

HOUSE BILL NO. 199
INTRODUCED BY J. BROWN
BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
JANUARY 17, 1989	FIRST READING.
JANUARY 21, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 23, 1989	PRINTING REPORT.
JANUARY 24, 1989	SECOND READING, DO PASS.
JANUARY 25, 1989	ENGROSSING REPORT.
JANUARY 26, 1989	THIRD READING, PASSED. AYES, 95; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 27, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
FEBRUARY 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 7, 1989	SECOND READING, CONCURRED IN.
FEBRUARY 9, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 10, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 199
2 INTRODUCED BY J. Brown
3 BY REQUEST OF THE DEPARTMENT OF COMMERCE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD
6 OF COSMETOLOGISTS TO GRANT TEMPORARY LICENSES TO GRADUATE
7 MANICURISTS FOR A PERIOD NOT TO EXCEED 90 DAYS OR UNTIL THE
8 NEXT MANICURISTS' EXAMINATION IS HELD AND RESULTS ANNOUNCED;
9 AUGMENTING THE DISCIPLINARY AUTHORITY OF THE BOARD OF
10 COSMETOLOGISTS TO INCLUDE THE IMPOSITION OF FINES; AND
11 AMENDING SECTIONS 37-31-307, 37-31-311, AND 37-31-331, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 37-31-307, MCA, is amended to read:

15 "37-31-307. Temporary license pending examination. The
16 board may authorize the department to grant to a graduate of
17 a registered school of any state, on the payment of the fee
18 prescribed by law, a temporary license authorizing the
19 graduate to practice cosmetology under the supervision of a
20 licensed cosmetologist in the practice of hairdressing and
21 beauty culture or to practice manicuring under the
22 supervision of a licensed manicurist for a period of not to
23 exceed 90 days or until the next examination is held by the
24 department and the results are announced. No temporary
25 license may be issued except on the presentation by the

1 applicant of a certificate of graduation from such a
2 registered school. ~~The A temporary licenses-are~~ license is
3 not renewable."

4 **Section 2.** Section 37-31-311, MCA, is amended to read:

5 "37-31-311. Schools -- certificate of registration --
6 requirements -- bond -- curriculum. (1) No person, firm,
7 partnership, or corporation may operate a school for the
8 purpose of teaching cosmetology for compensation or for the
9 purpose of teaching manicuring for compensation unless a
10 certificate of registration has been first obtained from the
11 department. Application for the certificate shall be filed
12 with the department on a form prescribed by the board.

13 (2) No school for teaching cosmetology may be granted
14 a certificate of registration unless it complies or can
15 comply with the following requirements:

16 (a) It shall have in its employ a licensed teacher who
17 is at all times in the immediate supervision of the work of
18 the school, or other teachers the board determines are
19 necessary for the proper conduct of the school. There may
20 not be more than 25 students to each teacher.

21 (b) It shall possess apparatus and equipment the board
22 determines is necessary for the ready and full teaching of
23 all subjects or practices of cosmetology.

24 (c) It shall maintain a school term of not less than
25 2,000 hours and shall prescribe a course of practical

1 training and technical instruction equal to the requirements
2 for board examinations, which course of training and
3 technical instruction shall be prescribed by the board.

4 (d) It shall keep a daily record of the attendance of
5 each student, establish grades, and hold examinations before
6 issuing diplomas.

7 (e) No owner or person in charge of a school of
8 cosmetology may permit a person to sleep in or use for
9 residential purposes, or any other purpose which would tend
10 to make the room unsanitary, a room used wholly or in part
11 for a school of cosmetology.

12 (3) No school for teaching manicuring may be granted a
13 certificate of registration unless it complies with
14 subsections (2)(a) and (2)(d) and the following
15 requirements:

16 (a) It must possess apparatus and equipment the board
17 determines necessary for the ready and full teaching of all
18 subjects or practices of manicuring.

