

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Barber Examiners

RULE CITATION: 21 NCAC 06C .0912

**DEADLINE FOR RECEIPT: Friday, March 10, 2017**

***NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In the Introductory Statement, please replace "NCAC" in "31.11 NCAC 1108" with "NCR"*

*In Subparagraph (c)(1), line 12, I suggest ending the sentence after "complaint." And then stating "The Executive Director shall..."*

*And this is before dismissal, correct? If so, consider inserting "before dismissal" before "or" on line 13.*

*In (c)(2), line 15, I suggest ending the sentence "jurisdiction." Then stating "The Executive Director..."*

*So that I'm clear on lines 15 and 29 – the Executive Director is going to send the actual complaint to another agency, rather than notifying the complainant of the appropriate agency and recommending that individual contact the agency directly? If so, that's fine, but I just wanted to check.*

*In (d)(1), line 18, and (e)(2), line 25, in "board counsel" should "Board" be capitalized?*

*In (d)(1) and (e)(2) what does this letter of probable cause do? Does this trigger civil penalties under G.S. 86A-27?*

*In (e)(1), when will this be requested? And what will happen as a result – (e)(2) or (e)(3)?*

*In (f), the Board will only review the dismissed complaints? They won't look at the issuance of probable cause letters? Is this because the Board will be hearing the case?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: February 24, 2017

21 NCAC 06C .0912 is adopted with changes as published in 31:11 NCAC 1108 as follows:

## **21 NCAC 06C .0912 COMPLAINTS**

(a) An individual who wishes to make a complaint alleging a violation of G.S. 86A or the Board's rules shall submit the complaint in writing to the address or through the website set forth in 21 NCAC 06A .0102.

(b) Upon receipt of a complaint, the Board's Executive Director shall review the ~~complaint and~~ complaint. The Executive Director shall assign a staff member to investigate the complaint, except for complaints that are dismissed as set forth in Paragraph (c)-Paragraph (c) of this Rule.

(c) The Executive Director shall dismiss the complaint and notify the complainant if the complaint:

~~(1) — alleges conduct that is not prohibited by G.S. 86A or the Board's rules;~~

~~(2)(1)~~ (1) lacks information, such as barbershop location or a description of the alleged conduct, necessary to investigate the complaint, except that the Executive Director shall attempt to collect additional information from the complainant; or

~~(3)(2)~~ (2) alleges conduct that is not prohibited by G.S. 86A or the Board's rules or is not within the Board's jurisdiction, except that the Executive Director shall direct refer the complainant complaint to any other agency that may have jurisdiction.

(d) After conducting an investigation, the assigned staff member shall:

(1) recommend to the Executive Director that the board counsel issue a probable cause letter for violations of G.S. 86A or the Board's rules; or

(2) recommend that the Executive Director dismiss the complaint because there is insufficient evidence of a violation of G.S. 86A or the Board's ~~rules.~~ rules or the alleged conduct is not within the Board's jurisdiction.

(e) After receiving a recommendation required by ~~Paragraph (d),~~ Paragraph (d) of this Rule, the Executive Director shall:

(1) request additional investigation by the assigned staff member;

(2) recommend that the board counsel issue a probable cause letter for violations of G.S. 86A or the Board's rules; or

(3) dismiss the complaint and notify the ~~complainant.~~ complainant, except that the Executive Director shall refer the complaint to any other agency that may have jurisdiction.

(f) At each regularly scheduled Board meeting, the Executive Director shall submit to the Board a report of dismissed complaints that he or she has not previously reported, with a summary of the allegations and a justification for the dismissal. If the complaint was dismissed within 30 days of the Board meeting, the Executive Director may instead include the dismissal in the report for the Board meeting following the next regularly scheduled meeting.

(g) By a majority vote, the Board may reopen any complaint that the Executive Director has dismissed, in which case the complaint shall be handled as if the Executive Director had not dismissed the complaint.

*History Note: Authority G.S. 86A-5;*



21 NCAC 06I .0105 is amended as published in 31:11 NCR 1108 as follows:

**21 NCAC 06I .0105      APPRENTICE BARBER**

A student who has trained in another state may take the examination to become a registered apprentice barber provided:

(1) his or her hours of training in the out-of-state barber school have been credited under 21 NCAC 06I .0101;

~~(2) he or she provides proof of completion of barber school training;~~

~~(3)~~(2) he or she completes and furnishes to the Board the Form ~~BAR-7~~BAR-4 that meets the requirements of ~~21 NCAC 06N .0108;~~ 21 NCAC 06N .0105; and

~~(4)~~(3) he or she pays the required fee in 21 NCAC 06N .0101(a)(5).

