

# Regulatory Analysis Form

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(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Barber Examiners

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REGULATORY REVIEW COMMISSION

(2) I.D. Number (Governor's Office Use)

16A-425

IRRC Number: 2310

(3) Short Title

## Deletion of Examination Fees

(4) PA Code Cite

49 Pa. Code §§ 3.41, 3.45 and 3.103

(5) Agency Contacts & Telephone Numbers

Primary Contact: **Carole L. Clarke, Counsel**  
**State Board of Barber Examiners (717) 783-7200**  
 Secondary Contact: **Joyce McKeever, Deputy Chief**  
**Counsel, Department of State (717) 783-7200**

(6) Type of Rulemaking (check one)

- Proposed Rulemaking  
 Final Order Adopting Regulation  
 Final Order, Proposed Rulemaking  
 Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No  
 Yes: By the Attorney General  
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The amendments eliminate references to the amount paid by applicants to take the theory and practical examinations and by managers to take the theory examination. The fees for these examinations are set by the professional testing organization and not by the Board. The amendments also delete outdated language in two other sections having to do with the examination.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Section 812.1 of the Administrative Code of 1929, (71 P.S. § 279.3a) and Section 6 of the Barber License Law (63 P.S. § 556) set forth the powers and duties of the Board with regard to the administration of examinations.

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

**The regulation is not mandated by any federal or state law, court order, or federal regulation.**

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

**Examination fees are determined through a competitive bid and contracting process with a professional testing organization that administers the examinations. Eliminating references to the current examination fee in the regulations will obviate the need to amend the regulations in the future should the examination fees be changed. Deleting references to examination procedures that are outdated will also eliminate confusion for licensees.**

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

**There are no specific public health, safety, environmental or general welfare risks associated with nonregulation.**

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

**Applicants for licensure will benefit by not having potentially conflicting sources of information relating to examination fees and processes. The Board will benefit because the regulation will eliminate the need to make future adjustments to its regulations should the fees be changed.**

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

**The Board has identified no groups or individuals who will be adversely affected by the regulation.**

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

**All applicants for the theory and practical examinations are required to pay the fee set by the professional testing organization. This regulation does not affect the fee charged by the professional testing organization.**

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

**The text of the proposed regulation was sent to Barber organizations for pre-draft commentary on February 23, 2001. All comments received were in support of the deletion of the examination fees.**

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

**No specific costs or savings to the regulated community are anticipated. However, the general operational costs of the Board may be reduced by eliminating the need to make future amendments to the Board's regulations.**

## Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

**There are no anticipated costs or savings to local government associated with this regulation.**

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

**Because the Board's operational expenses are paid from license renewal fees, there are no anticipated costs or savings to state government associated with this regulation.**

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY	FY +1	FY +2	FY +3	FY +4	FY +5
<b>SAVINGS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

N/A

## Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.  
N/A

Program	FY -3	FY -2	FY -1	Current FY
Barber Board	\$288,350.59	\$307,329.54	\$344,681.45	\$ 385,000.00

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

**There are no adverse effects or costs associated with the regulation. The regulated community will benefit because the Board will not be required to make any future amendments to its regulations to conform to changing costs of the licensing examinations.**

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

**No nonregulatory alternatives were considered because amending the regulation is the only way to delete the outdated provisions.**

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

**No alternative regulatory schemes were considered.**

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

**There are no federal standards relevant to the regulation.**

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

**A survey of neighboring states was taken. New York, New Jersey and Maryland list examination fees by regulation. Ohio's fees are established through statute. In Delaware, a bill was recently introduced which would remove examination fees from the statute. This regulation will not put Pennsylvania at a competitive disadvantage with other states because it is simply removing outdated provisions from the Board's regulations.**

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**The regulation will not affect any existing or proposed regulations of the Board or other state agencies.**

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

**The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board meets each month at 2601 North Third Street, Harrisburg and the meeting schedule can be obtained from the Department of State's website at [www.dos.state.pa.us/bpoa](http://www.dos.state.pa.us/bpoa).**

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

**The regulation will not change any existing reporting, record keeping or other paperwork requirements.**

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

**The Board has identified no particular groups or persons who will be affected by the regulation.**

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

**The regulation will be effective upon final publication in the Pennsylvania Bulletin.**

(31) Provide the schedule for continual review of the regulation.

