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**TITLE 816 BOARD OF BARBER EXAMINERS****Proposed Rule**  
LSA Document #06-152

## DIGEST

Amends [816 IAC 1-2-11](#) concerning the use of instructors. Amends [816 IAC 1-3-4](#) concerning reexamination requirements. Amends [816 IAC 1-3-6](#) concerning the barber examination. Amends [816 IAC 1-4-1](#) concerning barbering instructors. Adds [816 IAC 1-5](#) to establish fees for application, issuance, or renewal of barber licenses, barber school licenses, barber instructor licenses, or barber shop licenses; to establish fees for examinations for licensure to practice as a barber instructor or barber; to establish fees for temporary permits; to establish fees for temporary work permits; to establish fees for verification of license status to another state or jurisdiction; and to establish fees for duplicate licenses. Repeals [816 IAC 1-3-1](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)[816 IAC 1-2-11](#); [816 IAC 1-3-1](#); [816 IAC 1-3-4](#); [816 IAC 1-3-6](#); [816 IAC 1-4-1](#); [816 IAC 1-5](#)

SECTION 1. [816 IAC 1-2-11](#) IS AMENDED TO READ AS FOLLOWS:

**[816 IAC 1-2-11](#) Use of instructors**

**Authority:** [IC 25-7-5-14](#); [IC 25-7-5-15](#)

**Affected:** [IC 25-7-11](#); [IC 25-7-12](#)

Sec. 11. (a) In order for a barber school licensee to operate a barber school, ~~there must be a registered~~ **licensed** barbering instructor **must be** physically present at all times where and while:

- (1) classroom instruction is being given; and ~~where and while~~
- (2) students are engaged in the practice of barbering.

However, where ~~there are~~ audio-visual aids or tapes **are** being used in the adjoining rooms, the presence of one (1) ~~registered~~ **licensed** barber instructor in the clinic room is sufficient.

~~(b) Notwithstanding subsection (a), a registered barbering instructor may be absent from the classroom because of personal illness or the death of a close relative, or to further the barbering instructor's education related to barber instructor, if:~~

- ~~(1) the absence does not exceed three (3) days;~~
- ~~(2) a registered Indiana barber with at least five (5) years experience or a student instructor who is enrolled in a school of barbering licensed by the board takes the place of the absent registered barbering instructor; and~~
- ~~(3) the board is notified, by telephone immediately and in writing within seventy two (72) hours, of the absence of the barbering instructor and of the reason for, and duration of, the absence.~~

~~(c)~~ **(b)** Every instructor in an ~~accredited~~ **licensed** school shall:

- (1) devote his **or** her entire time during school or class hours to that of instructing the students; and ~~shall~~
- (2) not apply time to **the** private practice of barbering for compensation.

*(Board of Barber Examiners; Rule 24; filed Feb 6, 1981, 4:10 p.m.: 4 IR 374; filed Feb 20, 1986, 3:00 p.m.: 9 IR 1660; filed Nov 28, 1988, 5:30 p.m.: 12 IR 922; readopted filed Jun 22, 2001, 8:59 a.m.: 24 IR 3823)*

SECTION 2. [816 IAC 1-3-4](#) IS AMENDED TO READ AS FOLLOWS:

**[816 IAC 1-3-4](#) Reexamination requirements; barber**

**Authority:** [IC 25-7-5-14](#); [IC 25-7-5-15](#)

**Affected:** [IC 25-7](#)

Sec. 4. ~~(a) This section establishes reexamination requirements under [IC 25-7-1-5](#)~~(b) for an applicant who has

~~failed one (1) or both portions of the barber examination.~~

~~(b) An applicant who files a new application and pays the required fee within ninety (90) days after the date of the first examination shall be required to take only the portion or portions of the examination previously failed.~~

~~(c) An applicant who fails to apply within a ninety (90) day period, or fails to pass the previous reexamination, will be required to take only the portion or portions of the examination previously failed, upon filing within one (1) year after the date of the examination failure, a new application with proof of completing two hundred fifty (250) additional hours of training in an approved school of barbering and pay the examination fee.~~

**(a) All first attempt state board written or computer based examinations must be taken within one (1) year after graduation from a licensed barber school.**

**(b) Any repeat written or computer based examination must be successfully completed within three (3) years after graduation from the licensed barber school.**

**(c) If an applicant does not receive a satisfactory grade on the written or computer based examination on the first attempt, the applicant may repeat the examination within ninety (90) days after the date of the examination without completing any additional study in barbering.**

**(d) An applicant who fails to apply ~~repeat the examination~~ within one (1) year after the date of the first ~~ninety (90) days or fails to achieve a satisfactory grade on the applicant's repeat examination failure attempt~~ shall be required to file a new application: **allowed to take the examination again upon submission of:****

- ~~(1) with proof of completing~~ **completion of an additional** two hundred fifty (250) additional hours of training in an approved **a licensed** school of barbering; **and**
- ~~(2) pay the~~ **required application/issuance and** examination fee; **and fees.**
- ~~(3) shall pass both portions of the examination.~~

