

HOUSE BILL NO. 1101

Introduced by

Industry, Business and Labor Committee

(At the request of the State Board of Cosmetology)

1 A BILL for an Act to amend and reenact subsections 2 and 13 of section 43-11-01, sections
2 43-11-04 and 43-11-06, subsection 3 of section 43-11-16, section 43-11-24, subsection 3 of
3 section 43-11-27, and subsection 1 of section 43-11-28 of the North Dakota Century Code,
4 relating to licensing of cosmetologists and cosmetology schools.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsections 2 and 13 of section 43-11-01 of the North
7 Dakota Century Code are amended and reenacted as follows:

- 8 2. "Cosmetology" means any one or combination of practices generally and usually
9 performed by and known as the occupation of beauty culturists or cosmeticians or
10 cosmetologists or hairdressers, or of any other person holding out as practicing
11 cosmetology by whatever designation and within the meaning of this chapter and in
12 and upon whatever place or premises; and in particular cosmetology includes the
13 following or any one or a combination of practices: arranging, dressing, curling,
14 waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the
15 hair of any person by any means or with hands or mechanical or electrical
16 apparatus or appliances, or by the use of cosmetic preparations, antiseptics,
17 tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating,
18 manipulating, exercising, waxing to remove hair, beautifying, or similar work on the
19 ~~scalp, face, neck, arms, hands, bust or upper part of the body~~, or manicuring the
20 nails of any person.
- 21 13. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions,
22 creams, or otherwise, massaging, cleansing, stimulating, manipulating, waxing to
23 remove hair, beautifying, or similar work on the ~~scalp, face, neck, arms, hands,~~

1 ~~bust, or upper part of the~~ body of any person. The term does not include invasive
2 care.

3 **SECTION 2. AMENDMENT.** Section 43-11-04 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **43-11-04. Members of board - Qualifications.** Each member of the board must be a
6 citizen of this state and a licensed cosmetologist who has had at least three years practical
7 experience in the occupation. ~~No two members of the board may be members of or affiliated~~
8 ~~with any school of cosmetology, nor may any two members of the board be graduates of the~~
9 ~~same school of cosmetology.~~

10 **SECTION 3. AMENDMENT.** Section 43-11-06 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **43-11-06. Compensation of members of board - How paid.** Each member of the
13 board is entitled to receive compensation of ~~fifty~~ one hundred dollars for each day employed in
14 the actual discharge of official duties, as determined by the board. The secretary of the board
15 shall receive an annual salary of not more than thirteen thousand dollars to be fixed by the
16 board, and necessary expenses actually incurred in the performance of official duties.
17 Expenses incurred by a board member in the performance of an official function are payable by
18 the board pursuant to sections 44-08-04 and 54-06-09. The compensation and expenses of all
19 members of the board must be paid from the license fees and other sources of income of the
20 board.

21 **SECTION 4. AMENDMENT.** Subsection 3 of section 43-11-16 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 3. Employs at least two full-time licensed instructors for the first ~~twenty-five~~ forty
24 students enrolled and one additional instructor for each additional ~~twenty-five~~
25 twenty students enrolled or fraction thereof, except a school that provides training
26 and instruction limited to esthetics or manicure shall employ at least one full-time
27 instructor for the first twelve students enrolled and one additional instructor for
28 each additional twelve students enrolled or fraction thereof;

29 **SECTION 5. AMENDMENT.** Section 43-11-24 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **43-11-24. Operator's license - When issued - Failure to pass examination -**

2 **Reexamination - Retraining.** An operator's license must be issued to any person who has:

- 3 1. Complied with section 43-11-21; and
4 2. Passed to the satisfaction of the board, the examination of applicants for a license
5 to practice under this chapter.

6 If the applicant fails to pass the examination, the examination fee may not be returned. ~~Within~~
7 ~~one year after failing~~ If an applicant fails to pass an examination, the applicant may be
8 examined again with the payment of a reexamination fee as set forth in section 43-11-28. A
9 ~~person~~ An applicant who fails to pass the first reexamination must complete an additional one
10 hundred sixty hours of training at a school of cosmetology before ~~reapplying~~ applying for
11 ~~examination~~ a second reexamination.

12 **SECTION 6. AMENDMENT.** Subsection 3 of section 43-11-27 of the North Dakota
13 Century Code is amended and reenacted as follows:

- 14 3. No person is entitled to renew an instructor's license unless the instructor has
15 furnished to the board evidence of ~~attendance at an approved seminar pursuant to~~
16 ~~requirements prescribed by the board~~ completion of the continuing education
17 established by the board by rule.

18 **SECTION 7. AMENDMENT.** Subsection 1 of section 43-11-28 of the North Dakota
19 Century Code is amended and reenacted as follows:

- 20 1. Fees to be paid by applicants for original registrations, original licenses, annual
21 renewals, licenses issued upon reciprocity, and examinations as required under
22 this chapter may not exceed the following amounts:

23	a. Original registrations, licenses, and annual	MAXIMUM
24	renewals:	FEE:
25	(1) Salons, original registration	\$ 75.00 <u>80.00</u>
26	(2) Salons, annual renewal	\$ 25.00 <u>30.00</u>
27	(3) School of cosmetology, original registration	\$500.00 <u>505.00</u>
28	(4) School of cosmetology, annual renewal	\$200.00 <u>205.00</u>
29	(5) Operator, original license	\$ 40.00 <u>15.00</u>
30	(6) Operator, annual renewal	\$ 40.00 <u>15.00</u>
31	(7) Manager-operator, original license	\$ 20.00 <u>25.00</u>

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1	(8)	Manager-operator, annual renewal	\$ 15.00 <u>20.00</u>
2	(9)	Instructor, original license	\$ 30.00 <u>35.00</u>
3	(10)	Instructor, annual renewal	\$ 15.00 <u>20.00</u>
4	(11)	Demonstrators, original license	\$ 25.00 <u>30.00</u>
5	(12)	Demonstrators, annual renewal	\$ 15.00 <u>20.00</u>
6	(13)	Reciprocity license fee	\$ 100.00 <u>105.00</u>
7	(14)	Registration fee for student instructor	\$ 40.00 <u>15.00</u>
8	(15)	Duplicate license	\$ 5.00 <u>10.00</u>
9	(16)	Penalty fee for late renewal	\$ 40.00 <u>15.00</u>
10	(17)	Certification fee	\$ 15.00 <u>20.00</u>
11	b.	Examinations:	
12	(1)	Operator	\$ 20.00 <u>25.00</u>
13	(2)	Instructors	\$ 50.00 <u>55.00</u>
14	(3)	Reexamination fee, operator's	
15	(a)	Practical	\$ 25.00 <u>30.00</u>
16	(b)	Written	\$ 15.00 <u>20.00</u>
17	(4)	Reexamination fee, instructors <u>instructor's</u>	
18	(a)	Practical	\$ 50.00 <u>55.00</u>
19	(b)	Written	\$ 20.00 <u>25.00</u>