19 (b) It must maintain a school term and a course of
20 practical training and technical instruction as prescribed
21 by the board.

22 (c) No owner or person in charge of a school of
23 manicuring may permit a person to sleep in or use for
24 residential purposes, or any other purpose that would tend
25 to make the room unsanitary, a room used wholly or in part

1 for a school of manicuring.

2 (4) Licenses or certificates of registration for
3 schools of cosmetology and schools of manicuring ~~may be~~
4 ~~refused, revoked, or suspended,~~ are subject to discipline as
5 provided in 37-31-331.

6 (5) No teacher or student teacher may be permitted to
7 practice cosmetology or manicuring on the public in a school
8 of cosmetology or a school of manicuring. A school that
9 enrolls student teachers for a course of student teacher
10 training may not have, at any one time, more than one
11 student teacher for each full-time licensed teacher actively
12 engaged at the school. The student teachers may not
13 substitute for full-time teachers.

14 (6) The board may make further rules necessary for the
15 proper conduct of schools of cosmetology and schools of
16 manicuring.

17 (7) The board shall require the person, firm,
18 partnership, or corporation operating a school of
19 cosmetology or a school of manicuring to furnish a good and
20 sufficient bond in the amount of \$5,000 and in a form and
21 manner prescribed by the board.

22 (8) No professional beauty shop or manicuring shop may
23 be operated in connection with a school of cosmetology or
24 school of manicuring.

25 (9) The board may, by rule, establish a suitable

1 curriculum for teachers' training in registered schools of
2 cosmetology."

3 **Section 3.** Section 37-31-331, MCA, is amended to read:

4 "37-31-331. Refusal, revocation, or suspension of
5 licenses -- fines -- grounds -- notice and hearing. (1) The
6 board may refuse to issue, refuse to renew, or may revoke or
7 suspend a license or impose a fine not to exceed \$500 an
8 incident in any one of the following cases:

9 (a) failure of a person, firm, partnership, or
10 corporation operating a cosmetological establishment,
11 manicuring shop, school of cosmetology, or school of
12 manicuring to comply with this chapter;

13 (b) failure to comply with the sanitary rules adopted
14 by the board and approved by the department of health and
15 environmental sciences for the regulation of cosmetological
16 establishments, manicuring shops, schools of cosmetology, or
17 schools of manicuring;

18 (c) gross malpractice;

19 (d) continued practice by a person knowingly having an
20 infectious or contagious disease;

21 (e) habitual drunkenness or habitual addiction to the
22 use of morphine or any habit-forming drug;

23 (f) permitting a certificate of registration or
24 license to be used where the holder is not personally,
25 actively, and continuously engaged in business; or

1 (g) failure to display the license.

2 (2) However, the board may not refuse to authorize the
3 department to issue or renew a license or revoke or suspend
4 a license already issued or impose a fine until after notice
5 and opportunity for a hearing."

6 NEW SECTION. **Section 4.** Extension of authority. Any
7 existing authority to make rules on the subject of the
8 provisions of [this act] is extended to the provisions of
9 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB199, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB199 would authorize the Board of Cosmetologists to grant temporary licenses to graduate manicurists for a period not to exceed 90 days or until the next examination is held and the results announced; and to augment the disciplinary authority by including fines.

ASSUMPTIONS:

1. Although the proposed bill provides for fines, such actions will be so minimal and unpredictable that the fiscal impact is negligible.

Ray Shackleford

1/23/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE

Dan Brown

1/24/89

JAN BROWN, PRIMARY SPONSOR
Fiscal Note for HB199, as introduced

DATE

HB 199

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 199

INTRODUCED BY J. BROWN

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF COSMETOLOGISTS TO GRANT TEMPORARY LICENSES TO GRADUATE MANICURISTS FOR A PERIOD NOT TO EXCEED 90 DAYS OR UNTIL THE NEXT MANICURISTS' EXAMINATION IS HELD AND RESULTS ANNOUNCED; AMENDING THE DISCIPLINARY AUTHORITY OF THE BOARD OF COSMETOLOGISTS TO INCLUDE THE IMPOSITION OF FINES; AND AMENDING SECTIONS SECTION 37-31-307, 37-31-311, AND 37-31-331, MCA."