**(e) The board may waive the requirements in subsection (a) if an applicant can show good cause.**

*(Board of Barber Examiners; [816 IAC 1-3-4](#); filed Jan 20, 1993, 4:00 p.m.: 16 IR 1511; readopted filed Jun 22, 2001, 8:59 a.m.: 24 IR 3823)*

SECTION 3. [816 IAC 1-3-6](#) IS AMENDED TO READ AS FOLLOWS:

**[816 IAC 1-3-6](#) Barber examination; application; filing deadline**

**Authority:** [IC 25-7-5-14](#); [IC 25-7-5-15](#)

**Affected:** [IC 25-7](#)

Sec. 6. A completed application and the applicable fee **fees** for the **licensure by** examination to practice as a registered **licensed** barber shall be filed with the board ~~no~~ **not** later than two (2) weeks ~~prior to~~ **before** the **next** scheduled examination date.

*(Board of Barber Examiners; [816 IAC 1-3-6](#); filed Jan 20, 1993, 4:00 p.m.: 16 IR 1512; readopted filed Jun 22, 2001, 8:59 a.m.: 24 IR 3823)*

SECTION 4. [816 IAC 1-4-1](#) IS AMENDED TO READ AS FOLLOWS:

**[816 IAC 1-4-1](#) Barbering instructors; education, training; experience requirements**

**Authority:** [IC 25-7-5-14](#); [IC 25-7-5-15](#)

**Affected:** [IC 25-7-5](#)

Sec. 1. ~~(a)~~ To qualify for registration **licensure** as a barbering instructor, an individual must:

- (1) be an Indiana registered **licensed** barber;

- (2) be a graduate of an accredited high school or have received a high school equivalency certificate (G.E.D.); and
- (3) have completed at least nine hundred (900) hours in instructor training from a school of barbering.

~~(b) Until July 1, 2001, candidates to become barber instructors may count five (5) years of full-time practice as an Indiana barber as the equivalent of nine hundred (900) hours of instructor training from a school of barbering.~~

~~(Board of Barber Examiners; [816 IAC 1-4-1](#); filed Nov 28, 1988, 5:30 p.m.: 12 IR 922; filed Sep 18, 1998, 11:46 a.m.: 22 IR 454; readopted filed Jun 22, 2001, 8:59 a.m.: 24 IR 3823)~~

SECTION 5. [816 IAC 1-5](#) IS ADDED TO READ AS FOLLOWS:

## Rule 5. Fees

### [816 IAC 1-5-1](#) Application/issuance fees

Authority: [IC 25-1-8-2](#); [IC 25-7-11](#)

Affected: [IC 25-7](#)

Sec. 1. The board shall charge and collect the following application/issuance fees:

- (1) Barber license: \$40
- (2) Barber instructor license: \$40
- (3) Barber shop license: \$40
- (4) Barber school license: \$300

(Board of Barber Examiners; [816 IAC 1-5-1](#))

### [816 IAC 1-5-2](#) Examination fees

Authority: [IC 25-1-8-2](#); [IC 25-7-11](#)

Affected: [IC 25-1-8-5](#); [IC 25-7](#)

Sec. 2. (a) If the board administers the examination, the examination or repeat examination fee is fifty dollars (\$50).

(b) If the board elects to use a professional examination service under [IC 25-1-8-5](#), an applicant for licensure by examination shall pay the examination or repeat examination fee assessed by the professional examination service that administers the examination directly to the professional examination service.

(Board of Barber Examiners; [816 IAC 1-5-2](#))

### [816 IAC 1-5-3](#) Temporary work permit fee

Authority: [IC 25-1-8-2](#); [IC 25-7-11](#)

Affected: [IC 25-7](#)

Sec. 3. The board shall charge and collect a ten dollar (\$10) fee for a temporary work permit.

(Board of Barber Examiners; [816 IAC 1-5-3](#))

### [816 IAC 1-5-4](#) Renewal fees

Authority: [IC 25-1-8-2](#); [IC 25-7-11](#)

Affected: [IC 25-7](#)

**Sec. 4. The board shall charge and collect the following renewal fees:**

- (1) Barber license: \$40
- (2) Barber instructor license: \$40
- (3) Barber school license: \$300
- (4) Barber shop license: \$40

(Board of Barber Examiners; [816 IAC 1-5-4](#))

**[816 IAC 1-5-5](#) Fee for verification of a license to another state**

Authority: [IC 25-1-8-2](#); [IC 25-7-11](#)

Affected: [IC 25-7](#)

**Sec. 5. The board shall charge and collect a ten dollar (\$10) fee for verification of a license to another state or jurisdiction.**

(Board of Barber Examiners; [816 IAC 1-5-5](#))

**[816 IAC 1-5-6](#) Fee for a duplicate license or permit**

Authority: [IC 25-1-8-2](#); [IC 25-7-11-6](#)

Affected: [IC 25-7](#)

**Sec. 6. The board shall charge and collect a ten dollar (\$10) fee for the issuance of a duplicate license or permit.**

(Board of Barber Examiners; [816 IAC 1-5-6](#))

SECTION 6. [816 IAC 1-3-1](#) IS REPEALED.

[Notice of Public Hearing](#)

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