

1 *Senate* BILL NO. *270*
 2 INTRODUCED BY *Blaylock*
 3 BY REQUEST OF

4 THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR DELETION
 7 OF PRICE AGREEMENTS AND APPROVAL BY THE BOARD OF
 8 COSMETOLOGISTS; TO PROVIDE FOR A TEMPORARY LICENSE FOR A
 9 COSMETOLOGICAL ESTABLISHMENT FOR A LIMITED PERIOD AND UNTIL
 10 INSPECTION IS MADE; TO PROVIDE THAT THE BOARD OF
 11 COSMETOLOGISTS MAY PROVIDE FOR A 2- OR 3-YEAR RENEWAL AND
 12 THAT THE RENEWAL DATE MAY BE CHANGED BY RULE FOR THE
 13 MANAGER-OPERATOR AND SALON OWNER CATEGORY AND PLACING LIMITS
 14 ON THE RENEWAL FEE; AND TO PROVIDE FOR INCREASED LATE
 15 RENEWAL FEES; AMENDING SECTIONS 66-806, 66-813.1, AND
 16 66-816, R.C.M. 1947."

17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 19 Section 1. Section 66-806, R.C.M. 1947, is amended to
 20 read as follows:
 21 "66-806. Power of board to adopt rules and to approve
 22 price agreements. (1) The board may approve price
 23 agreements among licensed practitioners and students in
 24 beauty schools by which minimum prices for hairdressing and
 25 beauty culture are established by explicit written agreement

1 signed and executed by at least seventy-five per cent (75%)
 2 of the practitioners in a county in this state and
 3 submitted to the board by the signing group over their
 4 signatures of all thereof. Beauty schools shall charge for
 5 students' work not less than fifty per cent (50%) of the
 6 established minimum prices, as determined and approved by
 7 seventy-five per cent (75%) of the practitioners in the
 8 area. On receipt of the price agreements, the board shall
 9 investigate the reasons for it and the justification for the
 10 agreement, if the board in its discretion concludes that
 11 the price agreement is just and under the conditions
 12 obtaining for the particular territory involved, will best
 13 protect the public health and safety by affording a
 14 sufficient minimum price for hairdressing and beauty culture
 15 to enable the practitioners to furnish modern and healthful
 16 services and appliances to minimize danger to the public
 17 health, the board may approve the agreements for the term
 18 proposed or for a shorter term as the board considers
 19 proper.
 20 (2) The board may also consider separately the
 21 petition of an incorporated town or city when accompanied
 22 by the signatures of at least two-thirds (2/3) of the
 23 licensed practitioners in the town or city and the board may
 24 approve, if necessary, according to the purpose of this
 25 chapter, changes in existing price agreements or establish

1 ~~new agreements, when approved by seventy-five per cent (75%)~~
 2 ~~of the licensed practitioners within the town or city, other~~
 3 ~~communities and territory adjacent to a town or city and~~
 4 ~~other areas in the county, shall abide by the rules and~~
 5 ~~agreements prescribed for that particular county. For the~~
 6 ~~purpose of this subsection, a city or town includes, in~~
 7 ~~addition to the territory lying within its legal boundaries,~~
 8 ~~the territory adjacent to it and lying within three (3)~~
 9 ~~miles of the legal boundaries, in any direction.~~

10 ~~(3) In determining whether a price agreement is~~
 11 ~~necessary and just, and will protect the public health and~~
 12 ~~safety, the board shall give consideration to all conditions~~
 13 ~~affecting hairdressing and the beauty culture, as~~
 14 ~~practiced, in its relation to public health and safety, and~~
 15 ~~also to the necessary costs incurred in the particular~~
 16 ~~territorial area in maintaining shops or parlors in sanitary~~
 17 ~~and attractive conditions. The board shall, on its own~~
 18 ~~initiative, request the department to, and the department~~
 19 ~~shall investigate conditions existing in the practice of~~
 20 ~~cosmetology throughout the state, and shall establish new or~~
 21 ~~modify existing minimum prices when it appears that this~~
 22 ~~action is in the best interests of public health and safety~~
 23 ~~and in keeping with the purposes and objectives of this act.~~
 24 ~~In no event may a minimum price agreement or standard be~~
 25 ~~established, approved, modified, or abolished, except after~~

