ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 669 BY: TAYLOR of the SENATE

and

TYLER of the HOUSE

AN ACT RELATING TO COSMETOLOGY; AMENDING 59 O.S. 1991, SECTIONS 199.7, 199.10 AND 199.14, WHICH RELATE TO LICENSES ISSUED BY STATE BOARD OF COSMETOLOGY; CLARIFYING LANGUAGE; INCREASING FEE FOR BEAUTY SCHOOL LICENSE RENEWAL; DELETING OBSOLETE LANGUAGE; MODIFYING PENALTY FOR LAPSED LICENSE RENEWAL; INCREASING FEES; CONFORMING LANGUAGE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

AUTHORS: Add the following House Coauthors: BOYD, MAXEY, MONSON, NIEMI, ROACH, ROBERTS (Walt), SATTERFIELD, VOSKUHL and YORK

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"AN ACT RELATING TO COSMETOLOGY; AMENDING 59 O.S. 1991, SECTIONS 199.7, 199.10 AND 199.14, WHICH RELATE TO LICENSES ISSUED BY STATE BOARD OF COSMETOLOGY; CLARIFYING AND UPDATING LANGUAGE; DELETING OBSOLETE LANGUAGE; INCREASING FEES; PROVIDING FOR LOCATION OF CERTAIN EXAMINATIONS; CONFORMING LANGUAGE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 199.7, is amended to read as follows:

Section 199.7 ~~(A)~~ A. Each beauty school shall be ~~registered~~ licensed annually ~~with~~ by the State Board of Cosmetology~~, and an annual license shall be secured therefor~~. Application for the first year's ~~registration of~~ license for a beauty school shall be accompanied by a fee of Four Hundred Dollars ($400.00), which shall be retained by the Board if ~~said~~ the application is approved and ~~an annual~~ a license is issued~~; said fee shall also constitute payment of the first year's license fee~~. The annual renewal license fee for beauty schools ~~after the first year's registration~~ shall be ~~One Hundred Dollars ($100.00)~~ One Hundred Twenty-five Dollars ($125.00).

B. No license or renewal thereof for a beauty school shall be issued unless the owner thereof shall furnish to the Board a good and sufficient surety bond in the principal sum of Two Thousand Dollars ($2,000.00) for the first instructor and an additional One Thousand Dollars ($1,000.00) for each additional instructor, executed by a surety company authorized to do business in this state, and conditioned ~~for~~ on the faithful performance of the terms and conditions of all contracts entered into between the owner of said beauty school and all persons enrolling therein~~; said~~. The surety bond shall be approved by the Attorney General and filed in the office of the Secretary of State. Suit may be brought on said bond by any person injured by reason of the breach of the conditions thereof.

C. It shall be the duty of the owner or manager of ~~said~~ a beauty school to enter into a written contract with all students before permitting students to attend any classes. ~~Said contract~~ Contracts shall be made out in triplicate, the original copy to be retained by the school, the duplicate to be given to the student, and the triplicate to be filed with the executive secretary of the Board.

D. No license for a beauty school shall be issued unless the owner thereof shall present evidence satisfactory to the Board that

~~he, she or it~~ the school has satisfactory ~~school~~ facilities and equipment and ~~is~~ has instructors qualified to give a course of study as provided in this act.

~~(B)~~ E. There shall be included in the curriculum for beauty schools, courses of study in the theory of cosmetology and related theory, studies in manipulative practices, sterilization and sanitation, shop management, and such other related subjects as may be approved by the Board.

The Board shall adopt a curriculum of required courses of instruction in theory and training of one thousand five hundred (1,500) hours in a basic course of cosmetology to be taught in all beauty schools in the state~~; said~~. The basic course shall be designed to qualify students completing the course to take the examination for an operator's license. Students in vocational, trade and industrial cosmetology classes in public schools shall qualify by completing one thousand (1,000) hours in a basic course of cosmetology and five hundred (500) hours of approved related subjects to be selected from, but not limited to, the following high school courses in a public school: psychology, biology, general science, American history, art, typing I, typing II, business arithmetic, salesmanship, bookkeeping I, bookkeeping II, related mathematics, English II, English III and English IV.