**The Board continuously reviews its regulations, periodically communicates with licensees through newsletters and obtains information and feedback from its licensees on a frequent basis.**



# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Petition for Rulemaking

**P-00021985. Office of Consumer Advocate.** Petition of the Office of Consumer Advocate for a rulemaking to amend 52 Pa. Code Chapter 63 (relating to telephone service) on October 2, 2002.

Due to the fact that there may be numerous entities in this Commonwealth who have an interest in the opening of a docket in this matter, interested parties are invited to submit written comments, suggestions or objections to this petition within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Copies of the filing are available for full inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 02-1946. Filed for public inspection November 1, 2002, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3]

### Deletion of Examination Fees

The State Board of Barber Examiners (Board) proposes to amend § 3.103 (relating to fees) to read as set forth in Annex A. The proposed rulemaking deletes references to the fees charged by testing organizations from the schedule of fees for the theory and practical examinations for barbers and barber teachers and theory examination for managers.

#### Effective Date

The proposed rulemaking is effective on final-form publication in the *Pennsylvania Bulletin*.

#### Statutory Authority

The proposed rulemaking is authorized under section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a); and sections 6 and 14 of the Barber License Law (63 P.S. §§ 556 and 564).

#### Background and Need for Proposed Rulemaking

The proposed rulemaking to § 3.103 deletes references to the fees for the theory and practical examination for barbers and barber teachers and theory examination for managers. These fees are set by the administrators of the examinations, not by the Board. To avoid the necessity of amending the regulations whenever the examination administrator changes the fees, the Board proposes to delete references to the fees.

#### Description of Proposed Rulemaking

The proposed rulemaking deletes references to the fees for the theory and practical examinations for barbers and barber teachers and theory examination for managers. The fees are set by the professional testing organizations.

#### Fiscal Impact

The proposed rulemaking will have no fiscal impact on the Board or its licensees. The proposed rulemaking should have no fiscal impact on the private sector, the general public or political subdivisions.

#### Paperwork Requirements

The proposed rulemaking will avoid preparation of new regulations each time that an examination fee is changed and should not create additional paperwork for the private sector.

#### Sunset Date

The Board monitors its regulations on a continuing basis. Therefore, no sunset date has been assigned.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 17, 2002, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

#### Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Sara Sulpizio, Administrator, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

CHERYL A. MCDERMOTT  
Chairperson

**Fiscal Note:** 16A-425. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS  
PART I. DEPARTMENT OF STATE  
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
CHAPTER 3. STATE BOARD OF BARBER EXAMINERS  
SCHOOLS OF BARBERING

§ 3.103. Fees.

The schedule of fees charged by the Board is as follows:

[ Licensing examination for barber—complete .....	\$87
Licensing examination for barber—practical only .....	\$87
Licensing examination for barber—theory only .....	\$87
Licensing examination for barber—endorsement candidate .....	\$87
Licensing examination for barber teacher—complete .....	\$87
Licensing examination for barber teacher—practical only .....	\$87
Licensing examination for barber teacher—theory only .....	\$87
Licensing examination for barber shop manager .....	\$87 ]

\* \* \* \* \*

[Pa.B. Doc. No. 02-1947. Filed for public inspection November 1, 2002, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

Established Place of Business for Dealers

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend § 19.18 (relating to established place of business for dealers) to read as set forth in Annex A.

The proposed rulemaking would amend § 19.18(3)(ii) to permit a licensed vehicle dealer to display up to five vehicles in a nonconforming area that is not open to the public.

Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

The rulemaking is proposed under section 4(9) of the Board of Vehicles Act (act) (63 P. S. § 818.4(a)(9)).

Background and Need for the Proposed Rulemaking

Section 19.18(3) governs the dealership location's display area where the public is permitted and invited in the regular course of business to inspect or test drive vehicles offered for sale, purchase or exchange by the dealership. Subparagraphs (ii)—(iv) set forth requirements for outdoor display areas.

