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| 1 | BILL NO. 0370 |
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| 2 | INTRODUCED BY Blaylock |
| 3 | O 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 BUARD 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 | priceagreements. (1)Theboardmayapproveprice |
| 23 | agreementsamonglicensedpractitionersandstudents-in |
| 24 | beauty-schoolsy-by-which-minimum-prices-for-hairdressing-and |
| 25 | beauty-culture-ore-established-by-explicit-written-agreement |

signed-and-executed-by-at-least-seventy-five-per-cent--f75% of--the--practitioners--in--a--county--in--this--statey--and submitted-to-the-board-by--the--signing--group--over--their signatures--of--all-thereof*-Beauty-schools-shall-charge-for students*-work-not-less-than-fifty-ser--cent--(50%)--of--the established--minimum--pricesy--as-determined-and-approyed-by seventy-five-per-cent-(75%)--of--the--proctitioners--in--the areav--8n--receipt--of-the-price-agreementsy-the-board-shall investigate-the-reasons-for-it-and-the-justification-for-the agreementy-if-the-boardy-in-its-discretiony--concludes--that the--price--agreement--is--just--and--under--the--conditions obtaining-for-the-particular-territory-involvedy--will--best protect---the--public--health--and--safety--by--affording--a sufficient-minimum-price-for-hairdressing-and-beauty-culture to-enable-the-practitioners-to-furnish-modern-and--healthful servicesy--and--applicances-to-minimize-danger-to-the-public healthy-the-board-may-approve-the-agreements--for--the--term proposed-or-for-a-shorter-term-as-the-board-considers propers' {2}--The--board--may--atso--consider---separately---the petition--of--an-incorporated-town-or-cityy-when-accompanied by-the-signatures--of--at--least--two-thirds--(2/3)--of--the licensed-practitioners-in-the-town-or-city-and-the-board-may approvey--if--necessaryy--according--to--the-purpose-of-this

chaptery-changes-in-existing-price-agreements--or--establish

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new-agreementsy-when-approved-by-seventy-five-per-cent-(75%)
of-the-licensed-practitioners-within-the-town-or-cityw-dther
communities--and-territory--adjacent--to-b-town-or-city-and
other-areas-in-the-county--shall--abide--by--the--rules--and
agreements--prescribed--for--that-particular-countyw-For-the
purpose-of-this-subsectiony-a--city--or--town--includesy--in
addition-to-the-territory-lying-within-its-legal-boundariesy
the--territory--adjacent--to--it--and-lying-within-three-(3)
miles-of-the-legal-boundariesy-in-any-directiony

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(3)--In--determining--whether--a-price--agreement---is necessary--and--justy-and-will-protect-the-public-health-and safetyy-the-board-shall-give-consideration-to-all-conditions affecting-hairdressing--and--the--beauty--culture--arty--as practicedy-in-its-relation-to-public-health-and-safetyy-and also-to-the--necessary--costs--incurred--in--the--perticular territorial-orea-in-maintaining-shops-or-parlors-in-sanitary and--sttractive--conditions--The--board--shalls--on--its-own initiativey-request-the-department-toy--and--the--department shall--investigate--conditions--existing--in-the-practice-of cosmetology-throughout-the-statey-and-shall-establish-new-or modify-existing-minimum-prices-when-lit--appears--that--this action--is-in-the-best-interests-of-public-health-and-safety ond-in-keeping-with-the-purposes-and-objectives-of-this-act. In-no-event-may-a-minimum-price--agreement--or--standard--be establishedy--approvedy-modifiedy-or-abolishedy-except-after

public-hearings-Notice-of-the-hearing-and-the-purposes-times and-place-thereof-shall-be-mailed-by-the-department-to-every licensed-practitioner-in-the-area-affecteds-as-it-appears-in the-records-of-the-departments-and-it-shall-be-published-at least-conce-in-a-newspaper-of-general-circulation-which-the board-considers-most-likely-to-give-notice--to-the-publics the-mailing--and--publication--to-be-done-not-less-than-ten figh-days-prior-to-the-hearings