The Board is hereby authorized to adopt an advanced course of five hundred (500) hours of instruction in instructor's training. ~~Said~~ The training in advanced course shall be designed to qualify persons completing said course to take an examination for an instructor's license. All persons must complete the one thousand five hundred (1,500) hours basic training before being eligible for ~~said~~ enrollment in an instructor's course.

~~(C)~~ F. No person shall be eligible to give instruction in cosmetology unless ~~he or she~~ the person is the holder of a current unrevoked instructor's license issued by the Board. Each beauty

school shall employ at least one instructor for the first fifteen students registered therein, and at least one additional instructor shall be employed for each additional group of fifteen students, or major fraction thereof.

~~(D)~~ G. Notwithstanding anything in this act to the contrary, students who are registered with the Board and who are attending vocational, trade and industrial diversified occupations classes in public schools, shall be entitled to credit for study in the theory of cosmetology taught by the diversified occupations coordinator while receiving practical instruction and training as an apprentice, given by an instructor in a properly licensed and equipped shop. A beauty school may be operated in and as part of an accredited high school.

~~(E)~~ H. No beauty school owner or beauty shop owner shall ~~ever make a~~ charge ~~to~~ students ~~thereof~~ for cosmetic materials, supplies, apparatus or machines used by them in practice work, but students shall be required to furnish their own books and hand instruments of trade. A reasonable charge may be made by a beauty school for clinical work performed by students upon persons who are not students therein. No instructor shall be permitted to do professional or clinical work in a beauty school at any time.

~~(F)~~ I. No beauty shop shall ever be operated in or as a part of a beauty school.

~~(G)~~ J. Students shall have an eighth-grade education or the equivalent thereof, shall be at least sixteen (16) years of age, except public and private school students who will be sixteen (16) years of age by November 1, and shall be of good moral character. Credit shall not be given to any person by the Board or by a beauty school for hours spent in attending a beauty school unless ~~said~~ the person has registered with the Board as a student prior to ~~said~~ the attendance, except that a student who has attended a beauty school out of state may receive credit for such attendance for transfer

upon proper certification as provided by rule of the Board. No student shall be credited with more than eight (8) hours' attendance in a beauty school in any one (1) day. No person shall be eligible to take the examination for an operator's license unless such person ~~be~~ is at least seventeen (17) years of age or a high school graduate.

~~(H)~~ K. No student shall be eligible to take the examination for an operator's license without furnishing to the Board the affidavit of the owner of the beauty school that said student has satisfactorily completed one thousand five hundred (1,500) hours' study of the approved basic course, except public and private school students who will complete the one thousand five hundred-hour basic course by the close of the current school year may take the examination next preceding the end of said school year. The owner of each beauty school shall file a report with the Board on or before the fifth day of each month showing the total number of hours of instruction and training received by each student during the preceding calendar month. Students who are eligible to take the examination shall be given an oral examination if requested by their instructor.

~~(I)~~ L. A person who has held an operator's, manicurist's~~,~~ or instructor's~~, or manager's~~ license issued in this state and who has allowed ~~said~~ the license to lapse or expire may make application to the Board to retake the examination for the license previously held. ~~Providing,~~ Provided however, ~~that said~~ the applicant shall provide proof of the successful completion of five hundred (500) additional hours in conformity with the new requirements of this act. ~~Providing~~ Provided further ~~that~~, a person who has held an instructor's ~~or manager's~~ license issued in this state, and has allowed the same to lapse, but has continuously held ~~their~~ a valid operator's license, may renew same by making application to the Board, and upon the payment of the required fee any time prior to

July 1, 1950. After said date, all lapsed instructor's ~~and manager's~~ licenses must be renewed under the provision of Section 199.10 of this title.

~~(J)~~ M. Applications to take examinations shall be filed with the Board at least thirty (30) days prior to time of taking an examination. The Board shall have the power to conduct examinations around the state at public locations including, but not limited to vocational-technical campuses.