*History Note: Authority G.S. 86A-5; 86A-18; 86A-24; 86A-25;  
Eff. February 1, 1976;  
Readopted Eff. February 8, 1978;  
Amended Eff. March 1, 1983;  
Legislative Objection Lodged Eff. March 7, 1983;  
Amended Eff. September 1, 2013; June 1, 2008; May 1, 1989;  
Readopted Eff. October 1, ~~2016~~2016;  
Amended Eff. April 1, 2017.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Barber Examiners

RULE CITATION: 21 NCAC 06K .0112

**DEADLINE FOR RECEIPT: Friday, March 10, 2017**

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In reviewing these rules, the staff determined that the following technical changes need to be made:

*In the Introductory Statement, please replace "NCAC" in "31.11 NCAC 1108-1109" with "NCR"*

*Throughout this Rule, you use "at least" Generally, "at least" is discouraged in rules, since rules set minimum requirements. I take it you need to retain the term where used here?*

*What statutes are you trying capture in Paragraph (a), line 4?*

*What is Paragraph (b) addressing? What statutes are these? Because of (b)(2), you can't be trying to address 93B-15.1(a2). And (b)(3) means that you can't be referring to 93B-15.1(a). Does this even apply to 93B-15.1, or this addressing G.S. 86A-12?*

*In (c), what do you mean "if applicable, Paragraph (b)"? Do you mean "If the applicant does not meet the requirements of Paragraphs (a) or (b) of this Rule..."?*

*In (c)(2), is there a cross-reference (Rule or law) you want to offer for the examination?*

*In (e)(1) and (e)(2), the Board states it will issue temporary licenses for 90 days or until denial, whichever is earlier. However, G.S. 93B-15.1(f) states:*

(f) An occupational licensing board may issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an occupational licensing board in this State. **The military-trained applicant or military spouse may practice under the temporary permit until a license, certification, or registration is granted or until a notice to deny a license, certification, or registration is issued** in accordance with rules adopted by the occupational licensing board.

*As a practical matter, will the Board always be able to issue the permanent license within 90 days? If not, what is the authority to limit the duration of the temporary permit to 90 days?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: February 24, 2017

*In (e)(2), will the permit extension be automatically granted when requested? If so, the language is fine, but if not, you need to include language to indicate when it will not be granted.*

*In the History Note, why are you citing to G.S 86A-11, 86A-12, and 93B-14?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: February 24, 2017

21 NCAC 06K .0112 is adopted with changes as published in 31:11 NCAC 1108-1109 as follows:

**21 NCAC 06K .0112      APPLICANTS WITH MILITARY TRAINING AND EXPERTISE**

(a) Except for individuals who want to apply under another provision in G.S. 86A for licensure as a registered barber, an individual who has military training and expertise and wants to apply to become a registered barber in this State shall:

- (1) meet the requirements of G.S. 93B-15.1(a) or (a2); and
- (2) submit the Form BAR-11 as set forth in ~~21 NCAC 06N .0112~~; and 21 NCAC 06N .0112.
- ~~(3) provide copies of the military service records that show the applicant's military specialty certification and experience in barbering.~~

(b) The applicant shall submit with the Form BAR-11 a certification letter from the applicant's out-of-state agency of the applicant's licensure in that state if the following apply:

- (1) the applicant has been licensed in another state;
- (2) the applicant wants to be licensed without examination;
- (3) the military service records do not show that the applicant received at least 1,500 hours of military training and that the applicant practiced at least two of the five years preceding the date of application; and
- (4) the combination of the certification letter and the military service records show that the applicant received at least 1,500 hours of training and practiced at least two of the five years preceding the date of application.

(c) If the applicant does not meet the requirements in Paragraph (a) and, if applicable, Paragraph (b) of this Rule, the applicant shall:

- (1) submit the fee as set forth in 21 NCAC 06N .0101(a)(4); and
- (2) make a score of at least 70 percent on the practical examination.

