

HOUSE BILL NO. 561

INTRODUCED BY MILLER

BY REQUEST OF THE BOARD OF COSMETOLOGISTS

IN THE HOUSE

| | |
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| January 30, 1985 | Introduced and referred to Committee on Business and Labor. |
| February 21, 1985 | Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks. |
| February 22, 1985 | Second reading, do pass. Considered correctly engrossed. |
| February 23, 1985 | Third reading, passed. Transmitted to Senate. |

IN THE SENATE

| | |
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| March 4, 1985 | Introduced and referred to Committee on Public Health, Welfare and Safety. |
| March 16, 1985 | Committee recommend bill be concurred in. Report adopted. |
| March 21, 1985 | Second reading, concurred in. |
| March 23, 1985 | Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House. |

IN THE HOUSE

March 25, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 561
 2 INTRODUCTION BY M. H.
 3 BY REQUEST OF THE BOARD OF COSMETOLOGISTS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 6 LAWS RELATING TO COSMETOLOGY; AMENDING SECTIONS 37-31-101,
 7 37-31-304, 37-31-305, 37-31-308, 37-31-312, AND 37-31-322,
 8 MCA; REPEALING SECTION 37-31-306, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 37-31-101, MCA, is amended to read:
 13 "37-31-101. Definitions. Unless the context requires
 14 otherwise, in this chapter the following definitions apply:

15 (1) "Practice and teaching of cosmetology" includes
 16 work generally and usually included in the terms
 17 "hairdressing" and "beauty culture" and performed in
 18 so-called hairdressing and beauty shops or by itinerant
 19 cosmetologists, which work is done for the embellishment,
 20 cleanliness, and beautification of the hair, scalp, face,
 21 arms, or hands. The practice and teaching of cosmetology
 22 shall not be construed to include:

23 (a) itinerant cosmetologists who perform their
 24 services without compensation for demonstration purposes in
 25 any regularly established store or place of business holding

1 a license from the state of Montana as such store or place
 2 of business; or,

3 (b) ~~cosmetological~~ ~~artists~~ ~~who~~ ~~demonstrate~~
 4 ~~cosmetological~~ ~~skills~~ ~~under~~ ~~the~~ ~~auspices~~ ~~of~~ ~~the~~ ~~state~~
 5 ~~association~~ ~~of~~ ~~cosmetology~~ ~~or~~ ~~its~~ ~~affiliated~~ ~~units~~ ~~whether~~
 6 ~~at~~ ~~meetings~~ ~~or~~ ~~in~~ ~~licensed~~ ~~cosmetological~~ ~~establishments~~;

7 (2) "Cosmetological establishment" means premises,
 8 building, or part of a building in which is practiced a
 9 branch or combination of branches of cosmetology or the
 10 occupation of a hairdresser and cosmetician or cosmetologist
 11 and which must have a manager-operator in charge.

12 (3) "Board" means the board of cosmetologists provided
 13 for in 2-15-1857.

14 (4) "Department" means the department of commerce
 15 provided for in Title 2, chapter 15, part 18."

16 Section 2. Section 37-31-304, MCA, is amended to read:

17 "37-31-304. Qualifications of applicants for license
 18 to practice. (1) Before one may practice or teach
 19 cosmetology or a person, firm, partnership, or corporation
 20 may operate a school of cosmetology, the person, firm,
 21 partnership, or corporation must obtain a license or
 22 certificate of registration from the department.

23 (2) To be eligible to take the examination to practice
 24 cosmetology, the applicant must be not less than 18 years of
 25 age, a graduate of the 8th grade, and of good moral



1 character. The applicant must have completed a continuous
 2 course of study of at least 2,000 hours in a registered
 3 beauty school, which course of study has been distributed
 4 over a period of not less than 10 months or more than 14
 5 months, and must have received a diploma from the beauty
 6 school or must have completed the course of study in
 7 cosmetology prescribed by the board of public education.

8 (3) The person qualified ~~must~~ shall file with the
 9 department a written application to take the examination,
 10 ~~accompanied by a health certificate issued by a registered,~~
 11 ~~licensed physician on a form supplied by the department,~~ and
 12 shall deposit with the department the required examination
 13 fee and pass an examination as to his fitness to practice
 14 cosmetology."