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

Section 1. Section 37-31-307, MCA, is amended to read:

"37-31-307. Temporary license pending examination. The board may authorize the department to grant to a graduate of a registered school of any state, on the payment of the fee prescribed by law, a temporary license authorizing the graduate to practice cosmetology under the supervision of a licensed cosmetologist in the practice of hairdressing and beauty culture or to practice manicuring under the supervision of a licensed manicurist for a period of not to exceed 90 days or until the next examination is held by the department and the results are announced. No temporary

license may be issued except on the presentation by the applicant of a certificate of graduation from such a registered school. The A temporary licenses are license is not renewable."

Section 2. ~~Section 37-31-311, MCA, is amended to read:~~

~~"37-31-311. Schools-----certificate-of-registration--- requirements---bond---curriculum---(1)---No--person,--firm, partnership,--or--corporation--may--operate-a-school-for-the purpose-of-teaching-cosmetology-for-compensation-or-for--the purpose--of--teaching--manicuring--for-compensation-unless-a certificate-of-registration-has-been-first-obtained-from-the department.---Application-for-the-certificate-shall-be--filed with-the-department-on-a-form-prescribed-by-the-board:~~

~~(2)---No--school-for-teaching-cosmetology-may-be-granted a-certificate-of-registration-unless--it-complies--or--can comply-with-the-following-requirements:~~

~~(a)---It-shall-have-in-its-employ-a-licensed-teacher-who is--at-all-times-in-the-immediate-supervision-of-the-work-of the-school,--or--other--teachers--the--board--determines--are necessary--for--the-proper-conduct-of-the-school.---There-may not-be-more-than-25-students-to-each-teacher.~~

~~(b)---It-shall-possess-apparatus-and-equipment-the-board determines-is-necessary-for-the-ready-and-full--teaching--of all-subjects-or-practices-of-cosmetology.~~

~~(c)---It-shall-maintain-a-school-term-of-not-less-than~~

1 2,000-hours--and--shall--prescribe--a--course--of--practical
2 training-and-technical-instruction-equal-to-the-requirements
3 for--board--examinations,--which--course--of--training--and
4 technical-instruction-shall-be-prescribed-by-the-board.

5 {d}--It--shall--keep--a--daily--record--of--the--attendance--of
6 each-student,--establish--grades,--and--hold--examinations--before
7 issuing--diplomas.

8 {e}--No--owner--or--person--in--charge--of--a--school--of
9 cosmetology--may--permit--a--person--to--sleep--in--or--use--for
10 residential--purposes,--or--any--other--purpose--which--would--tend
11 to--make--the--room--unsanitary,--a--room--used--wholly--or--in--part
12 for--a--school--of--cosmetology.

13 {3}--No--school--for--teaching--manicuring--may--be--granted--a
14 certificate--of--registration--unless--it--complies--with
15 subsections--{2}{a}--and--{2}{d}--and--the--following
16 requirements:

17 {a}--It--must--possess--apparatus--and--equipment--the--board
18 determines--necessary--for--the--ready--and--full--teaching--of--all
19 subjects--or--practices--of--manicuring.

20 {b}--It--must--maintain--a--school--term--and--a--course--of
21 practical--training--and--technical--instruction--as--prescribed
22 by--the--board.

23 {e}--No--owner--or--person--in--charge--of--a--school--of
24 manicuring--may--permit--a--person--to--sleep--in--or--use--for
25 residential--purposes,--or--any--other--purpose--that--would--tend

1 to--make--the--room--unsanitary,--a--room--used--wholly--or--in--part
2 for--a--school--of--manicuring.