~~(d) The~~ After being approved under this Rule, the applicant shall submit the following fee:

- (1) if the applicant meets the requirements of this Rule for licensure without examination, the fee as set forth in 21 NCAC 06N .0101(a)(21); or
- (2) if the applicant meets the requirements of Paragraph (c) of this Rule, the fee as set forth in 21 NCAC 06N .0101(a)(1).

(e) The Board shall issue a temporary permit for the applicant to work as a registered barber while he or she complies with the requirements of this Rule under the following circumstances:

- (1) if the applicant has submitted the Form BAR-11 and at least part of the documentation required by ~~Subparagraph (a)(3), 21 NCAC 06N .0112(a)(2),~~ and this partial documentation establishes that he or she served in the military and has certification or experience in barbering, the Board shall issue a temporary permit that lasts 90 days or until the Board denies the application, whichever is earlier; or

1           (2)     if the applicant is required to take the practical examination and has met the requirements in  
2                   Paragraph (a) and Subparagraph (c)(1) of this Rule, the Board shall issue a temporary permit that  
3                   last 90 days or until the Board denies the application, whichever is earlier. Upon written request by  
4                   the applicant, this temporary permit shall be extended for 90 days no more than twice, unless the  
5                   Board denies the application.

6  
7   *History Note:*    *Authority G.S. 86A-1; 86A-11; 86A-12; 86A-25; ~~93B-14; 93B-15.1;~~*  
8                    *Eff. April 1, 2017.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Barber Examiners

RULE CITATION: 21 NCAC 06K .0113

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The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In the Introductory Statement, please replace "NCAC" in "31.11 NCAC 1109" with "NCR"*

*In (b)(2), what do you mean by "one year"? G.S. 93B-15.1(b)(2) states:*

(b) Notwithstanding any other provision of law, an occupational licensing board, as defined in [G.S. 93B-1](#), shall issue a license, certification, or registration to a military spouse to allow the military spouse to lawfully practice the military spouse's occupation in this State if, upon application to an occupational licensing board, the military spouse satisfies the following conditions:

(2) Can demonstrate competency in the occupation through methods as determined by the Board, such as having completed continuing education units or having had recent experience for at least two of the five years preceding the date of the application under this section.

*Is the Board setting competence as one year?*

*In (d), the Board states it will issue temporary licenses for 90 days or until denial, whichever is earlier. However, G.S. 93B-15.1(f) states:*

(f) An occupational licensing board may issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an occupational licensing board in this State. **The military-trained applicant or military spouse may practice under the temporary permit until a license, certification, or registration is granted or until a notice to deny a license, certification, or registration is issued** in accordance with rules adopted by the occupational licensing board.

*As a practical matter, will the Board always be able to issue the permanent license within 90 days? If not, what is the authority to limit the duration of the temporary permit to 90 days?*

*In the History Note, why are you citing to G.S. 86A-11 and 93B-14?*

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: February 24, 2017

*Also in the History Note, given the reference in (b), should you add G.S. 86A-12?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: February 24, 2017

21 NCAC 06K .0113 is adopted with changes as published in 31:11 NCAC 1109 as follows:

**21 NCAC 06K .0113      MILITARY SPOUSES**

(a) An individual who is currently licensed as a barber in another state, is the spouse of a person serving in the military, and wants to apply to become a registered barber in this State shall provide the following, unless he or she wants to apply under another provision in G.S. 86A for licensure as a registered barber:

(1) the Form BAR-12 as set forth in 21 NCAC 06N .0113; and

~~(2) the fee set forth in 21 NCAC 06N .0101(a)(21); and~~

~~(3)(2)~~ a certification letter from the applicant's out-of-state agency of the applicant's licensure in that state.

(b) The applicant shall instead apply for out-of-state licensure under G.S. 86A-12 and Rule .0104 of this Section if the certification letter required by ~~Subparagraph (a)(3)~~ Subparagraph (a)(2) of this Rule does not show that the applicant:

(1) completed at least 1,500 hours of barber school training; and

(2) has been licensed as a barber for at least one of the five years preceding the date of application.

(c) After being approved under this Rule, the applicant shall submit the fee set forth in 21 NCAC 06N .0101(a)(21).

~~(d)~~ Upon request by the applicant, the Board shall issue ~~a one~~ temporary permit for the applicant to work as a registered barber for 90 days while the applicant gathers the documents required by this Rule.

