

Senate Bill 337

By: Senators Ligon, Jr. of the 3rd, Albers of the 56th, Mullis of the 53rd, Tolleson of the 20th, Miller of the 49th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 7 of Title 43 of the Official Code of Georgia Annotated, relating to
2 barbers, so as to provide that the fines imposed by the State Board of Barbers for certain
3 violations shall not exceed certain specified amounts; to provide for related matters; to
4 provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Chapter 7 of Title 43 of the Official Code of Georgia Annotated, relating to barbers, is
8 amended by revising Code Section 43-7-23, relating to suspension, cancellation, revocation,
9 or refusal of licenses, reprimanding licensees, fines, and restoration of licenses relative to the
10 practice of barbering, as follows:

11 "43-7-23.

12 (a) The board, acting upon its own knowledge or upon written and verified complaint filed
13 by any person, shall have the power to reprimand, or to suspend, revoke, or cancel the
14 license of, or to refuse to grant, renew, or restore a license to any licensee upon proof of
15 any one of the following grounds:

16 (1) The commission of any false, fraudulent, or deceitful act or the use of any forged,
17 false, or fraudulent document in connection with the license requirements of this chapter
18 or the rules and regulations of the board;

19 (2) Failure at any time to comply with the requirements for a license under this chapter;

20 (3) The practice of barbering under a false or assumed name;

21 (4) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to such
22 an extent as to render the licensee unsafe or unfit to practice or teach barbering;

23 (5) Any physical disease or mental disability which renders the licensee unfit to practice
24 or teach barbering;

25 (6) Any dishonorable or unethical conduct likely to deceive, defraud, or harm the public;

26 (7) Knowing performance of any act which in any way assists an unlicensed person to
 27 practice or teach barbering; or

28 (8) Violating, either directly or indirectly, or assisting in or abetting the violation of, any
 29 provision of this chapter or any rule or regulation of the board.

30 (b)(1) The board may impose a fine not to exceed \$500.00 for each violation of any
 31 provision of subsection (a) of this Code section; provided, however, that the board shall
 32 not, for any violation of paragraph (8) of subsection (a) of this Code section on grounds
 33 not set forth in paragraphs (1) through (7) of such subsection, impose a fine for the first
 34 violation in an amount that exceeds \$25.00, impose a fine for a second violation in an
 35 amount that exceeds \$75.00, or impose a fine for each subsequent violation in an amount
 36 that exceeds \$300.00. Such fines shall be listed in a schedule contained in the rules and
 37 regulations of the board.

38 (2) The licensee shall pay the fine within 30 days after receiving written notification
 39 from either the board or a representative of the board unless the licensee requests in
 40 writing a hearing before the board. Such request for a hearing must be received by the
 41 board within 30 days after receipt of the written notification from the board. Failure to
 42 either pay the fine or request a hearing shall result in immediate suspension of the license
 43 pending a hearing to determine whether revocation or other disciplinary action should be
 44 imposed on the licensee.

45 (c) The board for good cause shown and under such conditions as it may prescribe may
 46 restore a license to any person whose license has been suspended or revoked.

47 (d) Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' shall apply to any
 48 proceeding under this Code section."

49 **SECTION 2.**

50 This Act shall become effective upon its approval by the Governor or upon its becoming law
 51 without such approval, and shall apply to all violations occurring on or after such date.

52 **SECTION 3.**

53 All laws and parts of laws in conflict with this Act are repealed.