~~(K)~~ N. Each beauty school shall have prominently displayed in a conspicuous place above or to the side of the entrance thereto, a sign bearing the words "BEAUTY SCHOOL", which words shall be in plain letters at least three (3) inches high and at least one (1) inch wide.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 199.10, is amended to read as follows:

Section 199.10 A. All licenses issued under ~~these~~ the provisions of Section 199.1 et seq. of this title shall be issued for a period of one (1) year. The expiration date of the license shall be the last day of the month in which the applicant's birthday falls~~, except licenses expiring on June 30, 1978, will be valid until the last day of the month in which the applicant's next birthday falls~~.

B. Applications for renewal must be made on or before the last day of the month in which the applicant's birthday falls, and shall be accompanied by the appropriate fees ~~therefor~~.

C. Any person who ceases to practice under a license issued by the State Board of Cosmetology, and fails to renew ~~said~~ the license within the required time ~~herein fixed~~, may make application for renewal ~~thereof~~ at any time within one (1) year from the expiration date of ~~said~~ the license and shall pay the regular renewal license fee and ~~total~~ a penalty ~~thereon~~ of Ten Dollars ($10.00), which becomes due two (2) months after the expiration date. If

application for renewal of ~~a~~ the license ~~be~~ is not made within said period of one (1) year, no renewal ~~thereof~~ may be made by the Board unless the applicant ~~shall pass~~ passes the regular examination ~~therefor~~.

D. Each person holding a license shall notify the Board of any change in his or her mailing address within thirty (30) days after any change.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 199.14, is amended to read as follows:

Section 199.14 A. The following fees shall be charged by the State Board of Cosmetology:

| | |
|---|---|
| Registration as an apprentice or student ..... | $ 5.00 |
| Examination for ~~Manicurist's, Operator's, Instructor's, or Facial Operator's~~ Manicurist, Operator, Instructor or Facial Operator license ..... | ~~10.00~~ 15.00 |
| Beauty school~~, initial registration~~ license (initial) ..... | 400.00 |
| Beauty school ~~(annual)~~ license (renewal) ..... | ~~100.00~~ 125.00 |
| Renewal Advanced ~~Operator's~~ Operator license (annual) ..... | ~~10.00~~ 15.00 |
| Facial ~~Operator's~~ Operator license (annual) .... | ~~10.00~~ 15.00 |
| ~~Operator's~~ Operator license (annual) ..... | ~~10.00~~ 15.00 |
| ~~Manicurist's~~ Manicurist license (annual) ..... | ~~10.00~~ 15.00 |
| ~~Demonstrator's~~ Demonstrator license (annual) ... | ~~15.00~~ 20.00 |
| ~~Instructor's~~ Instructor license (annual) ..... | ~~15.00~~ 20.00 |
| Beauty Shop license (initial) ..... | ~~32.50~~ 35.00 |
| Beauty Shop license ~~(annual)~~ (renewal) ..... | ~~15.00~~ 20.00 |
| Cosmetic Studio license (initial) ..... | ~~32.50~~ 40.00 |
| Cosmetic Studio license ~~(annual)~~ (renewal) ..... | ~~15.00~~ 20.00 |
| Reciprocity license (initial) ..... | ~~25.00~~ 30.00 |
| Reciprocity processing fee ..... | 30.00 |
| Duplicate license (in case of loss or destruction | |

of original) ..... ~~3.00~~ 5.00

Notary fee ..... 1.00

Certification of Records ..... ~~5.00~~ 10.00

In addition to the above fees, the Board shall charge a total penalty in the amount of Ten Dollars ($10.00), which becomes due two (2) months after the expiration date on all delinquent licenses.

B. Any person licensed as an advanced operator prior to July 1, 1985, may renew said license annually by payment of the fee required by this section and by being in compliance with the rules and regulations promulgated by the State Board of Cosmetology.

SECTION 4. This act shall become effective July 1, 1992.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 7th day of April, 1992.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate