demonstrations on Practical Work:	
2	Shampooing and Scientific Hair and Scalp Treatments	15
3	Shaving	20
4	Tapered Hair Cutting	70
5	Hair Styling of Men and Women	100
6	Facials, Massages, and Packs	5
7	Bleaching, Frosting, Hair Coloring, and Permanent Waving	30
8	Cutting and Fitting Hair Pieces	5
9	Hair Straightening	3
10	The Analyzing and Treating of Hair and Skin Disorders	10
11	Men's and Women's Razor Cutting	15
12		
13		Total Hours 1,528 <u>1,528</u>

14
15 (b) Barber schools shall offer no more than the following hours through online classes based on the curriculum set
16 forth in Paragraph (a) of this Rule:

17		Hours
18	Classroom Lecture and Study Periods:	380
19		
20	Supervised Practice in Barbering:	
21	Tapered Hair Cutting	25
22	Hair Styling of Men and Women	34
23	Bleaching, Frosting, Hair Coloring, and Body Permanents	35
24		
25	Lectures and Demonstrations on Practical Work:	
26	Shampooing and Scientific Hair and Scalp Treatments	8
27	Shaving	5
28	Tapered Hair Cutting	20
29	Hair Styling of Men and Women	50
30	Bleaching, Frosting, Hair Coloring, and Permanent Waving	5
31	The Analyzing and Treating of Hair and Skin Disorders	7
32	Men's and Women's Razor Cutting	7
33		
34		Total Online Hours 576

35

1 (c) All barber schools shall use course books and training materials specifically created for the purpose of teaching
2 barbering skills. Unless the course book or training material has separate and distinct sections covering the practice of
3 barbering, cosmetology course books and training materials are not acceptable.

4 ~~(d) Through December 31, 2021, barber schools may offer all hours listed in Paragraph (a) of this Rule through online~~
5 ~~classes, Paragraph (b) of this Rule notwithstanding.~~

6

7 *Authority G.S. 86B-28*

1 21 NCAC 06L .0104 is proposed for amendment as follows:

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3 **21 NCAC 06L .0104 BARBER SHOP AND MOBILE BARBER SHOP PERMITS**

4 ~~(a) All applications for shop permits shall be on file in the office of the Board 15 days prior to the date when a shop~~
5 ~~will be complete and ready for inspection. Applications shall meet the requirements of 21 NCAC 06N .0102.~~

6 ~~(b)~~(a) If the barber shop or mobile barber shop ~~is~~ will not be ready for inspection on a scheduled date, the owner or
7 licensed barber manager shall notify the Board.

8 ~~(c)~~(b) ~~Failure~~ If a barber shop or mobile barber shop fails to notify the Board of a change of address before the
9 inspection, the barber shop or mobile barber shop shall result in forfeiture of ~~forfeit~~ the inspection fee.

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11 *Authority G.S. 86B-11; 86B-19*

1 21 NCAC 06L .0106 is proposed for amendment as follows:

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3 **21 NCAC 06L .0106 SEPARATION FROM OTHER BUSINESSES; RESIDENTIAL SHOPS; MOBILE**
4 **HOMES BARBER SHOPS**

5 (a) When a building or room is used for both a barber shop and for some other business and the building or room does
6 not have air conditioning, ventilation, ~~or~~ heat outlets, or air circulation, the required partition between the barber shop
7 and the other business may be completed from the floor up to a minimum of six feet with material from six feet to the
8 ceiling that permits ~~good~~ air circulation.

9 (b) Notwithstanding Paragraph (a) of this Rule and ~~21 NCAC 06L .0102~~, Rule .0102 of this Subchapter, when a
10 barber shop is located within a ~~shop~~ salon licensed by the North Carolina Board of Cosmetic Art Examiners and was
11 permitted on or after January 1, 1995, or undergoes modifications or structural renovations after that date, the area
12 where the barber chair or chairs are located shall comply with the sanitary regulations in ~~G.S. 86A-15(a)~~ G.S. 86B-
13 21(a) and this Subchapter not inconsistent with this Rule.

14 (c) A barber shop permitted on or after July 1, ~~2008~~ 2008, that operates in a residential building shall maintain a
15 separate entrance that shall not open off the living quarters, and shall not have any doors or openings leading to the
16 living quarters that are unlocked during business hours. Entrance through garages or any other rooms is not permitted.

17 (d) The toilet facilities or any sink in the living quarters of any residence shall not be considered to comply with the
18 toilet facility and sink requirements in 21 NCAC 06L .0103 or the sink distance requirement in 21 NCAC 06L .0107.

19 ~~(e) For barber shops permitted on or after July 1, 2008, mobile homes, motor homes, trailers or any type of recreational~~
20 ~~vehicle shall be permanently affixed so they cannot be moved. Any such structure approved for a barber shop shall~~
21 ~~maintain a separate entrance that shall not open off the living quarters, and shall not have any doors or openings to the~~
22 ~~living quarters that are unlocked during business hours.~~

23

24 *Authority G.S. 86B-21*

1 21 NCAC 06L .0109 is proposed for amendment as follows:

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3 **21 NCAC 06L .0109 ~~COMMERCIAL CHEMICALS~~ DISINFECTANTS**

4 (a) No person, ~~barber shop, mobile barber shop,~~ or school licensed or ~~registered permitted~~ under ~~Chapter 86A Chapter~~
5 86B of the North Carolina General Statutes shall use any ~~commercial chemical~~ disinfectant in the practice of barbering
6 unless the ~~commercial chemical~~ disinfectant is received with a list of all contents and instructions for its use.

7 (b) ~~For the purposes of this Rule, "commercial chemical" is defined in G.S. 86A-5(b)(1).~~ Disinfectants must be:

8 (1) registered with the Environmental Protection Agency; and

9 (2) effective against communicable pathogens, including:

10 (A) Human immunodeficiency virus;

11 (B) Hepatitis B and C;

12 (C) Herpes;

13 (D) Influenza;

14 (E) Human coronavirus, including severe acute respiratory syndrome coronavirus 2;

15 (F) Trichophyton;

16 (G) Microsporum;

17 (H) Epidermophyton; and

18 (G) Staphylococcus.

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20 *Authority G.S. 86B-21*

1 21 NCAC 06L .0111 is proposed for amendment as follows:

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3 **21 NCAC 06L .0111 WHERE BARBER SERVICES MAY BE PERFORMED**

4 (a) Except as provided in this Rule, all barber services as defined in ~~G.S. 86A-2~~ G.S. 86B-12 shall only be performed
5 at a location or vehicle permitted by the Board as a barber ~~shop.~~ shop or mobile barber shop.

6 (b) A ~~registered~~ licensed barber may perform barbering services in a client's home, and the home shall be exempt
7 from the inspection requirements of ~~G.S. 86A-15(b);~~ G.S. 86B-21(b) under the following conditions:

8 (1) The client upon whom barber services are being performed is unable, due to a medical necessity, to
9 come to a ~~licensed~~ barber shop or mobile barber shop;

10 (2) The licensed barber maintains a log of each instance where this exemption is used, including the
11 name of the client, address of the home where the services were performed, the date services were
12 performed, and the medical necessity requiring that barber services be provided in the home. The
13 log shall be made available to the Board and its inspectors ~~for review~~ for review; and

14 (3) The licensed barber otherwise complies with ~~G.S. 86A-15(a);~~ G.S. 86B-21(a).

15 (c) For purposes of this Rule, a "client's home" includes the client's residence, nursing homes, rest homes, retirement
16 homes, mental health institutions, and similar institutions where the client has established permanent residency.

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18 *Authority G.S. 86B-11; 86B-12; 86B-21*

1 21 NCAC 06L .0119 is proposed for amendment as follows:

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3 **21 NCAC 06L .0119 SYSTEMS OF GRADING BARBER SHOPS SHOPS, MOBILE BARBER SHOPS,**
4 **AND BARBER SCHOOLS**

5 The system of grading the sanitary rating of all barber ~~shops~~ shops, mobile barber shops, and schools shall be as
6 follows, setting forth areas to be ~~inspected,~~ inspected and the maximum points given for compliance. In cases where
7 barber ~~shops~~ shops, mobile barber shops, or schools are exempt from specific rules cross-referenced below, the barber
8 shop or school shall receive the maximum points for that listing:

9 (1) whether the entrance and waiting area are sanitary 2;

10 (2) whether ~~there is a water system~~ the business complies with the applicable requirements for hot and
11 cold running ~~water and~~ water, plumbing or a septic system for removal of ~~sewage~~ sewage, and
12 disposal of wastewater 2;

13 (3) whether the walls and floors:

14 (a) comply with 21 NCAC 06F .0101(b)(8) for barber ~~schools or~~ schools, ~~21 NCAC 06L~~
15 ~~.0103(b)~~ Rule .0103(b) of this Subchapter for barber ~~shops~~ shops, or Rule .0202(4) of this
16 Subchapter for mobile barber shops 9;

17 (b) are sanitary 7;

18 (4) whether the barber ~~shop~~ shop, mobile barber shop, or school is well-lighted and well-ventilated,
19 with sanitary windows, fixtures, and ventilation surfaces 3;

20 (5) whether the ~~public~~ toilet toilets or lavatories:

21 (a) are sanitary and well-ventilated 5;

22 (b) have soap and ~~individual~~ disposable towels 5;

23 (c) have hot and cold running water 2;

24 (6) whether each person working as a barber is sanitary in person and dress 1;

25 (7) for towels and linens:

26 (a) whether there is a supply of sanitary towels 2;

27 (b) whether clean towels are stored separately as set forth in 21 NCAC 06F .0101(b)(12) for
28 barber ~~schools~~ schools, or ~~21 NCAC 06L .0103(e)~~ Rule .0103(e) of this Subchapter for
29 barber ~~shops~~ shops, or Rule .0202 of this Subchapter for mobile barber shops 3;

30 (c) whether barbers have a sanitary hair cloth or cape for clients 1;

31 (8) whether there is a soiled towel receptacle that meets the requirements set forth in ~~G.S. 86A-~~
32 ~~15(a)(2)(d)~~ G.S. 86B-21(a)(2)(d) 4;

33 (9) for tools and instruments:

34 (a) whether disinfectants used by the barber shop or school are selected from those approved
35 by the federal Environmental Protection Agency 4;

36 (b) whether disinfectants are used according to manufacturer instructions 4;

- 1 (c) whether all implements are cleaned and disinfected and, when not in use, stored in a tool
2 cabinet as set forth in 21 NCAC 06F .0101(b)(11) for barber ~~schools schools, or 21 NCAC~~
3 ~~06L .0103(a)~~ Rule .0103(a) of this Subchapter for barber ~~shops shops, or Rule .0202(1) of~~
4 this Subchapter 8;
- 5 (10) for working areas:
- 6 (a) whether the work stand is sanitary 3;
7 (b) whether sinks are sanitary 2;
8 (c) whether jars and containers are sanitary and disinfected 1;
9 (d) whether the work area is free from equipment that is unnecessary to provide barbering
10 services, and whether articles in the work area are sanitary 1;
- 11 (11) whether the ~~license, permit, license or certificate of registration~~ permit is current and posted as set
12 forth in ~~G.S. 86A-16~~ G.S 86B-23 10;
- 13 (12) whether the sanitary rules and regulations are posted in a conspicuous place as set forth in ~~G.S. 86A-~~
14 ~~15(b)~~ G.S. 86B-21(b) 1;
- 15 (13) whether there are sterilizing containers and solutions that are used according to manufacturer
16 instructions 20.

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18 *Authority G.S. 86B-2; 86B-20; 86B-21; 86B-23*

1 21 NCAC 06L .0120 is proposed for amendment as follows:

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3 **21 NCAC 06L .0120 NOTIFICATION OF CHANGE OF ADDRESS**

4 The ~~owner or manager of a barber shop or mobile barber shop~~ ~~owner or manager~~ shall notify the Board of a change
5 in the barber shop's or mobile barber shop's mailing address or, if changed by the United States Postal Service, the
6 physical address, within five business days of the change.

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8 *Authority G.S. 86B-11*

1 21 NCAC 06L .0201 is proposed for adoption as follows:
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3 **SECTION .0200 – MOBILE BARBER SHOPS**
4

5 **21 NCAC 06L .0201 VEHICLES**

6 (a) Only the following vehicle types shall qualify as mobile barber shops:

7 (1) a motor home as defined in G.S. 20-4.01(27)(k);

8 (2) a self-contained, self-supporting, enclosed mobile vehicle that is at least 24 feet in length.

9 (b) The vehicle shall have sufficient capacity for the barber to be able to maneuver around the barber chair and safely
10 provide barbering services.

11 (c) All vehicles shall comply with the statutes and rules of the North Carolina Division of Motor Vehicles.

12 (d) Mobile homes, motor homes, trailers, or any type of recreational vehicle approved before January 1, 2023, as
13 permanently affixed barber shops are not authorized to operate as mobile barber shops unless they meet the
14 requirements of this Section and 21 NCAC 06N .0116.

15 (d) Mobile barber shops shall display the name of the mobile barber shop and permit number on the outside of the
16 vehicle so that the name and permit number can be seen by the public from a distance of 50 yards.

17
18 *Authority G.S. 86B-20*

1 21 NCAC 06L .0202 is proposed for adoption as follows:

2

3 **21 NCAC 06L .0202 EQUIPMENT**

4 Mobile barber shops shall:

5 (1) have at least one cabinet with for barbering equipment that is constructed of material that may be
6 cleaned;

7 (2) have safety catches for all storage cabinet doors and securely anchor to the mobile vehicle all
8 equipment not stored in cabinets;

9 (3) have at least one covered container made of noncorrosive metal or plastic, where all hair clippings,
10 refuse, and other waste materials must be deposited;

11 (4) have smooth finished walls and floors;

12 (5) have at least one barber chair, with all barber chairs covered with a smooth, non-porous surface,
13 such as vinyl or leather, that is easily cleaned as required by G.S. 86B-21(a)(2)(c);

14 (6) maintain a supply of clean towels sufficient to provide barbering services;

15 (7) have a cabinet, or other method of storage, such that clean towels are stored separate from used
16 towels; and

17 (8) ensure that all equipment and tools used in the practice of barbering as set forth in G.S. 86B-12 is
18 suitable for the safe cutting of hair and maintained in sanitary and good operating condition as
19 required by G.S. 86B-21(a)(2).

20

21 *Authority G.S. 86B-20; 86B-21*

1 21 NCAC 06L .0203 is proposed for adoption as follows:

2
3 **21 NCAC 06L .0203 TOILETS, SINKS, SEWAGE, AND WASTEWATER**

4 Mobile barber shops shall:

- 5 (1) be equipped with at least one functional sink with potable, running hot and cold water, with the sink
6 available for use by both mobile barber shop personnel and clients;
7 (2) have hot water tanks with a minimum capacity of six gallons;
8 (3) provide soap and disposable towels for all sinks;
9 (4) be equipped with at least one self-contained, recirculating, flush chemical toilet with a holding tank,
10 with the toilet available for use by both mobile barber shop personnel and clients;
11 (5) comply with all applicable federal, state, and local commercial, transportation, and environmental
12 statutes and rules related to the disposal of sewage and wastewater; and
13 (6) immediately cease operation when:
14 (a) wastewater storage capacity has been reached;
15 (b) the toilets do not function;
16 (c) the sinks do not have potable, running hot and cold water;
17 (d) there is no longer an adequate supply of clean water to complete barbering services; or
18 (e) there is no longer adequate wastewater capacity to complete barbering services.

19
20 *Authority G.S. 86B-20*

1 21 NCAC 06L .0204 is proposed for adoption as follows:

2

3 **21 NCAC 06L .0204 PERSONNEL**

4 (a) Each mobile barber shop shall have a licensed barber manager responsible for the following:

5 (1) the sanitary condition, as defined in 21 NCAC 06P .0103(10), of the mobile barber shop;

6 (2) verifying that only licensed barbers, apprentices, or holders of valid temporary permits provide
7 barbering services in the mobile barber shop; and

8 (3) conducting a verification based on government-issued identification that any licensee employed in
9 the mobile barber shop is the person whose name appears on the license before allowing the licensee
10 to perform barbering services in the mobile barber shop.

11 (b) The licensed barber manager is accountable for activities at the mobile barber shop, whether or not he or she is
12 present on the premises.

13

14 *Authority G.S. 86B-20*

1 21 NCAC 06L .0205 is proposed for adoption as follows:

2

3 **21 NCAC 06L .0205 MONTHLY REPORTS OF LOCATIONS**

4 (a) Mobile barber shops shall submit a report at the website address in 21 NCAC 06A .0102(c) by the last day of each
5 month showing where they will provide services for the upcoming month. This report shall include the following for
6 each day of the month:

7 (1) the address where the mobile barber shop will operate; and

8 (2) the hours of operation.

9 (b) Mobile barber shops are prohibited from operating at a location on a particular date unless that location and date
10 match the information listed in the report required by Paragraph (a) of this Rule.

11

12 *Authority G.S. 86B-20*

1 21 NCAC 06N .0101 is proposed for amendment as follows:

2

3 **21 NCAC 06N .0101 FEES, ACCESS TO FORMS, AND RENEWALS**

4 (a) The Board charges the following amounts for the fees authorized by ~~G.S. 86A-25~~; G.S. 86B-31:

5	(1)	Certificate of registration or renewal as a <u>licensed</u> barber	\$50.00
6	(2)	Certificate of registration or renewal as an a <u>licensed</u> apprentice barber	\$50.00
7	(3)	Barbershop <u>Barber shop</u> permit or renewal	\$50.00
8	(4)	<u>Mobile barber shop permit or renewal</u>	\$50.00
9	(4) (5)	Examination to become a registered <u>licensed</u> barber	\$85.00
10	(5) (6)	Examination to become a registered <u>licensed</u> apprentice barber	\$85.00
11	(6) (7)	Late fee for restoration of an expired barber certificate <u>license</u> within first year after expiration	\$35.00
12			\$35.00
13	(7) (8)	Late fee for restoration of an expired barber certificate <u>license</u> after first year after expiration but within five years after expiration	\$70.00
14			\$70.00
15	(8) (9)	Late fee for restoration of an expired apprentice certificate <u>license</u> within the first year after expiration	\$35.00
16			\$35.00
17			\$35.00
18	(9) (10)	Late fee for restoration of an expired apprentice certificate <u>license</u> after first year after expiration but within three years of first issuance of the certificate <u>license</u>	\$45.00
19			\$45.00
20	(10) (11)	Late fee for restoration of an expired barber shop certificate <u>permit</u>	\$45.00
21	(12)	Late fee for restoration of an expired mobile barber shop permit	\$45.00
22	(11) (13)	Examination to become a barber school instructor	\$165.00
23	(12) (14)	Student permit	\$25.00
24	(13) (15)	Issuance of any duplicate copy of a license, certificate, license or permit	\$10.00
25	(14) (16)	Barber school permit or renewal	\$130.00
26	(15) (17)	Late fee for restoration of an expired barber school certificate <u>permit</u>	\$85.00
27	(16) (18)	Barber school instructor certificate <u>license</u> or renewal	\$85.00
28	(17) (19)	Late fee for restoration of an expired barber school instructor certificate <u>license</u> within first year after expiration	\$45.00
29			\$45.00
30	(18) (20)	Late fee for restoration of an expired barber school instructor certificate <u>license</u> after first year after expiration but within three years after expiration	\$85.00
31			\$85.00
32	(19) (21)	Inspection of newly established barbershop <u>barber shop</u>	\$120.00
33	(22)	Inspection of newly established mobile barber shop	\$120.00
34	(20) (23)	Inspection of newly established barber school	\$220.00
35	(21) (24)	Issuance of a registered barber or apprentice certificate <u>license</u> by certification <u>reciprocity</u>	\$120.00
36	(22) (25)	Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter	

1 ~~(23)~~(26) Charge for duplication services and material shall be as set forth in 26 NCAC 01 .0103(a), including
2 any subsequent amendments and editions of the Rule

3 ~~(24)~~(27) ~~Certificate of registration or renewal~~ Licensure as a barber or apprentice barber for barbers over 70
4 years of age \$0.00

5 ~~(25)~~(28) Administrative fee under ~~G.S. 86A-27(d)~~ G.S. 86B-10(d) for paying any required fee for renewal
6 or restoration, or a civil penalty and attorney fee, where the apprentice barber or registered barber
7 is subject to a pick-up order issued to an inspector. \$70.00

8 (b) Except as set forth in Paragraph (c) of this Rule, if an applicant is unable to attend an examination, he or she may
9 request a refund of the fee. To request the refund, the applicant shall submit a written request to the address listed in
10 21 NCAC 06A .0102 at least 10 days before the scheduled examination.

11 (c) If an applicant submits a request for a refund of examination fees later than 10 days before the scheduled
12 examination, the Board shall consider the request on a case-by-case basis and only grant the request if the applicant
13 demonstrates good cause for not complying with Paragraph (b) of this Rule. For the purpose of this Rule, "good cause"
14 means that the applicant could not have submitted the written request as set forth in Paragraph (b) of this Rule due to
15 circumstances such as illness, injury, or death in the family.

16 (d) In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2, the Board shall continue
17 to issue and renew licenses and all fees tendered shall be placed in the escrow account maintained by the Board for
18 this purpose.

19 (e) The forms set forth in this Subchapter may be obtained on the website or at the address listed in 21 NCAC 06A
20 .0102.

21 (f) All timely renewals of ~~licenses, permits, licenses or certificates of registration~~ permits shall be submitted online
22 at the Board's ~~website, website listed in 21 NCAC 06A .0102,~~ along with any fees required by this Rule.

23 (g) Barber school permits shall be exempt from the online renewal requirement in Paragraph (f) of this Rule.

24 (h) ~~Registered Licensed~~ barbers, ~~apprentice barbers, licensed apprentices,~~ barber instructors, ~~or barber shops shops,~~
25 or mobile barber shops that are unable to comply with the online requirement of Paragraph (f) of this Rule may submit
26 the renewal and payment by mail or in person after receiving a waiver from the Board. This waiver shall be effective
27 only for one renewal period. The Board shall issue a waiver within five business days after receiving the following:

28 (1) For registered barbers, apprentice barbers, or barber instructors, a statement from the holder of the
29 ~~license, permit, license or certificate of registration~~ permit that the individual is not able to renew
30 online; or

31 (2) For barber ~~shops, shops or mobile barber shops~~ a statement from the manager or owner that neither
32 the manager nor owner are able to renew online.

33
34 *Authority G.S. 86B-2; 86B-10; 86B-31; 93B-2*

1 21 NCAC 06N .0103 is proposed for amendment as follows:

2

3 **21 NCAC 06N .0103 FORM BAR-2**

4 (a) The Form BAR-2 shall be filed when there is a change of ~~management~~ licensed barber manager at any barber
5 shop or mobile barber shop. It requires the following:

6 (1) the name, mailing address, and permit number of the barber shop or mobile barber shop before the
7 change of management;

8 (2) the name of the barber shop or mobile barber shop after the change of management, if the ~~barber~~
9 ~~shop~~ business name changes;

10 (3) the name, address, and ~~certificate~~ license number of the new ~~manager or managers;~~ licensed barber
11 manager;

12 (4) if the barber shop or mobile barber shop was closed at the time the Form BAR-2 was submitted, the
13 date of closure; and

14 (5) the former licensed barber manager's name and ~~certificate~~ license number.

15 (b) The Form BAR-2 shall be notarized.

16

17 *Authority G.S. 86B-2; 86B-11; 86B-15*

1 21 NCAC 06N .0114 is proposed for amendment as follows:

2
3 **21 NCAC 06N .0114 EXTENSIONS FOR MEMBERS OF THE ARMED FORCES**

4 (a) If an individual is licensed or owns a business licensed under ~~G.S. 86A~~, G.S. 86B, is serving in the Armed Forces
5 of the United States, and has received an extension of time to file a tax return under G.S. 105-249.2, the Board shall
6 waive the following fees for the same period that would apply if the license fee were a tax:

- 7 (1) the late fee for restoration of an expired barber ~~certificate~~ license within the first year after expiration
8 as set forth in ~~21 NCAC 06N .0101(a)(6)~~; Rule .0101(a)(7) of this Subchapter;
- 9 (2) the late fee for restoration of an expired barber ~~certificate~~ license after the first year after expiration
10 but within five years after expiration as set forth in ~~21 NCAC 06N .0101(a)(7)~~; Rule .0101(a)(8) of
11 this Subchapter;
- 12 (3) the late fee for restoration of an expired apprentice ~~certificate~~ license within the first year after
13 expiration as set forth in ~~21 NCAC 06N .0101(a)(8)~~; Rule .0101(a)(9) of this Subchapter;
- 14 (4) the late fee for restoration of an expired apprentice ~~certificate~~ license after the first year after
15 expiration but within three years of first issuance of the ~~certificate~~ license as set forth in ~~21 NCAC~~
16 ~~06N .0101(a)(9)~~; Rule .0101(a)(10) of this Subchapter;
- 17 (5) if the individual serving in the Armed Forces is the ~~barbershop~~ licensed barber manager or barber
18 shop owner, the late fee for restoration of an expired barber shop ~~certificate~~ permit as set forth in ~~21~~
19 ~~NCAC 06N .0101(a)(10)~~; Rule .0101(a)(11) of this Subchapter;
- 20 (6) if the individual serving in the Armed Forces is the license barber manager or barber shop owner,
21 the late fee for restoration of an expired mobile barber shop permit as set forth in Rule .0101(a)(12)
22 of this Subchapter;
- 23 ~~(6)(7)~~ if the individual serving in the Armed Forces is the barber school manager or owner, the late fee for
24 restoration of an expired barber school ~~certificate~~ permit as set forth in ~~21 NCAC 06N .0101(a)(15)~~;
25 Rule .0101(a)(17) of this Subchapter;
- 26 ~~(7)(8)~~ the late fee for restoration of an expired ~~barber school~~ instructor ~~certificate~~ license within the first
27 year after expiration as set forth in ~~21 NCAC 06N .0101(a)(17)~~; Rule .0101(a)(19) of this
28 Subchapter; and
- 29 ~~(8)(9)~~ the late fee for restoration of an expired ~~barber school~~ instructor ~~certificate~~ license after the first year
30 after expiration but within three years after expiration as set forth in ~~21 NCAC 06N .0101(a)(18)~~.
31 Rule .0101(a)(20) of this Subchapter;

32 (b) To receive any extension as set forth in Paragraph (a) of this Rule, the individual shall submit the following to the
33 Board at the address in 21 NCAC 06A .0102:

- 34 (1) a written request that states what extension he or she is seeking; and
35 (2) a copy of the documentation from the North Carolina Department of Revenue granting the extension
36 under G.S. 105-249.2.

1 *Authority G.S. 93B-15(a)*

1 21 NCAC 06N .0116 is proposed for adoption as follows:

2

3 **21 NCAC 06N .0116 FORM BAR-13**

4 (a) The Form BAR-13 shall be filed when one applies to open or manage a new mobile barber shop. It requires the
5 following:

6 (1) the name of the shop;

7 (2) the permanent business address required by G.S. 86B-20(g);

8 (3) the name, address, and license number of the licensed barber manager;

9 (4) the name and address of the mobile barber shop owner;

10 (5) if available, the email address, website, or social media handle of the mobile barber shop;

11 (6) the physical dimensions of the mobile barber shop;

12 (7) the vehicle identification number, license plate number, and vehicle make and model of the mobile
13 barber shop;

14 (8) the mobile barber shop business hours;

15 (9) an explanation of how the mobile barber shop will dispose of sewage and wastewater;

16 (10) the type of fixtures installed; and

17 (11) the date the mobile barber shop will be ready for inspection.

18 (b) The fee required by Rule .0101(a)(22) of this Subchapter shall accompany this form.

19 (c) The Form BAR-13 shall include the applicant's attestation that the information in the form is correct.

20

21 *Authority G.S. 86B-11; 86B-19; 86B-20; 86B-21; 86B-31*

1 21 NCAC 06O .0105 is proposed for amendment as follows:

2

3 **21 NCAC 06O .0105 UNLICENSED BARBER OR APPRENTICE**

4 (a) The presumptive civil penalty for a barber shop or mobile barber shop manager allowing a barber or apprentice to
5 practice without a license:

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$500.00

8 (b) The presumptive civil penalty for an individual engaging in barbering without a license:

9 (1) 1st offense \$250.00

10 (2) 2nd offense \$450.00

11 (3) 3rd offense \$500.00

12

13 *Authority G.S. 86B-10; 86B-11*

1 21 NCAC 06O .0106 is proposed for amendment as follows:

2

3 **21 NCAC 06O .0106 DISPLAY OF CURRENT LICENSE**

4 (a) The presumptive civil penalty for the failure of a barber ~~shop~~ shop, mobile barber shop, or barber school to display
5 a current barber shop or mobile barber shop or school license:

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

9 (b) The presumptive civil penalty for a barber ~~shop~~ shop, mobile barber shop, or barber school ~~to allow~~ allowing an
10 individual to perform barbering without displaying a current license or permit:

11 (1) 1st offense \$100.00

12 (2) 2nd offense \$150.00

13 (3) 3rd offense \$250.00

14 (c) The presumptive civil penalty for an individual ~~to practice~~ practicing barbering without displaying a current license
15 or permit:

16 (1) 1st offense \$100.00

17 (2) 2nd offense \$150.00

18 (3) 3rd offense \$250.00

19

20 *Authority G.S. 86B-10; 86B-11; 86B-23*

1 21 NCAC 06O .0112 is proposed for amendment as follows:

2

3 **21 NCAC 06O .0112 IDENTIFICATION**

4 (a) The presumptive civil penalty for a barber shop or mobile barber shop owner or manager failing to positively
5 identify a ~~registered~~ licensed barber, apprentice, or holder of a temporary permit:

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

9 (b) The presumptive civil penalty for a ~~registered~~ licensed barber, apprentice, or holder of a temporary permit failing
10 to maintain and produce a license or permit as defined in 21 NCAC 06P .0103(7):

11 (1) 1st offense \$100.00

12 (2) 2nd offense \$150.00

13 (3) 3rd offense \$250.00

14 (c) The presumptive civil penalty for a barber student failing to wear identification as set forth in 21 NCAC 06F
15 .0122:

16 (1) 1st offense \$100.00

17 (2) 2nd offense \$150.00

18 (3) 3rd offense \$250.00

19

20 *History Note: Authority G.S. 86B-10; 86B-11; 86B-17*

1 21 NCAC 06O .0113 is proposed for amendment as follows:

2

3 **21 NCAC 06O .0113 BARBER SHOPS IN RESIDENCES ~~AND MOBILE HOMES~~**

4 ~~(a)~~ The presumptive civil penalty for operating a barber shop in a residence in violation of 21 NCAC 06L .0106(c):

5 (1) 1st offense \$150.00

6 (2) 2nd offense \$250.00

7 (3) 3rd offense \$500.00

8 ~~(b)~~ The presumptive civil penalty for operating a barber shop in a mobile home in violation of 21 NCAC 06L .0106(c):

9 ~~(1) 1st offense \$200.00~~

10 ~~(2) 2nd offense \$300.00~~

11 ~~(3) 3rd offense \$500.00~~

12

13 *Authority G.S. 86B-10; 86B-21*

1 21 NCAC 06O .0114 is proposed for amendment as follows:

2

3 **21 NCAC 06O .0114 ANIMALS IN BARBER SHOPS**

4 The presumptive civil penalty for a ~~barber~~ manager of a barber shop or mobile barber shop allowing an animal in a
5 barber shop or mobile barber shop in violation of 21 NCAC 06L .0114:

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

9

10 *Authority G.S. 86B-10; 86B-21*

1 21 NCAC 06O .0119 is proposed for amendment as follows:

2

3 **21 NCAC 06O .0119 FAILURE TO NOTIFY BOARD OF CHANGE OF ADDRESS**

4 ~~(a) The presumptive civil penalty for the failure of a barber shop or barber school to fail to notify the Board of a~~
5 ~~change of address:~~

6 (1) ~~1st offense \$50.00~~

7 (2) ~~2nd offense \$100.00~~

8 (3) ~~3rd offense \$200.00~~

9 ~~(b) The presumptive civil penalty for an individual~~ the owner or licensed barber manager of a barber shop or mobile
10 barber shop, or the owner or school manager of a barber school, for the failure failing to notify the Board of a change
11 of address for a barber ~~shop~~ shop, mobile barber shop, or barber school:

12 (1) 1st offense \$50.00

13 (2) 2nd offense \$100.00

14 (3) 3rd offense \$200.00

15

16 *Authority G.S. 86B-10; 86B-11*

1 21 NCAC 06O .0121 is proposed for amendment as follows:

2

3 **21 NCAC 06O .0121 FAILURE TO DISPLAY SANITATION GRADE AND SHOP PERMIT**

4 The presumptive civil penalty for the failure of a ~~shop~~ barber shop, mobile barber, or barber school to display its
5 sanitation grade ~~and shop~~ or permit in a place visible to the ~~public at the front of the shop:~~ public:

- | | | | |
|---|-----|-------------|------------------------------|
| 6 | (1) | 1st offense | \$50.00 \$150.00 |
| 7 | (2) | 2nd offense | \$100.00 \$350.00 |
| 8 | (3) | 3rd offense | \$200.00 \$400.00 |

9

10 *Authority G.S. 86B-2; 86B-10; 86B-11; 86B-23*

1 21 NCAC 06O .0122 is proposed for amendment as follows:

2

3 **21 NCAC 06O .0122 FAILURE TO NOTIFY BOARD OF CHANGE OF BARBER SHOP SHOP,**
4 **MOBILE BARBER SHOP, OR SCHOOL MANAGER**

5 (a) The presumptive civil penalty for the failure of a barber shop or ~~barber school~~ mobile barber shop to notify the
6 Board of a change of licensed barber ~~shop~~ manager:

- 7 (1) 1st offense \$50.00
- 8 (2) 2nd offense \$100.00
- 9 (3) 3rd offense \$200.00

10 ~~(b) The presumptive civil penalty for an individual for the failure to notify the Board of a change of manager of a~~
11 ~~barber shop or barber school:~~

- 12 ~~(1) 1st offense \$50.00~~
- 13 ~~(2) 2nd offense \$100.00~~
- 14 ~~(3) 3rd offense \$200.00~~

15 (b) The presumptive civil penalty for the failure of a barber school to notify the Board of a change of licensed
16 instructor manager:

- 17 (1) 1st offense \$50.00
- 18 (2) 2nd offense \$100.00
- 19 (3) 3rd offense \$200.00

20

21 *Authority G.S. 86B-10; 86B-11; 86B-28*

1 21 NCAC 06O .0123 is proposed for adoption as follows:

2

3 **21 NCAC 06O .0123 LICENSING OF MOBILE BARBER SHOPS**

4 (a) The presumptive civil penalty for operating a mobile barber shop without first filing an application for a mobile
5 barber shop permit, obtaining an inspection, and obtaining a mobile barber shop permit:

6 (1) 1st offense \$400.00

7 (2) 2nd offense \$450.00

8 (3) 3rd offense \$500.00

9 (b) The presumptive civil penalty for operating a mobile barber shop with an expired permit:

10 (1) 1st offense \$200.00

11 (2) 2nd offense \$300.00

12 (3) 3rd offense \$500.00

13

14 *Authority G.S. 86B-10; 86B-11*

1 21 NCAC 06O .0124 is proposed for adoption as follows:

2

3 **21 NCAC 06O .0124 TOILETS, SINK, SEWAGE, AND WASTEWATER IN MOBILE BARBER SHOPS**

4 (a) The presumptive civil penalty for operating a mobile barber shop after wastewater storage capacity has been
5 reached:

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$400.00

8 (3) 3rd offense \$500.00

9 (b) The presumptive civil penalty for operating a mobile barber shop with toilets that do not function:

10 (1) 1st offense \$300.00

11 (2) 2nd offense \$400.00

12 (3) 3rd offense \$500.00

13 (c) The presumptive civil penalty for operating a mobile barber shop without potable, running hot and cold water:

14 (1) 1st offense \$300.00

15 (2) 2nd offense \$400.00

16 (3) 3rd offense \$500.00

17 (d) The presumptive civil penalty for operating a mobile barber shop without soap and disposable towels for all sinks:

18 (1) 1st offense \$200.00

19 (2) 2nd offense \$300.00

20 (3) 3rd offense \$400.00

21

22 *Authority G.S. 86B-10; 86B-20*

1 21 NCAC 06O .0125 is proposed for adoption as follows:

2

3 **21 NCAC 06O .0125 MOBILE BARBER SHOP MONTHLY REPORTS**

4 (a) The presumptive civil penalty for a mobile barber shop failing to submit the monthly report required by 21 NCAC
5 06L .0205:

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$400.00

8 (3) 3rd offense \$500.00

9 (b) The presumptive civil penalty for a mobile barber shop operating at a location on a particular date not included in
10 the report required by 21 NCAC 06L .0205: \$500.

11

12 *Authority G.S. 86B-10; 86B-20*

1 21 NCAC 06O .0126 is proposed for adoption as follows:

2

3 **21 NCAC 06O .0126 DISPOSAL OF SEWAGE AND WASTEWATER**

4 The presumptive civil penalty for a mobile barber shop disposing of sewage or wastewater by means contrary to
5 applicable federal, state, and local commercial, transportation, or environmental statutes and rules: \$500.

6

7 *Authority G.S. 86B-10; 86B-20*

1 21 NCAC 06Q .0101 is proposed for amendment as follows:

2

3 **21 NCAC 06Q .0101 ADDITIONAL GROUNDS FOR DENIAL OR DISCIPLINE**

4 Except as provided in ~~Chapter 86A~~ Chapter 86B of the General Statutes, the Board:

5 (1) shall find fraudulent misrepresentation in the following examples:

6 (a) An individual or entity operates or attempts to operate a barber ~~shop~~ shop, mobile barber
7 shop, or barber school without a permit;

8 (b) An individual or entity advertises barbering services unless the establishment and
9 personnel employed therein are licensed or permitted;

10 (c) An individual or entity uses or displays a barber pole only if the use of the barber pole is
11 for the purpose of offering barber services to the public without a barber ~~shop~~ shop, mobile
12 barber shop, or barber school permit. This Rule does not prohibit use of a barber pole for
13 purposes other than offering services that require a ~~certificate of registration, license,~~
14 license or permit under ~~G.S. 86A;~~ G.S. 86B; and

15 (d) An individual or entity fails to produce a license or permit as defined by 21 NCAC 06P
16 .0103(7) upon the request of the Board's Executive Director or a Board inspector during an
17 inspection;

18 (2) will determine whether grounds for denial or discipline exist when:

19 (a) An individual violates a settlement agreement entered into with the Board;

20 (b) An individual or entity violates ~~G.S. 86A~~ G.S. 86B or any rule adopted by the Board for
21 barbers, barber ~~shops~~ shops, mobile barber shops, or barber schools; or

22 (c) An individual fails to disclose a felony criminal conviction in dealing with the Board.

23

24 *Authority G.S. 86B-2; 86B-11; 86B-12;86B-16; 86B-17; 86B-19; 86B-21; 86B-23; 86B-24; 86B-25; 86B-27; 86B-*
25 *28; 86B-29; 86B-30*

1 21 NCAC 06R .0101 is proposed for amendment as follows:

2

3 **21 NCAC 06R .0101 DISPLAY OF SIGN OR BARBER POLE**

4 Every establishment permitted to practice barbering shall display at its entrance a sign that is visible from the street
5 with lettering no smaller than three inches, stating "barber shop," "barber salon," "barber styling," "mobile barber
6 shop," or similar use of the designation, "shop, ~~salon~~ salon, or styling." Alternatively, an establishment may display
7 a "~~barber pole~~" barber pole as defined in 21 NCAC 06P .0103(3) that is visible from the street.

8

9 *Authority G.S. 86B-11; 86B-19*