



Division of Registration Office of Barber and Cosmetology Licensure

January 2, 2009

Director's Position Statement #2

Jurisdiction over Barbershops and Beauty Salons

In 2005, Senate Bill 05-146 repealed section 12-8-114.5, C.R.S. The repeal of this statute raised the issue of whether the Division Director for the Office of Barber and Cosmetology Licensure has jurisdiction over barbershops or beauty salons. There were two other sections of the statute that were not amended, those were sections 12-8-107 (1), C.R.S., and section 12-8-108 (1)(d) and (e), C.R.S. Therefore, it is the Director's position that based on the remaining statutes, the Director has jurisdiction over barbershops and beauty salons in terms of requiring registration and imposing disciplinary action despite the repeal of section 12-8-114.5, C.R.S.

Section 12-8-107 (1), C.R.S., states the Director shall: Among other things, keep a register of places of business showing each owner's name and the address of each such place of business.

Section 12-8-108 (1) (d), C.R.S., states the Director shall: Supervise and regulate the industries of barbering, hairstyling, and cosmetology and the practices of estheticians and manicurists.

Section 12-8-108 (1) (e), C.R.S., states the Director shall: Among other things, establish procedures for the registration of places of business.

What is the definition of an owner? Section 12-8-103 (12), C.R.S., states that an "owner" includes any person who has a financial interest in a barbershop or beauty salon or any other place of business entitling such person to participate in the promotion, management, or proceeds thereof. It does not include a person whose connection with the barbershop, beauty salon, or other place of business entitles such person only to reasonable salary or wages for services actually rendered. The owner of a place of business is the person responsible for registering such place of business with the Director of the Division of Registrations.

What is the definition of place of business? Section 12-8-103 (13), C.R.S., states that a "place of business" means a fixed establishment, temporary location, or place, including any mobile barber shop or beauty salon, in which one or more persons engage in the practice of barbering, hairstyling, or cosmetology or practice as a manicurist or an esthetician. The term "temporary location" includes a motor home as defined in section 42-1-102 (57), C.R.S.

Additionally, a shop owner is responsible for complying with rules that specifically governs other requirements of shop ownership. Please reference [Rule 5](#) and [Rule 6](#) for additional information.