(4)--The-price-ogreementy-as-proposed--or--modified--by the--boardy--shall-be-put-into-effect-by-order-of-the-boardy which-shall-plainly-state-the-minimum--price--for--all--work usually--performed-in-a-beauty-shop-or-parlor-in-the-countycity-or-town-in-which-the-price-agreement-has-been--sisnedy and--for--which--it--is--effectivey-and-thereafter-no-person subject-to-this-act-may-advertise-or-sell-service--for--less thon-the-sinisus-price-in-the-area-for-which-the-price-was established.-If-the-board-either-on-petition--of--two-thirds 12/3)--of--the-signatories-to-the-price-agreementy-or-on-the board*s-initial-motiony-finds-that-the-minimum-prices--fixed by--its--order--are--insufficient--or-improperly-adjusted-to provide-healthful-services-to-the-public-and-keep-the--shops and--parlors--in-a-safe,-sanitary,-and-attractive-condition, it-may-modify-the-minimum-prices-by--prescribing--increasesy adjustmentsy--or-decreasesy-if-necessaryy-best-calculated-to realize-the-objectives

LC 1087/01

LC 1087/01

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

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9 (6)(2) The board shall adopt a seal and authenticate

12 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 initial inspection fee of twenty-five-dollars-[\$25]y-plus 15 16 actual--and-necessary--expenses--of--the--inspector. This 17 inspection--is--required-prior-to-issuance-of-o-licenser Ihe 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."

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

l read as follows:

2 *66-816. Duration and renewal of licenses and certificates -- delinguent renewal fee. (1) Licenses and 3 certificates shall be issued for no longer than one-fit year 5 unless otherwise provided by rule. Licenses and certificates expire on December 31 unless otherwise provided by rule or 7 renewed for the next year or renewal period. Licenses and certificates may be renewed by application made prior to 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. 15 Ihe 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 poard.

- 19 (2) In addition to the foregoing requirements for
 20 renewal, parsons 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

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

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- (b) Persons holding a teacher's license, but not actively engaged either full time or part time in teaching cosmetology during the preceding year, may renew the license by paying the required fee.
- (c) Persons holding a teacher's license but not actively engaged in teaching cosmetology either full time or part time for the preceding year or longer and wishing to resume active teaching of cosmetology must successfully complete thirty (30) hours professional teachers' training at a school approved by the board before resuming active teachers' training. However, the foregoing provisions do not prevent the board, under rules it adopts from permitting a person holding a teacher's license and not actively engaged either full time or part time in teaching cosmetology from teaching as a substitute for an active teacher.
- (3) A fee of two-dollars-and-fifty-cents-(\$2250) \$10
 shall be charged in addition to other fees fixed by law for
 renewal applications of licenses and certificates made after
 December 31 of each year or other predetermined renewal
 deadline. The department shall notify license and
 certificate holders of the expiration date of license
 licenses and certificates not less than thirty-(30) days
 before the expiration date, and call attention to the

- l penalty imposed for failure to renew <u>a</u> license <u>or</u>
- 2 certificate by the date of expiration.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. 248-77

Form BD-15

| In compliance with a | written request received | January 26 | 19 77 there is h | nereby submitted a Fiscal Note | e |
|-------------------------|--------------------------|------------|------------------|--------------------------------|----|
| • | pursuant to | - | · | • | |
| | | | | d Program Planning, to member | rs |
| 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 solon 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: <u>2 - 1 - 27</u>

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Approved by Committee on State Administration

| 1 | SENATE BILL NO. 270 |
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| 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 |
| 0 | INSPECTION IS MADE; TO PROVIDE THAT THE BOARD OF |
| 1.1 | 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 |
| 6 | 66-816, R.C.M. 1947." |
| 17 | |
| 8 | 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: |
| 2 i | #66-806. Power of board to adopt rules and-to-approve |
| 22 | priceagreements. (1)Theboardmayapproveprice |
| 23 | agreementsamonglicensedpractitionersandstudents-in |
| 24 | beauty-schoolsy-by-which-minimum-prices-for-hairdressing-and |
| 25 | beouty-culture-ore-established-by-explicit-written-agreement |
| | |