As a result of the present outdoor display requirements of § 19.18(3)(ii), vehicle dealers have been unable to lawfully display a vehicle in a "showcase" area, such as on the front lawn of the dealership or upon some structure. In today's competitive marketplace, many dealers have expressed an interest in being permitted to create a special, nonconforming display area for one or a few vehicles as a "showcase" for a particular vehicle or vehicles. The Board found the requests reasonable and proposes to amend § 19.18(3)(ii) to permit a dealer to create a "showcase" area for up to five vehicles. To satisfy public safety concerns associated with the grading and surfacing requirements for display lots, the Board proposes to require that a dealer who creates a nonconforming display exclude the public from the nonconforming display area.

Description of Proposed Rulemaking

The Board proposes to add a new sentence to § 19.18(3)(ii) that would permit dealers to display up to five vehicles in an area that does not conform to the grading and surfacing requirements of that section, so long as the public does not have access to the nonconforming area. The proposed exemption would allow dealers to showcase up to five vehicles in an area designed for commercial impact rather than for safe access by the public. The public safety concerns expressed in the act and in § 19.18(3)(ii) are satisfied because the regulation requires that the public may not have access to the nonconforming showcase area.

Compliance with Executive Order 1996-1, "Regulatory Review and Promulgation"

The Board sent this proposed rulemaking to major dealer organizations as required under the directives of Executive Order 1996-1, including the Pennsylvania Automotive Association, the Pennsylvania Independent Automobile Dealers Association (PIADA), the Pennsylvania Manufactured Housing Association and the Pennsylvania Motorcycle Dealers Association. Comments were received which agreed that the Board should authorize the display of vehicles on lawn fronts at dealerships. The PIADA, through its executive director, suggested a licensed dealer be permitted to display up to ten vehicles in nonconforming areas. The Board determined that the area required to display ten vehicles would be too large for the dealer to adequately monitor public access. In addition, the Board considered the impact the proposed rulemaking would have on the regulated community and on public safety and welfare. The Board finds that the proposed rulemaking addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.



JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN  
ALVIN C. BISH, VICE CHAIRMAN  
ARTHUR C. COCHRAN, III  
ROBERT J. HARRISON, III  
MURRAY UBERG, ESQ.  
ROBERT E. NYCE, EXECUTIVE DIRECTOR  
MARY S. WYATTE, CHIEF COUNSEL

**INDEPENDENT REGULATORY REVIEW COMMISSION  
COMMONWEALTH OF PENNSYLVANIA  
333 MARKET STREET  
14TH FLOOR  
HARRISBURG, PA 17101**

[irrc@irrc.state.pa.us](http://www.irrc.state.pa.us)  
<http://www.irrc.state.pa.us>  
(717) 783-5417  
Fax (717) 783-2664

March 6, 2003

LeRoy D. Cameroni, Chairperson  
State Board of Barber Examiners  
116 Pine Street  
Harrisburg, PA 17105

Re: Regulation #16A-425 (IRRC #2310)  
State Board of Barber Examiners  
Deletion of Examination Fees

Dear Chairperson Cameroni:

Enclosed are the Commission's Comments that include objections and recommendations for consideration when you prepare the final version of this regulation. These Comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The Comments will soon be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director  
wbg  
Enclosure

cc: Honorable Mario J. Civera, Jr., Majority Chairman, House Professional Licensure Committee  
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee  
Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Benjamin Ramos, Acting Secretary, Department of State

**Comments of the Independent Regulatory Review Commission**

**on**

**State Board of Barber Examiners Regulation No. 16A-425**

**Deletion of Examination Fees**

**March 6, 2003**

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The State Board of Barber Examiners (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**Section 3.103. Fees. - Clarity**

This proposed rulemaking deletes eight examination fees. They are being deleted because a professional testing organization administers the examinations and sets the fees.

Section 3.41 (a), relating to applications for examinations, requires applications for examinations to be filed with the Board. However, the Board's website instructs applicants to submit applications directly to the testing organization.

Section 3.45 (b), relating to retaking the examination, states that applicants may request a personal interview with the Board for review of examination papers. However, the Board does not administer the examination and no longer provides opportunities for personal interviews.

The Board has acknowledged that these sections are outdated. We recommend that the Board incorporate any changes to these sections in the final-form of this regulation. This would provide the regulated community a clearer understanding of how the examination process works.