*History Note: Authority G.S. 86A-1; 86A-3; 86A-11; 86A-25; 93B-14; 93B-15.1;  
Eff. April 1, 2017.*

21 NCAC 06L .0102 is amended as published in 31:12 NCR 1234 as follows:

**21 NCAC 06L .0102      MEASUREMENTS OF BARBER SHOP**

(a) Each barber shop shall be a minimum of 196 square feet measured from the inside walls of the shop, not including common areas shared with other businesses or residents.

(b) Each chair shall be located in an area where there is no less than ~~12~~eight linear feet from front wall to back wall, measured through the center of the chair, with the back wall being the wall or ~~plain plane~~ to which the backstand is affixed. There shall be a minimum of five linear feet of space between each barber chair, from center to center of each chair and there shall be no less than three linear feet from the center of any chair to any side wall. There shall be an unobstructed aisle in front of each chair of no less than four feet.

(c) Paragraphs (a) and (b) apply to barber shops permitted on or after December 1, 1994 or that undergo modification or structural renovations on or after that date.

(d) Barber shops permitted prior to February 1, 1976, shall be a minimum of 12 feet in width and 14 feet in length.

(e) Barber shops permitted between February 1, 1976 and November 30, 1994 shall be a minimum of 14 feet in width and 14 feet in length.

(f) Barber shops permitted within the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice prior to July 1, 2010 are exempt from the requirements of this Rule.

*History Note:      Authority G.S. 86A-15;*

*Eff. February 1, 1976;*

*Readopted Eff. February 8, 1978;*

*Amended Eff. September 1, 2009; June 1, 2008; December 1, 1994; May 1, 1989;*

*Readopted Eff. July 1, ~~2016~~, 2016;*

*Amended Eff. April 1, 2017.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Barber Examiners

RULE CITATION: 21 NCAC 06N .0101

**DEADLINE FOR RECEIPT: Friday, March 10, 2017**

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Please underline "AND ACCESS TO FORMS" on line 3, since this is being added.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: February 24, 2017

21 NCAC 06N .0101 is amended as published in 31:11 NCR 1109-1110 as follows:

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

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

(1)	Certificate of registration or renewal as a barber	\$50.00
(2)	Certificate of registration or renewal as an apprentice barber	\$50.00
(3)	Barbershop permit or renewal	\$50.00
(4)	Examination to become a registered barber	\$85.00
(5)	Examination to become a registered apprentice barber	\$85.00
(6)	Late fee for restoration of an expired barber certificate within first year after expiration	\$35.00
(7)	Late fee for restoration of an expired barber certificate after first year after expiration but within five years after expiration	\$70.00
(8)	Late fee for restoration of an expired apprentice certificate within the first year after expiration	\$35.00
(9)	Late fee for restoration of an expired apprentice certificate after first year after expiration but within three years of first issuance of the certificate	\$45.00
(10)	Late fee for restoration of an expired barber shop certificate	\$45.00
(11)	Examination to become a barber school instructor	\$165.00
(12)	Student permit	\$25.00
(13)	Issuance of any duplicate copy of a license, certificate, or permit	\$10.00
(14)	Barber school permit or renewal	\$130.00
(15)	Late fee for restoration of an expired barber school certificate	\$85.00
(16)	Barber school instructor certificate or renewal	\$85.00
(17)	Late fee for restoration of an expired barber school instructor certificate within first year after expiration	\$45.00
(18)	Late fee for restoration of an expired barber school instructor certificate after first year after expiration but within three years after expiration	\$85.00
(19)	Inspection of newly established barbershop	\$120.00
(20)	Inspection of newly established barber school	\$220.00
(21)	Issuance of a registered barber or apprentice certificate by certification	\$120.00
(22)	Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter	
(23)	Charge for duplication services and material shall be as set forth in 26 NCAC 01 .0103(a), including any subsequent amendments and editions of the Rule	
(24)	Certificate of registration or renewal as a barber for barbers over 70 years of age	\$0.00
(25)	Administrative fee under G.S. 86A-27(d) for paying any required fee for renewal or restoration, or a civil penalty and attorney fee, where the apprentice barber or registered barber is subject to a pick-up order issued to an inspector.	\$70.00