signed-and-executed-by-st-lesst-seventy-five-per-cent--f75% of--the--practitioners--in--a--county--in--this--statey--and submitted-to-the-board--by--the--signing--group--over--their signatures--of--all-thereofy-Beauty-schools-shall-charge-for students*-work-not-less-than-fifty-per--cent--+50%}--of--the established--minimum--pricesy--as-determined-and-approved-by seventy-five-per-cent-(75%)--of--the--practitioners--in--the investigate-the-reasons-for-it-and-the-justification-for-the agreement--If-the-boardy-in-its-discretiony--concludes--that the--price--agreement--is--just--and--under--the--conditions obtaining-for-the-particular-territory-involvedy--will--best protect---the--public--health--and--safety--by--affording--a sufficient-minimum-price-for-hairdressing-and-beauty-culture to-enable-the-practitioners-to-furnish-modern-and--healthful servicesy--and--applicances-to-minimize-danger-to-the-public healthy-the-board-may-approve-the-agreements--for--the--term proposed--or--for--a--shorter--term--as--the-board-considers propers {2}--The--board--may--afso--consider---separately---the petition--of--an-incorporated-town-or-citys-when-accompanied by-the-signatures--of--at--leost--two-thirds--(2/3)--of--the licensed-practitioners-in-the-town-or-city-and-the-board-may approvey--if--necessaryy--according--to--the-purpose-of-this chaptery-changes-in-existing-price-agreements--or--establish

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new-agreementsy-when-approved-by-seventy-five-per-cent-{75%} of-the-licensed-practitioners-within-the-town-or-city=8ther communities--and-territory--adjacent--to-a-town-or-city-and other-areas-in-the-county--shall--abide--by--the--rules--and agreements--prescribed--for--that-particular-county=For-the purpose-of-this-subsectiony-a--city--or--town--includesy--in addition-to-the-territory-lying-within-its-legal-boundariesy-the--territory--adjacent--to--it--and-lying-within-three-{3} miles-of-the-legal-boundariesy-in-any-direction=

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f3}--in--determining--whether--a--price--agreement---is necessory--and--iusty-and-will-protect-the-public-health-and sofetyy-the-board-shall-give-consideration-to-all-conditions affecting--hoirdressing--ond--the--beauty--culture--arty--as practicedy--in-its-relation-to-public-health-and-safetyy-and ofso-to-the--necessary--costs--incurred--in--the--porticular territorial-area-in-maintaining-shops-or-parlors-in-sanitary and--attractive--condition---The--board--shally--on--its-own initistivey-request-the-department-toy--and--the--department shall--investigate--conditions--existing--in-the-practice-of cosmetology-throughout-the-state--and-shall-establish-new-or modify-existing-minimum-prices-when--it--appears--that--this action--is-in-the-best-interests-of-public-health-and-safety and-in-keeping-with-the-purposes-and-objectives-of-this-actv In-no-event-may-a-minimum-price--agreement--or--standard--be establishedy--approvedy-modifiedy-or-abolishedy-except-after

public-hearingw-Notice-of-the-hearing-and-the-purposev-timey
and-place-thereof-shall-be-mailed-by-the-department-to-every
licensed-practitioner-in-the-area-affectedy-as-it-appears-in
the-records-of-the-departmenty-and-it-shall-be-published-at
least--once--in-a-newspaper-of-general-circulation-which-the
board-considers-most-likely-to-give-natice--to--the--publicy
the--mailing--and--publication--to-be-done-not-less-than-ten
[10]-deys-prior-to-the-hearingw

f4}--The-price-agreementy-as-proposed--or--modified--by the--boardy--shall-be-put-into-effect-by-order-of-the-boardy which-shall-plainly-state-the-minimum--price--for--all--work usually--performed-in-a-beauty-shop-or-parlor-in-the-countyv cityy-or-town-in-which-the-price-agreement-has-been--signedy and--for--which--it--is--effectivey-and-thereafter-no-person subject-to-this-act-may-advertise-or-sell-service--for--less then--the--minimum-price-in-the-area-for-which-the-price-was established--If-the-board-either-on-petition--of--two-thirds (2/3)--of--the-signatories-to-the-price-agreementy-or-on-the board*s-initial-motiony-finds-that-the-minimum-prices--fixed by--its--order--gre--insufficient--or-improperly-adjusted-to provide-healthful-services-to-the-public-and-keep-the--shops and--parlars--in-a-safey-sanitaryy-and-attractive-conditiony it-may-modify-the-minimum-prices-by--prescribing--increasesy edjustmentsy--or-decreosesy-if-necessaryy-best-colculated-to realize-the-objectives=

SB 0270/02

SB 0270/02

#5†(1) The board shall prescribe rules for the conduct 1 of its business; the qualification, examination, and 2 registration of applicants to practice or teach cosmetology; 3 applicants for manager-operator licenses; the regulation and instruction of apprentices and students; the conduct of 5 schools of cosmetology for apprentices and students; and generally for the conduct of the persons, firms, or 7 corporations affected by this act. tot(2) The board shall adopt a seal and authenticate 9 its acts."

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

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#66-813-1. Inspection fees -- TEMPORARY PERMIT. Upon application for a license, any cosmetological establishment must pay an initial inspection fee of twenty-five-dollars 4s25ty-plus-actual-and-necessary-expenses-of-the--inspector. Inis--inspection-is-required-prior-to-issuance-of-a-licensev The board may authorize the department to grant to a cosmetological establishment, upon payment of the initial inspection feet a temporary license PERMII authorizing the cosmetological establishment to operate for a period of not to exceed 90 days or until the inspector is able to make the inspection, whichever event occurs first. This temporary ticense PERMII is not renewable."

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

read as follows:

#66-816. Duration and renewal of licenses and 3 certificates -- delinquent renewal fee. (1) Licenses and certificates shall be issued for no longer than one-fly year unless otherwise provided by rule. Licenses and certificates expire on December 31 unless otherwise provided by rule or 7 renewed for the next year or renewal period. Licenses and certificates may be renewed by application made prior to December 31 of each year, unless otherwise provided, and the payment of a required renewal fee. Expired licenses and 10 certificates may be renewed under rules made by the boards 11 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 Ine 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 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 (30) hours professional teacher training at a school

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

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- (b) Persons holding a teacher's license, but not actively engaged either full time or part time in teaching cosmetology during the preceding year, may renew the license by paying the required fee.
- (c) Persons holding a teacher's license but not actively engaged in teaching cosmetology either full time or part time for the preceding year or longer and wishing to resume active teaching of cosmetology must successfully complete thirty (30) hours professional teachers' training at a school approved by the board before resuming active teachers' training. However, the foregoing provisions do not prevent the board, under rules it adopts from permitting a person holding a teacher's license and not actively engaged either full time or part time in teaching cosmetology from teaching as a substitute for an active teacher.
- (3) A fee of two-dollars-and-fifty-cents-(\$2:50) \$10 snall be charged in addition to other fees fixed by law for renewal applications of licenses and certificates made after December 31 of each year or other predetermined renewal deadling. The department shall notify license and certificate holders of the expiration date of licenses and certificates not less than thirty--(30) days before the expiration date, and call attention to the

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

-End-

-7- S8 270

-8- SB 270

45th Legislature SB 0270/02 SB 0270/02

| ı | 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 |
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| 18 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
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| 22 | priceagreements. (t)Theboardmayapproveprice |
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| 24 | beauty-schoolsy-by-which-minimum-prices-for-hairdressing-and |
| 25 | beouty-culture-ore-established-by-explicit-written-agreement |

| 1 | signed-and-executed-by-at-least-seventy-five-per-cent(75%) |
|----|--|
| 2 | ofthepractitionersins-countyinthisstateand |
| 3 | submitted-to-the-boardbythesigninggroupovertheir |
| 4 | signaturesofall-thereafy-Beauty-schools-shall-charge-for |
| 5 | students*-work-not-less-than-fifty-percent(50%)ofthe |
| 6 | establishedminimumpricesyas-determined-and-approved-by |
| 7 | seventy-five-per-cent-(75%)ofthepractitionersinthe |
| 8 | areauOnreceiptof-the-price-agreementsy-the-board-shall |
| 9 | investigate-the-reasons-for-it-and-the-justification-for-the |
| 10 | agreementv-lf-the-boardv-in-its-discretionvconcludesthat |
| 11 | thepriceagreementisjustandundertheconditions |
| 12 | obtaining-for-the-particular-territory-involvedywillbest |
| 13 | protectthepublichealthandsafetybyaffordinga |
| 14 | sufficient-minimum-price-for-hairdressing-and-beauty-culture |
| 15 | to-enable-the-proctitioners-to-furnish-modern-andhealthful |
| 16 | servicesyandapplicances-to-minimize-danger-to-the-public |
| 17 | healthy-the-board-may-approve-the-agreementsfortheterm |
| 18 | proposedorforashortertermasthe-board-considers |
| 19 | properv |
| 20 | (2)Theboardmayalsoconsiderseparatelythe |
| 21 | petitionofan-incorporated-town-or-cityv-when-accompanied |
| 22 | by-the-signaturesofatleasttwo-thirds(2/3)ofthe |
| 23 | licensed-practitioners-in-the-town-or-city-and-the-board-way |
| 24 | approvey+fnecessaryyaccordingtothe-purpose-of-this |
| 25 | chaptery-changes-in-existing-price-agreementsorestablish |

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22 :

new-agreementsy-when-approved-by-seventy-five-per-cent-(75%)
of-the-licensed-practitioners-within-the-town-or-citys-8ther
communities--and--territory--adjacent--to-a-town-or-city-and
other-areas-in-the-county--shall--abide--by--the--rules--and
agreements--prescribed--for--that-particular-county--for-the
purpose-of-this-subsectiony-a--city--or--town--includesy--in
addition-to-the-territory-lying-within-its-legal-boundariesy
the--territory--adjacent--to--it--and-lying-within-three-(3)
miles-of-the-legal-boundariesy-in-any-directions

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{3}--In--determining--whether--a-price--agreement---is necessary--and--justy-and-wilf-protect-the-public-health-and safetyy-the-board-shall-qive-consideration-to-all-conditions affecting--hairdressing--and--the--beauty--culture--arty--as practicedy--in-its-relation-to-public-health-and-safetyy-and also-to-the--necessary--costs--incurred--in--the--particular territorial-area-in-maintaining-shops-or-parlors-in-sanitary and--attractive--condition---The--board--shally--on--its-own initiative-request-the-department-to--and--the--department shall--investigate--conditions--existing--in-the-proctice-of cosmetology-throughout-the-statey-and-shall-establish-new-or modify-existing-minimum-prices-when--it--appears--that--this action--is-in-the-best-interests-of-public-health-and-safety and-in-keeping-with-the-purposes-and-objectives-of-this-actv In-no-event-may-o-minimum-price--agreement--or--standard--be establishedy--approvedy-modifiedy-or-abolishedy-except-after

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public-hearing-Notice-of-the-hearing-and-the-purposev-timev and-place-thereof-shall-be-mailed-by-the-department-to-every licensed-practivitioner-in-the-area-affectedv-as-it-appears-in the-records-of-the-departmentv-and-it-shall-be-published--at least--once--in-a-newspaper-of-general-circulation-which-the board-considers-most-likely-to-give-notice--to--the--publicy the--mailing--and--publication--to-be-done-not-less-than-ten (10)-days-prior-to-the-hearings

+4+--The-price-agreementy-as-proposed--or--modified--by the--boardy--shall-be-put-into-effect-by-order-of-the-boardy which-shall-plainly-state-the-minimum--price--for--all--work usually--performed-in-a-beauty-shop-or-perfor-in-the-countycityy-or-town-in-which-the-price-agreement-has-been--signedy and--for--which--it--is--effectivey-and-thereafter-no-person subject-to-this-act-may-advertise-or-sell-service--for--less than--the--minimum-price-in-the-area-for-which-the-price-was established--If-the-board-either-on-petition--of--two-thirds {2/3}--of--the-signatories-to-the-price-agreementy-or-on-the board-s-initial-motiony-finds-that-the-minimum-prices--fixed by--its--order--are--insufficient--or-improperty-adjusted-to provide-healthful-services-to-the-public-ond-keep-the--shops and--partors--in-a-safey-sanitaryy-and-attractive-conditiony it-may-modify-the-minimum-prices-by--prescribing--increasesv adjustmentsy--or-decreasesy-if-necessaryy-best-calculated-to restize-the-objectives*

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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."

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

*66-813-1. Inspection fees -- TEMPORARY PERMIT. Upon 13 application for a license, any cosmetological establishment 14 must pay an initial inspection fee of twenty-five-dollars 15 fs25iy-plus-actual-and-necessary-expenses-of-the--inspector. 16 Inis--inspection-is-required-prior-to-issuance-of-a-licensev 17 The board may authorize the department to grant to a 18 cosmetological establishment, upon payment of the initial 19 inspection fee, a temporary license PERMII authorizing the 20 cosmetological establishment to operate for a period of not 21 to exceed 90 days or until the inspector is able to make the 22 inspection, whichever event occurs first. This temporary 23 license PERMIT is not renewable." 24

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

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1 read as follows:

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requirements:

*66-816. Duration and renewal of licenses and certificates -- delinquent renewal fee. (1) Licenses and certificates shall be issued for no longer than one-fly year unless otherwise provided by rule. Licenses and certificates expire on December 31 unless otherwise provided by rule or renewed for the next year or renewal period. Licenses and 7 certificates may be renewed by application made prior to 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 boards 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. The renewal fee may not exceed twice the fee for a 2-year 16 17 renewal or three times the fee for a 3-year renewal and 18 shall be as set by the board. (2) In addition to the foregoing requirements for 19 renewal, persons applying for the renewal of teachers.

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

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licenses must have fulfilled the following additional

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

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- (b) Persons holding a teacher's license, but not actively engaged either full time or part time in teaching cosmetology during the preceding year, may renew the license by paying the required fee.
- (c) Persons holding a teacher's license but not actively engaged in teaching cosmetology either full time or part time for the preceding year or longer and wishing to resume active teaching of cosmetology must successfully complete thirty (30) hours professional teachers' training at a school approved by the board before resuming active teachers' training. However, the foregoing provisions do not prevent the board, under rules it adopts from permitting a person holding a teacher's license and not actively engaged either full time or part time in teaching cosmetology from teaching as a substitute for an active teacher.
- (3) A fee of two-dollars-and-fifty-cents-(\$2*50) \$10 shall be charged in addition to other fees fixed by law for renewal applications of licenses and certificates made after December 31 of each year or other predetermined renewal deadling. The department shall notify license and certificate holders of the expiration date of licenses and certificates not less than thirty--(30) days before the expiration date, and call attention to the

l penalty imposed for failure to renew a license Of

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2 certificate by the date of expiration.**

-End-

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45th Legislature S8 0270/02 S3 0270/02

| 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 NADE; TO PROVIDE THAT THE BOARD OF |
| 11 | COSMETOLOGISTS MAY PROVIDE FOR A 2- OR 3-YEAR RENEWAL AND |
| 12 | THAT THE RENEWAL DATE HAY 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; AMENOING 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 | priceagreements. (1) -Theboardmayapproveprice |
| 23 | agreementsamonglicensedpractitionersandstudents-in |
| 24 | beauty-schools;-by-which-minimum-prices-for-hairdressing-and |
| 25 | beauty-culture-are-established-by-explicit-written-agreement |

| signed-and-executed-by-at-least-seventy-five-per-cent(75%) |
|--|
| oftheproctitionersin-acountyinthisstateyand |
| submitted-to-the-boardbythesigninggroupovertheir |
| signaturesofall-thereofv-Beauty-schools-shall-charge-for |
| students*-work-not-less-than-fifty-percent(50%)afthe |
| established minimum-pricesy-as-determined and approved by |
| seventy-five-per-cent-(75%)ofthepractitionersinthe |
| areavOnreceiptof-the-price-agreementsv-the-board-shall |
| investigate-the-reasons-for-it-and-the-justification-for-the |
| agreement- If the boards in its discretions concludes that |
| the price agreement is just and under the conditions |
| obtaining for the particular territory involved, will best |
| protectthepublichealthandsafetybyaffordinga |
| sufficient-minimum-price-for-heirdressing-and-beauty-culture |
| to-enable-tne-proctitioners-to-furnish-modern-and-healthful |
| servicesy-and-applicances-to-minimize-danger-to-the-public |
| healthy-the board-may-approve the agreements for the term |
| proposedorforashorterterm-asthe-moard-considers |
| propers |
| (2)Theboardmayalsoconsiderseparatelytha |
| petitionofan-incorporated-town-or-cityv-when-accompanied |
| by-the-signaturesofatleasttwo-thirds(2/3)ofthe |
| licensed-practitioners-in-the-town-or-city-and-the-board-way |

approvey--if--necessaryv--according--to--the-purpose-of-this
chaptery-changes-in-existing-price-agreements--or--establish