15 Section 3. Section 37-31-305, MCA, is amended to read:

16 "37-31-305. Qualifications of applicants for license
 17 to teach. Before an applicant may take an examination to
 18 obtain a license as a teacher of cosmetology, he must:

19 (1) be a graduate of high school or possess an
 20 equivalent of a high school diploma recognized by the
 21 superintendent of public instruction; and

22 (2) (a) have a license to practice cosmetology issued
 23 by the department, ~~been actively engaged as a beauty~~
 24 ~~operator for 1 continuous year immediately prior to taking~~
 25 ~~the examination,~~ and have received a diploma from a

1 registered school of cosmetology approved by the board,
 2 certifying satisfactory completion of ~~500~~ 650 hours of
 3 student teacher training; or

4 (b) have been actively engaged as a beauty operator
 5 for 3 continuous years immediately prior to taking the
 6 teachers' examination."

7 Section 4. Section 37-31-308, MCA, is amended to read:

8 "37-31-308. Examination -- reexamination -- exemption
 9 for handicapped persons. (1) Examinations for a license to
 10 practice or teach cosmetology shall be held at ~~a place and~~
 11 ~~time places and times~~ specified by the board ~~at least two~~
 12 ~~times a year and not more than five times a year and for~~
 13 ~~teacher's license once each year.~~ The examinations shall be
 14 conducted by the department, subject to 37-1-101. The
 15 examinations may not be confined to a specific method or
 16 system.

17 (2) Anyone failing twice to pass ~~an~~ the examination
 18 for a license to practice cosmetology may not apply to
 19 retake the examination:

20 (a) sooner than 6 months after the date of the second
 21 failure; or

22 (b) until he has taken 200 hours additional teacher
 23 training at a registered school of cosmetology approved by
 24 the board.

25 (3) Anyone failing twice to pass the examination for a

1 license to teach cosmetology must wait 1 year before
 2 reapplying to take the examination. Upon reapplying, the
 3 applicant must provide certification of completion of 500
 4 hours of teacher training during that year in a registered
 5 school licensed as a teacher training unit.

6 ~~(3)~~(4) Physically handicapped persons trained for
 7 cosmetology by the department of social and rehabilitation
 8 services shall, for a period of 1 year immediately following
 9 their graduation, be exempt from the examination and the
 10 fees described in 37-31-323. On certification from the
 11 department of social and rehabilitation services that a
 12 department of social and rehabilitation services beneficiary
 13 has successfully completed the required apprenticeship or
 14 training in a shop or beauty school, the department shall
 15 issue the person the necessary certificate or license to
 16 practice the profession in this state."

17 Section 5. Section 37-31-312, MCA, is amended to read:
 18 "37-31-312. Inspection. (1) The department shall
 19 appoint one or more inspectors ~~who are licensed to practice~~
 20 ~~under this chapter~~, each of whom shall devote his time to
 21 inspecting beauty parlors and performing other duties as the
 22 department may direct. The inspectors may enter a beauty
 23 parlor or school of cosmetology during business hours for
 24 the purpose of inspection, and the refusal of a licensee to
 25 permit the inspection during business hours is cause for

1 revocation of the license.

2 (2) Upon application for a license, any cosmetological
 3 establishment must pay an initial inspection fee prescribed
 4 by the board.

5 (3) The board may authorize the department to grant to
 6 a cosmetological establishment, upon payment of the initial
 7 inspection fee, a temporary permit authorizing the
 8 cosmetological establishment to operate for a period of not
 9 to exceed 90 days or until the inspector is able to make the
 10 inspection, whichever event occurs first. This temporary
 11 permit is not renewable.

12 (4) The board shall conduct an annual inspection of
 13 each cosmetology establishment in the state."

14 Section 6. Section 37-31-322, MCA, is amended to read:
 15 "37-31-322. Renewal -- continuing education --
 16 delinquency fee. (1) Licenses and certificates may be issued
 17 for no longer than 1 year unless otherwise provided by rule.
 18 Licenses and certificates expire on December 31 unless
 19 otherwise provided by rule or renewed for the next year or
 20 renewal period. Licenses and certificates may be renewed by
 21 application made prior to December 31 of each year, unless
 22 otherwise provided, and the payment of a required renewal
 23 fee. Expired licenses and certificates may be renewed under
 24 rules made by the board, but the right to renew an expired
 25 license or certificate terminates after 10 years of

1 nonpayment. The board may provide by rule for a change in
2 the renewal date and renewal period for the manager-operator
3 and salon owner category. The renewal fee may not exceed
4 twice the fee for a 2-year renewal or three times the fee
5 for a 3-year renewal and shall be as set by the board.

6 (2) In addition to the foregoing requirements for
7 renewal, persons applying for the renewal of teachers'
8 licenses must have fulfilled the following additional
9 requirements:

10 (a) During each year, an active teacher, either
11 full-time or part-time, must have successfully completed 30
12 hours' professional teacher training at a school approved by
13 the board.

14 (b) A person holding a teacher's license but not
15 actively engaged either full-time or part-time in teaching
16 cosmetology during the preceding year may renew the license
17 by paying the required fee. A person holding a teacher's
18 license but not actively engaged in teaching cosmetology
19 either full-time or part-time for the preceding year or
20 longer and wishing to resume active teaching of cosmetology
21 must successfully complete 30 hours' professional teacher
22 training at a school approved by the board before resuming
23 active teaching. However, the foregoing provisions do not
24 prevent the board, under rules it adopts, from permitting a
25 person holding a teacher's license and not actively engaged

1 either full-time or part-time in teaching cosmetology from
2 teaching as a substitute for an active teacher.

3 (3) A fee prescribed by the board shall be charged, in
4 addition to other fees fixed by law, for renewal
5 applications of licenses and certificates made after
6 December 31 of each year or other predetermined renewal
7 deadline. ~~The department shall notify license and
8 certificate holders of the expiration date of licenses and
9 certificates not less than 30 days before the expiration
10 date and call attention to the penalty imposed for failure
11 to renew a license or certificate by the date of
12 expiration."~~

13 NEW SECTION. Section 7. Application procedure when
14 applicant licensed in another state. Upon submission of
15 evidence that an applicant for a license under this chapter
16 holds a current license of the same type in another state
17 and that the applicant is not less than 18 years of age and
18 upon payment of the required fee, the board shall authorize
19 the department to issue a license to such applicant.

20 NEW SECTION. Section 8. Extension of authority. Any
21 existing authority of the board of cosmetologists to make
22 rules on the subject of the provisions of this act is
23 extended to the provisions of this act.

24 NEW SECTION. Section 9. Repealer. Section 37-31-306,
25 MCA, is repealed.

1 NEW SECTION. Section 10. Codification instruction.
2 Section 7 is intended to be codified as an integral part of
3 Title 37, chapter 31, and the provisions of Title 37,
4 chapter 31, apply to section 7.

5 NEW SECTION. Section 11. Effective date. This act is
6 effective on passage and approval.

-End-

APPROVED BY COMM. ON
BUSINESS AND LABOR

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12 (4) The board shall conduct an annual inspection of
 13 each cosmetology establishment in the state."

14 Section 6. Section 37-31-322, MCA, is amended to read:

15 "37-31-322. Renewal -- continuing education --
 16 delinquency fee. (1) Licenses and certificates may be issued
 17 for no longer than 1 year unless otherwise provided by rule.
 18 Licenses and certificates expire on December 31 unless
 19 otherwise provided by rule or renewed for the next year or
 20 renewal period. Licenses and certificates may be renewed by
 21 application made prior to December 31 of each year, unless
 22 otherwise provided, and the payment of a required renewal
 23 fee. Expired licenses and certificates may be renewed under
 24 rules made by the board, but the right to renew an expired
 25 license or certificate terminates after 10 years of

1 nonpayment. The board may provide by rule for a change in
 2 the renewal date and renewal period for the manager-operator
 3 and salon owner category. The renewal fee may not exceed
 4 twice the fee for a 2-year renewal or three times the fee
 5 for a 3-year renewal and shall be as set by the board.

6 (2) In addition to the foregoing requirements for
 7 renewal, persons applying for the renewal of teachers'
 8 licenses must have fulfilled the following additional
 9 requirements:

10 (a) During each year, an active teacher, either
 11 full-time or part-time, must have successfully completed 30
 12 hours' professional teacher training at a school approved by
 13 the board.

14 (b) A person holding a teacher's license but not
 15 actively engaged either full-time or part-time in teaching
 16 cosmetology during the preceding year may renew the license
 17 by paying the required fee. A person holding a teacher's
 18 license but not actively engaged in teaching cosmetology
 19 either full-time or part-time for the preceding year or
 20 longer and wishing to resume active teaching of cosmetology
 21 must successfully complete 30 hours' professional teacher
 22 training at a school approved by the board before resuming
 23 active teaching. However, the foregoing provisions do not
 24 prevent the board, under rules it adopts, from permitting a
 25 person holding a teacher's license and not actively engaged

1 either full-time or part-time in teaching cosmetology from
 2 teaching as a substitute for an active teacher.

3 (3) A fee prescribed by the board shall be charged, in
 4 addition to other fees fixed by law, for renewal
 5 applications of licenses and certificates made after
 6 December 31 of each year or other predetermined renewal
 7 deadline. ~~The department shall notify license and~~
 8 ~~certificate holders of the expiration date of licenses and~~
 9 ~~certificates not less than 30 days before the expiration~~
 10 ~~date and call attention to the penalty imposed for failure~~
 11 ~~to renew a license or certificate by the date of~~
 12 ~~expiration."~~

13 ~~NEW SECTION. Section 7. Application procedure when~~
 14 ~~applicant licensed in another state. Upon submission of~~
 15 ~~evidence that an applicant for a license under this chapter~~
 16 ~~holds a current license of the same type in another state~~
 17 ~~and that the applicant is not less than 18 years of age and~~
 18 ~~upon payment of the required fee, the board shall authorize~~
 19 ~~the department to issue a license to such applicant.~~

20 NEW SECTION. Section 7. Extension of authority. Any
 21 existing authority of the board of cosmetologists to make
 22 rules on the subject of the provisions of this act is
 23 extended to the provisions of this act.

24 ~~NEW SECTION. Section 9. Repealer. Section 37-31-306,~~
 25 ~~MCA, is repealed.~~

1 ~~NEW SECTION. Section 10. Codification instruction.~~
2 ~~Section 7 is intended to be codified as an integral part of~~
3 ~~Title 37, chapter 31, and the provisions of Title 37,~~
4 ~~chapter 31 apply to section 7.~~

5 NEW SECTION. Section 8. Effective date. This act is
6 effective on passage and approval.

-End-

1 HOUSE BILL NO. 561

2 INTRODUCED BY MILLER

3 BY REQUEST OF THE BOARD OF COSMETOLOGISTS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 LAWS RELATING TO COSMETOLOGY; AMENDING SECTIONS 37-31-101,
7 37-31-304, 37-31-305, 37-31-308, 37-31-312, AND 37-31-322,
8 MCA; REPEALING SECTION--37-31-306,--MCA; AND PROVIDING AN
9 IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 37-31-101, MCA, is amended to read:

13 "37-31-101. Definitions. Unless the context requires
14 otherwise, in this chapter the following definitions apply:

15 (1) "Practice and teaching of cosmetology" includes
16 work generally and usually included in the terms
17 "hairdressing" and "beauty culture" and performed in
18 so-called hairdressing and beauty shops or by itinerant
19 cosmetologists, which work is done for the embellishment,
20 cleanliness, and beautification of the hair, scalp, face,
21 arms, or hands. The practice and teaching of cosmetology
22 shall not be construed to include:

23 (a) itinerant cosmetologists who perform their
24 services without compensation for demonstration purposes in
25 any regularly established store or place of business holding

1 a license from the state of Montana as such store or place
2 of business; or,

3 (b) ~~cosmetological-----artists-----who-----demonstrate~~
4 ~~cosmetological--skills--under--the--auspices--of--the--state~~
5 ~~association--of--cosmetology--or--its--affiliated--units,--whether~~
6 ~~at--meetings--or--in--licensed--cosmetological--establishments.~~

7 (2) "Cosmetological establishment" means premises,
8 building, or part of a building in which is practiced a
9 branch or combination of branches of cosmetology or the
10 occupation of a hairdresser and cosmetician or cosmetologist
11 and which must have a manager-operator in charge.

12 (3) "Board" means the board of cosmetologists provided
13 for in 2-15-1857.

14 (4) "Department" means the department of commerce
15 provided for in Title 2, chapter 15, part 18."

16 Section 2. Section 37-31-304, MCA, is amended to read:

17 "37-31-304. Qualifications of applicants for license
18 to practice. (1) Before one may practice or teach
19 cosmetology or a person, firm, partnership, or corporation
20 may operate a school of cosmetology, the person, firm,
21 partnership, or corporation must obtain a license or
22 certificate of registration from the department.

23 (2) To be eligible to take the examination to practice
24 cosmetology, the applicant must be not less than 18 years of
25 age, a graduate of the 8th grade, and of good moral

1 character. The applicant must have completed a continuous
2 course of study of at least 2,000 hours in a registered
3 beauty school, which course of study has been distributed
4 over a period of not less than 10 months or more than 14
5 months, and must have received a diploma from the beauty
6 school or must have completed the course of study in
7 cosmetology prescribed by the board of public education.

8 (3) The person qualified ~~must~~ shall file with the
9 department a written application to take the examination,
10 ~~accompanied-by-a-health-certificate-issued-by-a--registered-~~
11 ~~licensed-physician-on-a-form-supplied-by-the-department,~~ and
12 shall deposit with the department the required examination
13 fee and pass an examination as to his fitness to practice
14 cosmetology."

15 Section 3. Section 37-31-305, MCA, is amended to read:

16 "37-31-305. Qualifications of applicants for license
17 to teach. Before an applicant may take an examination to
18 obtain a license as a teacher of cosmetology, he must:

19 (1) be a graduate of high school or possess an
20 equivalent of a high school diploma recognized by the
21 superintendent of public instruction; and

22 (2) (a) have a license to practice cosmetology issued
23 by the department, ~~been--actively--engaged--as--a--beauty~~
24 ~~operator--for--1--continuous--year--immediately--prior--to--taking~~
25 ~~the--examination,~~ and have received a diploma from a

1 registered school of cosmetology approved by the board,
2 certifying satisfactory completion of ~~500~~ 650 hours of
3 student teacher training; or

4 (b) have been actively engaged as a beauty operator
5 for 3 continuous years immediately prior to taking the
6 teachers' examination."

7 Section 4. Section 37-31-308, MCA, is amended to read:

8 "37-31-308. Examination -- reexamination -- exemption
9 for handicapped persons. (1) Examinations for a license to
10 practice or teach cosmetology shall be held at ~~a--place--and~~
11 ~~time places and times~~ specified by the board ~~at--least--two~~
12 ~~times--a--year--and--not--more--than--five--times--a--year--and--for~~
13 ~~teacher's--license--once--each--year.~~ The examinations shall be
14 conducted by the department, subject to 37-1-101. The
15 examinations may not be confined to a specific method or
16 system.

17 (2) Anyone failing twice to pass an the examination
18 for a license to practice cosmetology may not apply to
19 retake the examination:

20 (a) sooner than 6 months after the date of the second
21 failure; or

22 (b) until he has taken 200 hours additional teacher
23 training at a registered school of cosmetology approved by
24 the board.

25 (3) Anyone failing twice to pass the examination for a

1 license to teach cosmetology must wait 1 year before
 2 reapplying to take the examination. Upon reapplying, the
 3 applicant must provide certification of completion of 500
 4 hours of teacher training during that year in a registered
 5 school licensed as a teacher training unit.

6 †3) (4) Physically handicapped persons trained for
 7 cosmetology by the department of social and rehabilitation
 8 services shall, for a period of 1 year immediately following
 9 their graduation, be exempt from the examination and the
 10 fees described in 37-31-323. On certification from the
 11 department of social and rehabilitation services that a
 12 department of social and rehabilitation services beneficiary
 13 has successfully completed the required apprenticeship or
 14 training in a shop or beauty school, the department shall
 15 issue the person the necessary certificate or license to
 16 practice the profession in this state."

17 Section 5. Section 37-31-312, MCA, is amended to read:

18 "37-31-312. Inspection. (1) The department shall
 19 appoint one or more inspectors ~~who are licensed to practice~~
 20 ~~under this chapter~~, each of whom shall devote his time to
 21 inspecting beauty parlors and performing other duties as the
 22 department may direct. The inspectors may enter a beauty
 23 parlor or school of cosmetology during business hours for
 24 the purpose of inspection, and the refusal of a licensee to
 25 permit the inspection during business hours is cause for

1 revocation of the license.

2 (2) Upon application for a license, any cosmetological
 3 establishment must pay an initial inspection fee prescribed
 4 by the board.

5 (3) The board may authorize the department to grant to
 6 a cosmetological establishment, upon payment of the initial
 7 inspection fee, a temporary permit authorizing the
 8 cosmetological establishment to operate for a period of not
 9 to exceed 90 days or until the inspector is able to make the
 10 inspection, whichever event occurs first. This temporary
 11 permit is not renewable.

12 (4) The board shall conduct an annual inspection of
 13 each cosmetology establishment in the state."

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15 "37-31-322. Renewal -- continuing education --
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