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

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

*History Note: Authority G.S. 86A-5; 86A-25; 86A-27(d); 93B-2;  
Eff. February 1, 1976;  
Readopted Eff. February 8, 1978;  
Amended Eff. April 1, 2010; September 1, 2009; June 1, 2008; April 1, 2005; May 1, 1989; March 1, 1983;  
Readopted Eff. July 1, ~~2016~~-2016;  
Amended Eff. April 1, 2017.*

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In reviewing these rules, the staff determined that the following technical changes need to be made:

*In the Introductory Statement, please replace "NCAC" in "31.11 NCAC 1110" with "NCR"*

*Please show on line 3 that the Rule is being renamed by striking the old name and underlining the new one.*

*In (a), line 6, why not state "... barber pursuant to Rule 21 NCAC 06K .0112." You could then delete everything from "in this State.... barber." on lines 6 and 7.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: February 24, 2017



21 NCAC 06N .0112 is amended with changes as published in 31:11 NCAC 1110 as follows:

**21 NCAC 06N .0112      FORM BAR-11**

(a) ~~The forms set forth in this Subchapter may be accessed on the Board's website, www.ncbarbers.com, or may be obtained at the Board's address listed in 21 NCAC 06A .0102.~~ The Form BAR-11 shall be filed by an individual who has military training and expertise and who wants to apply to become a registered barber in this State, unless he or she wants to apply under another provision in G.S. 86A for licensure as a registered barber. It requires the following:

(1) the name, address, social security number, and birthdate of the applicant; and

(2) **copies of** the military service records showing the applicant's military certification and experience in barbering.

(b) The applicant shall submit with the Form BAR-11 a certification letter from the applicant's out-of-state agency of the applicant's licensure if the conditions set forth in 21 NCAC 06K .0112(b) apply.

(c) The Form BAR-11 shall be notarized.

*History Note:      Authority G.S. ~~86A-1; 86A-12; 86A-5; 93B-14; 93B-15.1; 150B-19.1;~~*  
*Eff. May 1, 1989;*  
*Amended Eff. September 1, 2013;*  
*Readopted Eff. July 1, ~~2016; 2016;~~*  
*Amended Eff. April 1, 2017.*

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In reviewing these rules, the staff determined that the following technical changes need to be made:

*In the Introductory Statement, please replace "NCAC" in "31.11 NCAC 1110" with "NCR"*

*In (a), line 4, to be consistent with Rule .0112, I suggest you replace "one" with "an individual"*

*In (a), line 4, why not state "... barber pursuant to Rule 21 NCAC 06K .0113." You could then delete everything remaining in the sentence.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: February 24, 2017

21 NCAC 06N .0113 is adopted with changes as published in 31:11 NCAC 1110 as follows:

**21 NCAC 06N .0113      FORM BAR-12**

(a) The Form BAR-12 shall be filed by one who has practiced as a barber in a state other than North Carolina and is the spouse of an individual serving in the military. It requires the following:

(1) the name, address, social security number, and birthdate of the applicant; and

(2) copies of the military service records showing that the applicant's spouse is serving in the military, along with evidence of the marriage, such as a copy of the marriage license.

(b) The applicant shall submit with the Form BAR-12 a certification letter from the applicant's out-of-state agency of the applicant's licensure.

~~(c) The fee required by Rule .0101(a)(21) of this Section shall accompany the Form BAR-12.~~

~~(d)~~(e) The Form BAR-12 shall be notarized.

*History Note: Authority G.S. 86A-1; 86A-25; 93B-14; 93B-15.1;  
Eff. April 1, 2017.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Barber Examiners

RULE CITATION: 21 NCAC 06N .0114

**DEADLINE FOR RECEIPT: Friday, March 10, 2017**

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), line 5, please capitalize "Board"*

*I understand that in (a)(1) through (8), you are waiving late fees. G.S. 93B-15 states:*

**§ 93B-15. Payment of license fees by members of the Armed Forces; board waiver rules.**

(a) An individual who is serving in the Armed Forces of the United States and to whom G.S. 105-249.2 grants an extension of time to file a tax return **is granted an extension of time to pay any license fee charged by an occupational licensing board as a condition of retaining a license granted by the board.** The extension is for the same period that would apply if the license fee were a tax.