1 ~~public hearings. Notice of the hearing and the purpose, time,~~
 2 ~~and place thereof shall be mailed by the department to every~~
 3 ~~licensed practitioner in the area affected, as it appears in~~
 4 ~~the records of the department, and it shall be published at~~
 5 ~~least once in a newspaper of general circulation which the~~
 6 ~~board considers most likely to give notice to the public,~~
 7 ~~the mailing and publication to be done not less than ten~~
 8 ~~(10) days prior to the hearing.~~

9 ~~(4) The price agreement, as proposed or modified, by~~
 10 ~~the board, shall be put into effect by order of the board,~~
 11 ~~which shall plainly state the minimum price for all work~~
 12 ~~usually performed in a beauty shop or parlor in the county,~~
 13 ~~city or town in which the price agreement has been signed,~~
 14 ~~and for which it is effective, and thereafter no person~~
 15 ~~subject to this act may advertise or sell service for less~~
 16 ~~than the minimum price in the area for which the price was~~
 17 ~~established, if the board, either on petition of two-thirds~~
 18 ~~(2/3) of the signatories to the price agreement, or on the~~
 19 ~~board's initial motion, finds that the minimum prices fixed~~
 20 ~~by its order are insufficient or improperly adjusted to~~
 21 ~~provide healthful services to the public and keep the shops~~
 22 ~~and parlors in a safe, sanitary, and attractive condition,~~
 23 ~~it may modify the minimum prices by prescribing increases,~~
 24 ~~adjustments, or decreases, if necessary, best calculated to~~
 25 ~~realize the objectives.~~

1 ~~(5)(1)~~ The board shall prescribe rules for the conduct
 2 of its business; the qualification, examination, and
 3 registration of applicants to practice or teach cosmetology;
 4 applicants for manager-operator licenses; the regulation and
 5 instruction of apprentices and students; the conduct of
 6 schools of cosmetology for apprentices and students; and
 7 generally for the conduct of the persons, firms, or
 8 corporations affected by this act.

9 ~~(6)(2)~~ The board shall adopt a seal and authenticate
 10 its acts."

11 Section 2. Section 66-813.1, R.C.M. 1947, is amended
 12 to read as follows:

13 "66-813.1. Inspection fees. Upon application for a
 14 license, any cosmetological establishment must pay an
 15 initial inspection fee of ~~twenty-five dollars (\$25)~~ plus
 16 ~~actual and necessary expenses of the inspector.~~ This
 17 ~~inspection is required prior to issuance of a license.~~ The
 18 board may authorize the department to grant to a
 19 cosmetological establishment, upon payment of the initial
 20 inspection fee, a temporary license authorizing the
 21 cosmetological establishment to operate for a period of not
 22 to exceed 90 days or until the inspector is able to make the
 23 inspection, whichever event occurs first. This temporary
 24 license is not renewable."

25 Section 3. Section 66-816, R.C.M. 1947, is amended to

1 read as follows:

2 "66-816. Duration and renewal of licenses and
 3 certificates -- delinquent renewal fee. (1) Licenses and
 4 certificates shall be issued for no longer than ~~one (1)~~ year
 5 unless otherwise provided by rule. Licenses and certificates
 6 expire on December 31 unless otherwise provided by rule or
 7 renewed for the next year or renewal period. Licenses and
 8 certificates may be renewed by application made prior to
 9 December 31 of each year, unless otherwise provided, and the
 10 payment of a required renewal fee. Expired licenses and
 11 certificates may be renewed under rules made by the board,
 12 but the right to renew an expired license or certificate
 13 terminates after 3 years of nonpayment. The board may
 14 provide by rule for a change in the renewal date and renewal
 15 period for the manager-operator and salon owner category.
 16 The renewal fee may not exceed twice the fee for a 2-year
 17 renewal or three times the fee for a 3-year renewal and
 18 shall be as set by the board.

19 (2) In addition to the foregoing requirements for
 20 renewal, persons applying for the renewal of teachers'
 21 licenses must have fulfilled the following additional
 22 requirements:

23 (a) During each year an active teacher, either full
 24 time or part time, must have successfully completed thirty
 25 (30) hours professional teacher training at a school

1 approved by the board as a prerequisite to the renewal of
2 the teacher's license.

3 (b) Persons holding a teacher's license, but not
4 actively engaged either full time or part time in teaching
5 cosmetology during the preceding year, may renew the license
6 by paying the required fee.

7 (c) Persons holding a teacher's license but not
8 actively engaged in teaching cosmetology either full time or
9 part time for the preceding year or longer and wishing to
10 resume active teaching of cosmetology must successfully
11 complete thirty (30) hours professional teachers' training
12 at a school approved by the board before resuming active
13 teachers' training. However, the foregoing provisions do not
14 prevent the board, under rules it adopts from permitting a
15 person holding a teacher's license and not actively engaged
16 either full time or part time in teaching cosmetology from
17 teaching as a substitute for an active teacher.

18 (3) A fee of ~~two-dollars-and-fifty-cents--(\$2.50)~~ \$10
19 shall be charged in addition to other fees fixed by law for
20 renewal applications of licenses and certificates made after
21 December 31 of each year or other predetermined renewal
22 deadline. The department shall notify license and
23 certificate holders of the expiration date of ~~license~~
24 licenses and certificates not less than ~~thirty-(30)~~ days
25 before the expiration date, and call attention to the

1 penalty imposed for failure to renew a license or
2 certificate by the date of expiration."

-End-

STATE OF MONTANA

REQUEST NO. 248-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 270 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act pertaining to cosmetologists - - providing for a temporary license on establishments; providing for a two or three year renewal; providing for increased late renewal fees.

ASSUMPTIONS:

1. Temporary license cost is included in initial inspection fee.
2. Staggered renewal dates for the manager-operators and salon owner will be determined by the Board only upon passage and approval of this proposal. No figures are available on the numbers to be renewed in each year or if licensing will be set at a two or three year renewal.
3. Estimated 735 licensees will pay late fees.

FISCAL IMPACT:

Raising late renewal fees from \$2.50 to \$10.00 will increase revenue approximately \$5,500 annually.

LONG-RANGE IMPACT:

Staggering renewal dates will reduce workload normally required at peak renewal time, thus cutting costs on personal services, postage and supplies.

TECHNICAL NOTE:

66-813.1 should read temporary permit rather than temporary license.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-1-77

Approved by Committee
on State Administration

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16 services and appliances to minimize danger to the public
17 health, the board may approve the agreements for the term
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20 ~~{2}~~ The board may also consider separately the
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 15 must pay an initial inspection fee of twenty-five dollars
 16 ~~{ \$25 } + plus actual and necessary expenses of the inspector.~~
 17 ~~{ this inspection is required prior to issuance of a license }~~
 18 The board may authorize the department to grant to a
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25 before the expiration date, and call attention to the

1 penalty imposed for failure to renew a license or
2 certificate by the date of expiration.*

-End-

SENATE BILL NO. 270
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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR DELETION OF PRICE AGREEMENTS AND APPROVAL BY THE BOARD OF COSMETOLOGISTS; TO PROVIDE FOR A TEMPORARY LICENSE FOR A COSMETOLOGICAL ESTABLISHMENT FOR A LIMITED PERIOD AND UNTIL INSPECTION IS MADE; TO PROVIDE THAT THE BOARD OF COSMETOLOGISTS MAY PROVIDE FOR A 2- OR 3-YEAR RENEWAL AND THAT THE RENEWAL DATE MAY BE CHANGED BY RULE FOR THE MANAGER-OPERATOR AND SALON OWNER CATEGORY AND PLACING LIMITS ON THE RENEWAL FEE; AND TO PROVIDE FOR INCREASED LATE RENEWAL FEES; AMENDING SECTIONS 66-806, 66-813.1, AND 66-816, R.C.M. 1947."

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 10 INSPECTION IS MADE; TO PROVIDE THAT THE BOARD OF
 11 COSMETOLOGISTS MAY PROVIDE FOR A 2- OR 3-YEAR RENEWAL AND
 12 THAT THE RENEWAL DATE MAY BE CHANGED BY RULE FOR THE
 13 MANAGER-OPERATOR AND SALON OWNER CATEGORY AND PLACING LIMITS
 14 ON THE RENEWAL FEE; AND TO PROVIDE FOR INCREASED LATE
 15 RENEWAL FEES; AMENDING SECTIONS 66-806, 66-813.1, AND
 16 66-816, R.C.M. 1947."

17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 19 Section 1. Section 66-806, R.C.M. 1947, is amended to
 20 read as follows:
 21 "66-806. Power of board to adopt rules and to approve
 22 price agreements. ~~(1) The board may approve price~~
 23 ~~agreements among licensed practitioners and students in~~
 24 ~~beauty schools, by which minimum prices for hairdressing and~~
 25 ~~beauty culture are established by explicit written agreement~~

1 ~~signed and executed by at least seventy-five per cent (75%)~~
 2 ~~of the practitioners in a county in this state, and~~
 3 ~~submitted to the board by the signing group over their~~
 4 ~~signatures of all thereof. Beauty schools shall charge for~~
 5 ~~students' work not less than fifty per cent (50%) of the~~
 6 ~~established minimum prices, as determined and approved by~~
 7 ~~seventy-five per cent (75%) of the practitioners in the~~
 8 ~~area. On receipt of the price agreements, the board shall~~
 9 ~~investigate the reasons for it and the justification for the~~
 10 ~~agreement. If the board, in its discretion, concludes that~~
 11 ~~the price agreement is just and under the conditions~~
 12 ~~obtaining for the particular territory involved, will best~~
 13 ~~protect the public health and safety by affording a~~
 14 ~~sufficient minimum price for hairdressing and beauty culture~~
 15 ~~to enable the practitioners to furnish modern and healthful~~
 16 ~~services, and appliances to minimize danger to the public~~
 17 ~~health, the board may approve the agreements for the term~~
 18 ~~proposed or for a shorter term as the board considers~~
 19 ~~proper.~~
 20 ~~(2) The board may also consider separately the~~
 21 ~~petition of an incorporated town or city when accompanied~~
 22 ~~by the signatures of at least two-thirds (2/3) of the~~
 23 ~~licensed practitioners in the town or city and the board may~~
 24 ~~approve, if necessary, according to the purpose of this~~
 25 ~~chapter, changes in existing price agreements or establish~~

1 new agreements, when approved by seventy-five per cent (75%)
 2 of the licensed practitioners within the town or city. Other
 3 communities and territory adjacent to a town or city and
 4 other areas in the county shall abide by the rules and
 5 agreements prescribed for that particular county, for the
 6 purpose of this subsection, a city or town includes, in
 7 addition to the territory lying within its legal boundaries,
 8 the territory adjacent to it and lying within three (3)
 9 miles of the legal boundaries, in any direction.

10 (3) In determining whether a price agreement is
 11 necessary and just, and will protect the public health and
 12 safety, the board shall give consideration to all conditions
 13 affecting hairdressing and the beauty culture arts as
 14 practiced, in its relation to public health and safety, and
 15 also to the necessary costs incurred in the particular
 16 territorial area in maintaining shops or parlors in sanitary
 17 and attractive conditions. The board shall, on its own
 18 initiative, request the department to, and the department
 19 shall investigate conditions existing in the practice of
 20 cosmetology throughout the state, and shall establish new or
 21 modify existing minimum prices when it appears that this
 22 action is in the best interests of public health and safety
 23 and in keeping with the purposes and objectives of this act.
 24 In no event may a minimum price agreement or standard be
 25 established, approved, modified, or abolished, except after

1 public hearings. Notice of the hearing and the purpose, time,
 2 and place thereof shall be mailed by the department to every
 3 licensed practitioner in the area affected, as it appears in
 4 the records of the department, and it shall be published at
 5 least once in a newspaper of general circulation which the
 6 board considers most likely to give notice to the public,
 7 the mailing and publication to be done not less than ten
 8 (10) days prior to the hearing.

9 (4) The price agreements as proposed or modified by
 10 the board, shall be put into effect by order of the board,
 11 which shall plainly state the minimum price for all work
 12 usually performed in a beauty shop or parlor in the county,
 13 city or town in which the price agreement has been signed,
 14 and for which it is effective, and thereafter no person
 15 subject to this act may advertise or sell service for less
 16 than the minimum price in the area for which the price was
 17 established. If the board either on petition of two-thirds
 18 (2/3) of the signatories to the price agreement, or on the
 19 board's initial motion, finds that the minimum prices fixed
 20 by its order are insufficient or improperly adjusted to
 21 provide healthful services to the public and keep the shops
 22 and parlors in a safer, sanitary, and attractive condition,
 23 it may modify the minimum prices by prescribing increases,
 24 adjustments, or decreases, if necessary, best calculated to
 25 realize the objectives.

1 ~~{5}{1}~~ The board shall prescribe rules for the conduct
 2 of its business; the qualification, examination, and
 3 registration of applicants to practice or teach cosmetology;
 4 applicants for manager-operator licenses; the regulation and
 5 instruction of apprentices and students; the conduct of
 6 schools of cosmetology for apprentices and students; and
 7 generally for the conduct of the persons, firms, or
 8 corporations affected by this act.

9 ~~{6}{2}~~ The board shall adopt a seal and authenticate
 10 its acts."

11 Section 2. Section 66-813.1, R.C.M. 1947, is amended
 12 to read as follows:

13 "66-813.1. Inspection fees ~~-- TEMPORARY PERMIT~~. Upon
 14 application for a license, any cosmetological establishment
 15 must pay an initial inspection fee of ~~twenty-five dollars~~
 16 ~~{25}, plus actual and necessary expenses of the inspector.~~
 17 ~~This inspection is required prior to issuance of a license.~~
 18 ~~The board may authorize the department to grant to a~~
 19 ~~cosmetological establishment, upon payment of the initial~~
 20 ~~inspection fee, a temporary license PERMIT authorizing the~~
 21 ~~cosmetological establishment to operate for a period of not~~
 22 ~~to exceed 90 days or until the inspector is able to make the~~
 23 ~~inspection, whichever event occurs first. This temporary~~
 24 ~~license PERMIT is not renewable."~~

25 Section 3. Section 66-816, R.C.M. 1947, is amended to

1 read as follows:

2 "66-816. Duration and renewal of licenses and
 3 certificates -- delinquent renewal fee. (1) Licenses and
 4 certificates shall be issued for no longer than ~~one {1}~~ year
 5 ~~unless otherwise provided by rule~~. Licenses and certificates
 6 expire on December 31 unless ~~otherwise provided by rule or~~
 7 renewed for the next year ~~or renewal period~~. Licenses and
 8 certificates may be renewed by application made prior to
 9 December 31 of each year, ~~unless otherwise provided~~, and the
 10 payment of a required renewal fee. Expired licenses and
 11 certificates may be renewed under rules made by the board,
 12 ~~but the right to renew an expired license or certificate~~
 13 ~~terminates after 3 10 years of nonpayment. The board may~~
 14 ~~provide by rule for a change in the renewal date and renewal~~
 15 ~~period for the manager-operator and salon owner category.~~
 16 ~~The renewal fee may not exceed twice the fee for a 2-year~~
 17 ~~renewal or three times the fee for a 3-year renewal and~~
 18 ~~shall be as set by the board.~~

19 (2) In addition to the foregoing requirements for
 20 renewal, persons applying for the renewal of teachers'
 21 licenses must have fulfilled the following additional
 22 requirements:

23 (a) During each year an active teacher, either full
 24 time or part time, must have successfully completed thirty
 25 (30) hours professional teacher training at a school

1 approved by the board as a prerequisite to the renewal of
2 the teacher's license.

3 (b) Persons holding a teacher's license, but not
4 actively engaged either full time or part time in teaching
5 cosmetology during the preceding year, may renew the license
6 by paying the required fee.

7 (c) Persons holding a teacher's license but not
8 actively engaged in teaching cosmetology either full time or
9 part time for the preceding year or longer and wishing to
10 resume active teaching of cosmetology must successfully
11 complete thirty (30) hours professional teachers' training
12 at a school approved by the board before resuming active
13 teachers' training. However, the foregoing provisions do not
14 prevent the board, under rules it adopts from permitting a
15 person holding a teacher's license and not actively engaged
16 either full time or part time in teaching cosmetology from
17 teaching as a substitute for an active teacher.

18 (3) A fee of ~~two-dollars-and-fifty-cents-(\$2.50)~~ \$10
19 shall be charged in addition to other fees fixed by law for
20 renewal applications of licenses and certificates made after
21 December 31 of each year or other predetermined renewal
22 deadline. The department shall notify license and
23 certificate holders of the expiration date of ~~license~~
24 licenses and certificates not less than ~~thirty--(30)~~ days
25 before the expiration date, and call attention to the

1 penalty imposed for failure to renew a license or
2 certificate by the date of expiration."

-End-