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

RECEIVED

2004 JAN -6 AM 10:59

(Pursuant to Commonwealth Documents Law)

LEGISLATIVE SECRETARY  
REVIEW COMMISSION

#2310

DO NOT WRITE IN THIS SPACE

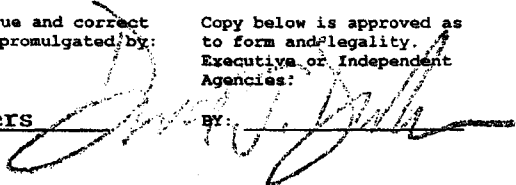
Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive of Independent Agencies:

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

State Board of Barber Examiners  
(AGENCY)

BY: 

DOCUMENT/FISCAL NOTE NO. 16A-425

DATE OF APPROVAL

DATE OF ADOPTION: \_\_\_\_\_

12/19/03  
DATE OF APPROVAL

BY:   
Lee Cameron

(Deputy General Counsel  
Chief Counsel,  
Independent Agency  
Strike inapplicable  
title)

TITLE: Chairperson  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

- Check if applicable  
Copy not approved.  
Objections attached.
- Check if applicable. No Attorney  
General approval or  
objection within 30 day  
after submission.

FINAL RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF BARBER EXAMINERS  
49 PA. CODE, CHAPTER 3  
DELETION OF EXAMINATION FEES

The State Board of Barber Examiners (Board) hereby amends §§ 3.41, 3.45, and 3.103 (relating to applications for examination; retaking examination; and fees) to read as set forth in Annex A.

A. **Effective date**

The amendments will be effective upon publication of final-form regulations in the Pennsylvania Bulletin.

B. **Statutory Authority**

The amendments are authorized under section 812.1 of the Administrative Code of 1929 (71 P.S. § 279.3a) and sections 6 and 14 of the Barber License Law (63 P.S. §§ 556 and 564).

C. **Background and Purpose**

The amendment to §3.41 (relating to applications for examinations) deletes outdated provisions related to applying to take the examination. Applications are no longer sent to the Board; instead they are sent to the testing organization. To avoid confusing applicants, the Board is removing this provision. The Board is also removing the requirement that the application include a notarized statement from a physician indicating that the student is free from contagious and infectious diseases. This provision has become outdated because the requirement for such a statement was removed from the Barber Law by the legislature in 2002. The amendment to §3.45 (relating to retaking examination) deletes an outdated provision that allows applicants who fail an examination to request a personal interview with the Board to review the examination papers. The Board no longer administers the examination and is not permitted to view the exam. The Board is removing this provision as it is no longer applicable to the examination process. The amendment to §3.103 (relating to fees) deletes references to the fees for the theory and practical examination for barbers and barber teachers and theory examination for managers. These fees are set by the administrators of the examinations, not by the Board. To avoid the necessity of amending the regulations whenever the examination administrator changes the fees, the Board is deleting references to the examination fees.

D. **Summary of Comments and Responses on Proposed Rulemaking**

Notice of the proposed rulemaking was published at 32 Pa.B. 5416 (November 2, 2002). Publication was followed by a 30-day public comment period during which the Board received no public comments. Following the close of the public comment period the Board received comments from the Independent Regulatory Review Commission (IRRC). The House Professional Licensure

Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The following is a response to the comments.

Section 3.41(a). Applications for examinations.

IRRC commented that this section required applications for examinations to be filed with the Board. However, the Board's website instructs applicants to submit applications directly to the testing organization. This section of the regulations has become outdated, as procedures for applying to take the exam have changed. IRRC recommended that the Board incorporate any changes to this section into the final-form regulation. The Board agrees and has amended this section accordingly.

Section 3.45(b). Retaking examination.

IRRC commented that this section stated that applicants may request a personal interview with the Board for review of examination papers. However, the Board does not administer the examination and no longer provides opportunities for personal interviews. This section of the regulations has become outdated, as the Board no longer has any part in administering or grading the examination. IRRC recommended that the Board incorporate any changes to this section into the final-form regulation. The Board agrees and has amended this section accordingly.

**E. Compliance with Executive Order 1996-1**

The Board reviewed this final-form rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation". The final-form regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

**F. Fiscal Impact and Paperwork Requirements**

The amendments will have no fiscal impact on the Commonwealth or its political divisions. The rulemaking will avoid preparation of new regulations each time that an examination fee is changed and should not create additional paperwork for the private sector.