3 {4}--Licenses--or--certificates--of--registration--for
4 schools--of--cosmetology--and--schools--of--manicuring--may--be
5 refused,--revoked,--or--suspended,--are subject to discipline as
6 provided--in--37-31-331.

7 {5}--No--teacher--or--student--teacher--may--be--permitted--to
8 practice--cosmetology--or--manicuring--on--the--public--in--a--school
9 of--cosmetology--or--a--school--of--manicuring. A--school--that
10 enrolls--student--teachers--for--a--course--of--student--teacher
11 training--may--not--have,--at--any--one--time,--more--than--one
12 student--teacher--for--each--full-time--licensed--teacher--actively
13 engaged--at--the--school. The--student--teachers--may--not
14 substitute--for--full-time--teachers.

15 {6}--The--board--may--make--further--rules--necessary--for--the
16 proper--conduct--of--schools--of--cosmetology--and--schools--of
17 manicuring.

18 {7}--The--board--shall--require--the--person,--firm,
19 partnership,--or--corporation--operating--a--school--of
20 cosmetology--or--a--school--of--manicuring--to--furnish--a--good--and
21 sufficient--bond--in--the--amount--of--\$5,000--and--in--a--form--and
22 manner--prescribed--by--the--board.

23 {8}--No--professional--beauty--shop--or--manicuring--shop--may
24 be--operated--in--connection--with--a--school--of--cosmetology--or
25 school--of--manicuring.

{9}--The board--may,--by--rule,--establish--a--suitable curriculum--for--teachers--training-in-registered-schools-of cosmetology."

Section 3. ~~Section 37-31-331, MCA, is amended to read:~~

"37-31-331. ~~Refusal,--revocation,--or--suspension--of licenses----~~ finer grounds----notice-and-hearing.-(1)-The board may refuse to issue, refuse to renew, or may revoke or suspend a license or impose a fine not to exceed \$500 on an incident in any one of the following cases:

(a) ~~failure--of--a--person,--firm,--partnership,--or corporation--operating--a--cosmetological--establishment, manicuring--shop,--school--of--cosmetology,--or--school--of manicuring--to--comply--with--this--chapter,~~

(b) ~~failure--to--comply--with--the--sanitary--rules--adopted by--the--board--and--approved--by--the--department--of--health--and environmental--sciences--for--the--regulation--of--cosmetological establishments, manicuring shops, schools of cosmetology, or schools of manicuring,~~

(c) ~~gross malpractice,~~

(d) ~~continued practice by a person knowingly having an infectious or contagious disease,~~

(e) ~~habitual--drunkenness--or--habitual--addiction--to--the use--of--morphine--or--any--habit-forming--drug,~~

(f) ~~permitting--a--certificate--of--registration--or license--to--be--used--where--the--holder--is--not--personally,~~

actively,--and--continuously--engaged--in--business;--or

(g) ~~failure--to--display--the--license.~~

(2) ~~However, the board may not refuse to authorize the department to issue or renew a license or revoke or suspend a license already issued or impose a fine until after notice and opportunity for a hearing."~~

NEW SECTION. **Section 2.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

-End-

HOUSE BILL NO. 199

INTRODUCED BY J. BROWN

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF COSMETOLOGISTS TO GRANT TEMPORARY LICENSES TO GRADUATE MANICURISTS FOR A PERIOD NOT TO EXCEED 90 DAYS OR UNTIL THE NEXT MANICURISTS' EXAMINATION IS HELD AND RESULTS ANNOUNCED; AUGMENTING--THE--DISCIPLINARY--AUTHORITY--OF--THE--BOARD--OF COSMETOLOGISTS--TO--INCLUDE--THE--IMPOSITION--OF--FINES; AND AMENDING SECTIONS SECTION 37-31-307,---37-31-311,---AND 37-31-331, MCA."