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new-agreementsy-when-approved-by-seventy-five-per-cent-(75%)
of-the-licensed-practitioners-within-the-town-or-cityw-8ther
communities--and-territory--adjacent--to-a-town-or-city-and
other-areas-in-the-county--shall--abide--by--the--rules--and
agreements--practibed--for--that-particular-countyw-for-the
purpose-of-this-subsectiony-a--city--or--town--includesy--in
addition-to-the-territory-lying-within-its-legal-boundariesy
the--territory--adjacent--to--it---and-lying-within-three-(3)
miles-of-the-legal-boundariesy-in-any-directions

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13)--in--determining--whether--a--price--agreement---is necessory--and--justy-and-will-protect-the-public-health-and safety-the board-shall-give-consideration-to-all-conditions affecting-hairdressing-and-the-beauty-culture-arty-as practicedy-in-its-relation-to-public-health-and-safetyy-and elso-to-the--necessory--costs--incurred--in--the--particular territorial-area-in-maintaining-shops-or-perlors-in-sanitary and-attractive-conditions-The-board-shally-on-its-own initiativey request the department toy-and-the-department shall--investigate--conditions--existing--in-the-proctice-of cosmetology-throughout-the-statey-and-shall-establish-new-or modify-existing-minimum-prices-when--it--appears--that--this action-is-in-the-best-interests of-public-health-and-safety and-in-keeping-with-the-purposes-and-objectives-of-this-acts In-no-event-may-a-minimum-price--agreement--or--standard--be establishedy-approvedy-modifiedy-or-abolishedy-except-after

public-hearings-Notice-of-the-hearing-and-the-purposey-times and-place-thereof-shall-be-mailed-by-the-department-to-every licensed-practitioner-in-the-orea-affecteds-as-it-appears-in the-records-of-the-departments-and-it-shall-be-published--at least--once--in-a-newspaper-of-general-circulation-which-the board-considers-most-likely-to-give-notice--to--the--publics the--mailing--and--publication--to-be-done-not-less-than-ten f101-days-prior-to-the-hearings

t4}--The-price-agreementy-as-proposed--or--modified--by the--boardy--shall-be-put-into-effect-by-order-of-the-boardy which-shall-plainly-state-the-minimum-price-for-oll-work usually--performed-in-a-beauty-shop-or-parlor-in-the-countyy eity-or-town-in-which-the-price-agreement-hos-been-signedy and-for-which-it-is-effectivey-and-thereafter-no-person subject-to-this-act-may-advertise-or-sell-service--for--less than-the-winimum-price-in-the-grea-for-which-the-price-was established--If-the-board-either-on-petition--of--two-thirds (2/3)--of--the-signatories-to-the-price-agreementy-or-on-the board's-initial-motiony-finds-that-the-minimum-prices-fixed by--its--order--are--insufficient--or-improperly-adjusted-to provide-healthful-services-to-the-public-and-keep-the--shops and--perlors--in-a-safey-sanitaryy-and-attractive-conditiony it-may-modify-the-minimum-prices-by--prescribing--increases+ adjustmentsy--or-decreasesy-if-necessaryy-best-calculated-to realize-the-objectives

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

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9 (6)(2) The board shall adopt a seal and authenticate

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

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

read as follows:

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*66-816. Duration and renewal of licenses and 2 3 certificates - delinquent renewal fee. (1) Licenses and certificates shall be issued for no longer than one-flt year 5 unless otherwise provided by rule. Licenses and certificates 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 boards 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 reneval date and reneval 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.

- (2) In addition to the foregoing requirements for renewal, persons applying for the renewal of teachers, licenses must have fulfilled the following additional 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

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

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- (b) Persons holding a teacher's license, but not actively engaged either full time or part time in teaching cosmetology during the preceding year, may renew the license by paying the required fee.
 - (c) Persons holding a teacher's license but not actively engaged in teaching cosmetology either full time or part time for the preceding year or longer and wishing to resume active teaching of cosmetology must successfully complete thirty (30) hours professional teachers' training at a school approved by the board before resuming active teachers' training. However, the foregoing provisions do not prevent the board, under rules it adopts from permitting a person holding a teacher's license and not actively engaged either full time or part time in teaching cosmetology from teaching as a substitute for an active teacher.
 - shall be charged in addition to other fees fixed by law for renewal applications of licenses and certificates made after December 31 of each year or other predetermined renewal deadline. The department shall notify license and certificate holders of the expiration date of licenses and certificates not less than thirty—(30) days 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-

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