

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 759

Short Title: Barber/Electrolysis Board/Disciplinary Costs. (Public)

Sponsors: Representatives Autry and Pierce (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT THE NORTH CAROLINA BOARD OF BARBER AND  
3 ELECTROLYSIS EXAMINERS FROM CHARGING COSTS FOR DISCIPLINARY  
4 PROCEEDINGS PRIOR TO FINDING AN INDIVIDUAL IN VIOLATION OF CHAPTER  
5 86B OF THE GENERAL STATUTES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 86B-10 reads as rewritten:

8 **"§ 86B-10. Civil penalties; disciplinary costs.**

9 (a) Authority to Assess Civil Penalties. – The Board may assess a civil penalty not in  
10 excess of five hundred dollars (\$500.00) per offense for the violation of any section of this  
11 Chapter or the violation of any rules adopted by the Board. The clear proceeds of any civil penalty  
12 assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in  
13 accordance with G.S. 115C-457.2.

14 (b) Consideration Factors. – Before imposing and assessing a civil penalty, the Board  
15 shall consider the following factors:

16 (1) The nature, gravity, and persistence of the particular violation.

17 (2) The appropriateness of the imposition of a civil penalty when considered alone  
18 or in combination with other punishment.

19 (3) Whether the violation was willful and malicious.

20 (4) Any other factors that would tend to mitigate or aggravate the violations found  
21 to exist.

22 (c) Schedule of Civil Penalties. – The Board shall establish a schedule of civil penalties  
23 for violations of this Chapter and rules adopted by the Board.

24 (d) Costs. – The Board ~~may may~~, in a disciplinary ~~proceeding proceeding~~, charge costs,  
25 including reasonable attorneys' fees, to ~~the an applicant or licensee against whom the proceedings~~  
26 ~~were brought~~, found to be in violation of this Chapter."

27 **SECTION 2.** This act is effective when it becomes law and applies to any  
28 disciplinary actions arising or pending on or after that date.