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"37-31-307. Temporary license pending examination. The board may authorize the department to grant to a graduate of a registered school of any state, on the payment of the fee prescribed by law, a temporary license authorizing the graduate to practice cosmetology under the supervision of a licensed cosmetologist in the practice of hairdressing and beauty culture or to practice manicuring under the supervision of a licensed manicurist for a period of not to exceed 90 days or until the next examination is held by the department and the results are announced. No temporary

license may be issued except on the presentation by the applicant of a certificate of graduation from such a registered school. The A temporary licenses are license is not renewable."

Section 2. ~~Section 37-31-311, MCA, is amended to read:~~

~~"37-31-311. Schools---certificate-of-registration---requirements---bond---curriculum:--(1)--No--person,--firm, partnership,--or--corporation--may--operate--a--school--for--the purpose-of-teaching-cosmetology-for-compensation-or-for--the purpose-of--teaching--manicuring--for-compensation-unless-a certificate-of-registration-has-been-first-obtained-from-the department.---Application-for-the-certificate-shall-be--filed with-the-department-on-a-form-prescribed-by-the-board.~~

~~(2)--No--school-for-teaching-cosmetology-may-be-granted a-certificate-of-registration--unless--it--complies--or--can comply-with-the-following-requirements:~~

~~(a)--It-shall-have-in-its-employ-a-licensed-teacher-who is--at-all-times-in-the-immediate-supervision-of-the-work-of the-school,--or--other--teachers--the--board--determines--are necessary--for--the-proper-conduct-of-the-school,---There-may not-be-more-than-25-students-to-each-teacher.~~

~~(b)--It-shall-possess-apparatus-and-equipment-the-board determines-is-necessary-for-the-ready-and-full--teaching--of all-subjects-or-practices-of-cosmetology.~~

~~(c)--It-shall-maintain-a-school-term-of-not-less-than~~

2,000 hours and shall prescribe a course of practical training and technical instruction equal to the requirements for board examinations, which course of training and technical instruction shall be prescribed by the board.

(d) it shall keep a daily record of the attendance of each student, establish grades, and hold examinations before issuing diplomas.

(e) No owner or person in charge of a school of cosmetology may permit a person to sleep in or use for residential purposes, or any other purpose which would tend to make the room unsanitary, a room used wholly or in part for a school of cosmetology.

(3) No school for teaching manicuring may be granted a certificate of registration unless it complies with subsections (2)(a) and (2)(d) and the following requirements:

(a) it must possess apparatus and equipment the board determines necessary for the ready and full teaching of all subjects or practices of manicuring.

(b) it must maintain a school term and a course of practical training and technical instruction as prescribed by the board.

(c) No owner or person in charge of a school of manicuring may permit a person to sleep in or use for residential purposes, or any other purpose that would tend

to make the room unsanitary, a room used wholly or in part for a school of manicuring.

(4) Licenses or certificates of registration for schools of cosmetology and schools of manicuring may be refused, revoked, or suspended, are subject to discipline as provided in 37-31-331.

(5) No teacher or student teacher may be permitted to practice cosmetology or manicuring on the public in a school of cosmetology or a school of manicuring. A school that enrolls student teachers for a course of student teacher training may not have, at any one time, more than one student teacher for each full-time licensed teacher actively engaged at the school. The student teachers may not substitute for full-time teachers.

(6) The board may make further rules necessary for the proper conduct of schools of cosmetology and schools of manicuring.

(7) The board shall require the person, firm, partnership, or corporation operating a school of cosmetology or a school of manicuring to furnish a good and sufficient bond in the amount of \$5,000 and in a form and manner prescribed by the board.

(8) No professional beauty shop or manicuring shop may be operated in connection with a school of cosmetology or school of manicuring.