**G. Sunset Date**

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

**H. Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board

submitted copies of the notice of proposed rulemaking, published at 32 Pa.B. 5416, on November 2, 2002 to IRRC, the SCP/PLC and the HPLC for review and comment.

In compliance with section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Board also provided IRRC, SCP/PLC, and HPLC with copies of comments received as well as other documents. In preparing the final-form rulemaking, the Board has considered the comments received from IRRC, SCP/PLC, HPLC, and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), this final-form rulemaking was (deemed) approved by the HPLC on \_\_\_\_\_, 200\_\_, and (deemed) approved by SCP/PLC on \_\_\_\_\_, 200\_\_. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on \_\_\_\_\_, \_\_\_200\_\_, and (deemed) the final-form rulemaking approved.

**I. Contact Person**

Further information may be obtained by contacting Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-3402, [www.dos.state.pa.us](http://www.dos.state.pa.us).

**J. Findings**

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These amendments do not enlarge the purpose of proposed rulemaking published at 32 Pa.B. 5416.

(4) These amendments are necessary and appropriate for administering and enforcing the authorizing act identified in Part B of this Preamble.

**K. Order**

The Board, acting under its authorizing statutes, orders that:



(a) The regulations of the Board, 49 Pa. Code Chapter 3, are amended by amending §§ 3.41, 3.45, and 3.103 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the Pennsylvania Bulletin.

Annex A

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 3. STATE BOARD OF BARBER EXAMINERS**

\* \* \*

**EXAMINATIONS**

**§3.41. Applications for examinations.**

~~(a) An application for admission to an examination shall be properly completed and on file with the Board on or before the 10<sup>th</sup> of the month preceding the month in which the examination is held. The examinations will be held in March, June, September and December.~~

(b) An examination application shall include payment of the fee; AND a notarized statement certifying the completion of the hours of instruction, from either a barber school or a barber-teacher or manager-barber with whom the student has studied and trained; ~~and notarized statement from a physician indicating that the student is free from contagious and infectious diseases.~~

\* \* \*

**§3.45. Retaking examination.**

(a) If an applicant fails the written or the practical test, the applicant is required to retake the portion which was failed within 1 year. Both portions of the examination shall be retaken if the

applicant does not pass the entire examination during the 1-year period following the initial testing.

~~(b) An applicant who fails an examination may request, in writing, a personal interview with the Board for a review of the examination papers.~~

\* \* \*

### SCHOOLS OF BARBERING

\* \* \*

#### §3.103. Fees.

The schedule of fees charged by the Board is as follows:

[Licensing examination for barber – complete.....	\$87
Licensing examination for barber – practical only.....	\$87
Licensing examination for barber – theory only.....	\$87
Licensing examination for barber – endorsement candidate.....	\$87
Licensing examination for barber teacher – complete.....	\$87
Licensing examination for barber teacher – practical only.....	\$87
Licensing examination for barber teacher – theory only.....	\$87
Licensing examination for barber shop manager.....	\$87]

\* \* \*



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF BARBER EXAMINERS

Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-3402

January 6, 2004

The Honorable John R. McGinley, Jr., Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harrisstown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Final Regulation  
State Board of Barber Examiners  
16A-425: Deletion of Examination Fees

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Barber Examiners pertaining to deletion of examination fees.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

  
Leroy D. Cameroni, Chairperson  
State Board of Barber Examiners

LDC/CLC:law

Enclosure

c: Basil L. Merenda, Acting Commissioner  
Bureau of Professional and Occupational Affairs  
Andrew Sislo, Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Gerald S. Smith, Senior Counsel in Charge  
Department of State  
Carole L. Clarke, Counsel  
State Board of Barber Examiners  
State Board of Barber Examiners

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-425  
 SUBJECT: Deletion of Examination Fees  
 AGENCY: DEPARTMENT OF STATE

**TYPE OF REGULATION**

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

RECEIVED  
 2004 JAN -6 PM 11:00  
 INDEPENDENT REGULATORY REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
1/6/04	<i>James J. ...</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
1/6/04	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
1/6/04	<i>Stena Pagan</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)