(b) **Occupational licensing boards shall adopt rules to postpone or waive** continuing education, **payment of renewal and other fees**, and any other requirements or conditions relating to the maintenance of licensure by an individual who is currently licensed by and in good standing with the board, is serving in the Armed Forces of the United States, and to whom G.S. 105-249.2 grants an extension of time to file a tax return. (1998-95, s. 8; 1999-337, s. 12; 2009-458, s. 1; 2011-183, s. 68.)

*Is this Rule intended to address only 93B-15(a)? If so, you may wish to update your History Note to reflect that.*

*In (b), line 23, I suggest replacing "must" with "shall"*

*In (b)(1), line 25, replace "indicates" with "states" assuming that is what you mean.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: February 24, 2017

21 NCAC 06N .0114 is adopted as published in 31:11 NCR 1110-1111 as follows:

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

(a) If an individual is licensed or owns a business licensed under G.S. 86A, is serving in the Armed Forces 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 waive the following fees for the same period that would apply if the license fee were a tax:

- (1) the late fee for restoration of an expired barber certificate within the first year after expiration as set forth in 21 NCAC 06N .0101(a)(6);
- (2) the late fee for restoration of an expired barber certificate after the first year after expiration but within five years after expiration as set forth in 21 NCAC 06N .0101(a)(7);
- (3) the late fee for restoration of an expired apprentice certificate within the first year after expiration as set forth in 21 NCAC 06N .0101(a)(8);
- (4) the late fee for restoration of an expired apprentice certificate after the first year after expiration but within three years of first issuance of the certificate as set forth in 21 NCAC 06N .0101(a)(9);
- (5) if the individual serving in the Armed Forces is the barbershop manager or owner, the late fee for restoration of an expired barber shop certificate as set forth in 21 NCAC 06N .0101(a)(10);
- (6) if the individual serving in the Armed Forces is the barber school manager or owner, the late fee for restoration of an expired barber school certificate as set forth in 21 NCAC 06N .0101(a)(15);
- (7) the late fee for restoration of an expired barber school instructor certificate within the first year after expiration as set forth in 21 NCAC 06N .0101(a)(17); and
- (8) the late fee for restoration of an expired barber school instructor certificate after the first year after expiration but within three years after expiration as set forth in 21 NCAC 06N .0101(a)(18).

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

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

History Note: Authority G.S. 93B-15;  
Eff. April 1, 2017.

21 NCAC 06P .0103 is amended as published in 31:11 NCR 1111 as follows:

## **21 NCAC 06P .0103      GENERAL DEFINITIONS**

For purposes of the rules in this Chapter, the following definitions shall apply:

- (1) "Barber" means any person who engages in or attempts to engage in the practice of barbering or provide barbering services.
- (2) "Barber instructor" means any person who engages in or attempts to engage in the teaching of the practice of barbering.
- (3) "Barber pole" means an actual or representation of a cylinder or pole with alternating stripes of any combination including red and white, and red, white, and blue that run diagonally along the length of the cylinder or pole.
- (4) "Barber school" means any establishment that engages in or attempts to engage in the teaching of the practice of barbering.
- (5) "Barber student" means any person who is enrolled in barber school, including those taking classes beyond the 1528 required hours.
- (6) "Board" means the State Board of Barber Examiners.
- (7) "License" or "permit" or "certificate of registration" means the actual license or permit issued by the Board and current government issued photo identification depicting the licensee's or permittee's photograph and legal name.
- (8) "Military service record" means veteran service records, such as the U.S. Department of Defense Form 214 (DD-214), or other military service records from the military or National Archives.
- ~~(8)~~(9) "Pick-up order" means an order issued by the Board and signed by the Executive Director authorizing an inspector to physically retrieve a permit or license.
- ~~(9)~~(10) "Practice of barbering" and "barber services" means all activities set forth in G.S. 86A-2, and the sanitary requirements of Chapter 86A and the sanitary rules adopted by the Board.
- ~~(10)~~(11) "Sanitary" means free of infectious agents, diseases, or infestation by insects or vermin and free of soil, dust, or dirt.

*History Note:*    Authority G.S. 86A-2; 86A-5; 86A-13; 86A-15; 86A-22; 86A-23; 93B-15.1;  
                          Eff. June 1, 2008;  
                          Readopted Eff. July 1, ~~2016~~-2016;  
                          Amended Eff. April 1, 2017.