1 (9) ~~--The board--may,--by--rule,--establish--a--suitable~~
 2 ~~curriculum--for--teachers--training-in-registered-schools-of~~
 3 ~~cosmetology."~~

4 **Section 3.** ~~Section 37-31-331, MCA, is amended to read:~~

5 ~~"37-31-331.---Refusal,--revocation,--or--suspension---of~~
 6 ~~licenses---- fines---- grounds----notice-and-hearing,--(1)--The~~
 7 ~~board-may-refuse-to-issue,--refuse-to-renew,--or-may-revoke-or~~
 8 ~~suspend-a-license or-impose-a-fine-not--to-exceed--\$500--an~~
 9 ~~incident in-any-one-of-the-following-cases:~~

10 ~~(a)---failure---of---a--person,--firm,--partnership,--or~~
 11 ~~corporation--operating---a---cosmetological---establishment,~~
 12 ~~manicuring---shop,--school--of--cosmetology,--or--school--of~~
 13 ~~manicuring-to-comply-with-this-chapter;~~

14 ~~(b)---failure-to-comply-with-the-sanitary-rules--adopted~~
 15 ~~by--the--board--and-approved-by-the-department-of-health-and~~
 16 ~~environmental-sciences-for-the-regulation-of--cosmetological~~
 17 ~~establishments,--manicuring-shops,--schools-of-cosmetology,--or~~
 18 ~~schools-of-manicuring;~~

19 ~~(c)---gross-mispractice;~~

20 ~~(d)---continued-practice-by-a-person-knowingly-having-an~~
 21 ~~infectious-or-contagious-disease;~~

22 ~~(e)---habitual--drunkenness-or-habitual-addiction-to-the~~
 23 ~~use-of-morphine-or-any-habit-forming-drug;~~

24 ~~(f)---permitting--a--certificate--of---registration---or~~
 25 ~~license--to--be--used--where--the--holder-is-not-personally,~~

1 ~~actively,--and-continuously-engaged-in-business,--or~~

2 ~~(g)---failure-to-display-the-license.~~

3 ~~(2)---However,--the-board-may-not-refuse-to-authorize-the~~
 4 ~~department-to-issue-or-renew-a-license-or-revoke-or--suspend~~
 5 ~~a-license-already-issued or-impose-a-fine until-after-notice~~
 6 ~~and-opportunity-for-a-hearing."~~

7 **NEW SECTION. Section 2.** Extension of authority. Any
 8 existing authority to make rules on the subject of the
 9 provisions of [this act] is extended to the provisions of
 10 [this act].

-End-

HOUSE BILL NO. 199

INTRODUCED BY J. BROWN

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF COSMETOLOGISTS TO GRANT TEMPORARY LICENSES TO GRADUATE MANICURISTS FOR A PERIOD NOT TO EXCEED 90 DAYS OR UNTIL THE NEXT MANICURISTS' EXAMINATION IS HELD AND RESULTS ANNOUNCED; AMENDING THE DISCIPLINARY AUTHORITY OF THE BOARD OF COSMETOLOGISTS TO INCLUDE THE IMPOSITION OF FINES; AND AMENDING SECTIONS SECTION 37-31-307, 37-31-311, AND 37-31-331, MCA."

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

Section 1. Section 37-31-307, MCA, is amended to read:

"37-31-307. Temporary license pending examination. The board may authorize the department to grant to a graduate of a registered school of any state, on the payment of the fee prescribed by law, a temporary license authorizing the graduate to practice cosmetology under the supervision of a licensed cosmetologist in the practice of hairdressing and beauty culture or to practice manicuring under the supervision of a licensed manicurist for a period of not to exceed 90 days or until the next examination is held by the department and the results are announced. No temporary

license may be issued except on the presentation by the applicant of a certificate of graduation from such a registered school. The A temporary licenses are license is not renewable."

Section 2. Section 37-31-311, MCA, is amended to read:

"37-31-311. Schools. A certificate of registration is required for a person, firm, partnership, or corporation to operate a school for the purpose of teaching cosmetology for compensation or for the purpose of teaching manicuring for compensation unless a certificate of registration has been first obtained from the department. Application for the certificate shall be filed with the department on a form prescribed by the board:

(1) No school for teaching cosmetology may be granted a certificate of registration unless it complies or can comply with the following requirements:

(a) It shall have in its employ a licensed teacher who is at all times in the immediate supervision of the work of the school, or other teachers the board determines are necessary for the proper conduct of the school. There may not be more than 25 students to each teacher.

