

**Fifty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1101  
(Industry, Business and Labor Committee)  
(At the request of the State Board of Cosmetology)

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

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

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

2. "Cosmetology" means any one or combination of practices generally and usually performed by and known as the occupation of beauty culturists or cosmeticians or cosmetologists or hairdressers, or of any other person holding out as practicing cosmetology by whatever designation and within the meaning of this chapter and in and upon whatever place or premises; and in particular cosmetology includes the following or any one or a combination of practices: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, waxing to remove hair, beautifying, or similar work on the ~~scalp, face, neck, arms, hands, bust or upper part of the body~~, or manicuring the nails of any person.
13. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, waxing to remove hair, beautifying, or similar work on the ~~scalp, face, neck, arms, hands, bust, or upper part of the body~~ of any person. The term does not include invasive care.

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

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

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

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

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

3. Employs at least two full-time licensed instructors ~~for the first twenty five students enrolled and one additional instructor for each additional twenty five students enrolled or fraction thereof~~ and maintains a maximum student-to-instructor ratio of twenty-four-to-one based on current enrollment, except a school that provides training and instruction limited to esthetics or manicure shall ~~employ at least one full time instructor for the first twelve students enrolled and one additional instructor for each additional twelve students enrolled or fraction thereof~~ maintain a maximum student-to-instructor ratio of twelve-to-one based on current enrollment;

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

**43-11-24. Operator's license - When issued - Failure to pass examination - Reexamination - Retraining.** An operator's license must be issued to any person who has:

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

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

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

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

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

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

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

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

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1101.

House Vote:      Yeas    76      Nays    13      Absent    5

Senate Vote:    Yeas    41      Nays    0      Absent    6

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2003,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State