(b) It shall possess apparatus and equipment the board determines is necessary for the ready and full teaching of all subjects or practices of cosmetology.

(c) It shall maintain a school term of not less than

1 2,000 hours and shall prescribe a course of practical
2 training and technical instruction equal to the requirements
3 for board examinations, which course of training and
4 technical instruction shall be prescribed by the board.

5 (d) It shall keep a daily record of the attendance of
6 each student, establish grades, and hold examinations before
7 issuing diplomas.

8 (e) No owner or person in charge of a school of
9 cosmetology may permit a person to sleep in or use for
10 residential purposes, or any other purpose which would tend
11 to make the room unsanitary, a room used wholly or in part
12 for a school of cosmetology.

13 (3) No school for teaching manicuring may be granted a
14 certificate of registration unless it complies with
15 subsections (2)(a) and (2)(d) and the following
16 requirements:

17 (a) It must possess apparatus and equipment the board
18 determines necessary for the ready and full teaching of all
19 subjects or practices of manicuring.

20 (b) It must maintain a school term and a course of
21 practical training and technical instruction as prescribed
22 by the board.

23 (c) No owner or person in charge of a school of
24 manicuring may permit a person to sleep in or use for
25 residential purposes, or any other purpose that would tend

1 to make the room unsanitary, a room used wholly or in part
2 for a school of manicuring.

3 (4) Licenses or certificates of registration for
4 schools of cosmetology and schools of manicuring may be
5 refused, revoked, or suspended, are subject to discipline as
6 provided in 37-31-331.

7 (5) No teacher or student teacher may be permitted to
8 practice cosmetology or manicuring on the public in a school
9 of cosmetology or a school of manicuring. A school that
10 enrolls student teachers for a course of student teacher
11 training may not have, at any one time, more than one
12 student teacher for each full-time licensed teacher actively
13 engaged at the school. The student teachers may not
14 substitute for full-time teachers.

15 (6) The board may make further rules necessary for the
16 proper conduct of schools of cosmetology and schools of
17 manicuring.

18 (7) The board shall require the person, firm,
19 partnership, or corporation operating a school of
20 cosmetology or a school of manicuring to furnish a good and
21 sufficient bond in the amount of \$5,000 and in a form and
22 manner prescribed by the board.

23 (8) No professional beauty shop or manicuring shop may
24 be operated in connection with a school of cosmetology or
25 school of manicuring.

{9}--The board may, by rule, establish a suitable curriculum for teachers' training in registered schools of cosmetology."

Section 2. Section 37-31-331, MCA, is amended to read:

"37-31-331. Refusal, revocation, or suspension of licenses --- fines --- grounds --- notice and hearing. {1} The board may refuse to issue, refuse to renew, or may revoke or suspend a license or impose a fine not to exceed \$500 an incident in any one of the following cases:

{a}--failure of a person, firm, partnership, or corporation operating a cosmetological establishment, manicuring shop, school of cosmetology, or school of manicuring to comply with this chapter;

{b}--failure to comply with the sanitary rules adopted by the board and approved by the department of health and environmental sciences for the regulation of cosmetological establishments, manicuring shops, schools of cosmetology, or schools of manicuring;

{c}--gross malpractice;

{d}--continued practice by a person knowingly having an infectious or contagious disease;

{e}--habitual drunkenness or habitual addiction to the use of morphine or any habit-forming drug;

{f}--permitting a certificate of registration or license to be used where the holder is not personally,

actively, and continuously engaged in business; or

{g}--failure to display the license;

{2}--However, the board may not refuse to authorize the department to issue or renew a license or revoke or suspend a license already issued or impose a fine until after notice and opportunity for a hearing."

NEW SECTION. Section 2. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

-End-