

SENATE BILL NO. 2371

Introduced by

Senators Espegard, Lee

Representatives Kasper, Nottestad

1 A BILL for an Act to amend and reenact section 43-11-16 and subdivisions b and c of
2 subsection 1 of section 43-11-27 of the North Dakota Century Code, relating to cosmetology
3 schools and cosmetology instructors.

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

5 **SECTION 1. AMENDMENT.** Section 43-11-16 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-11-16. Schools of cosmetology - Qualifications for licensure.** A license must be
8 granted to a school of cosmetology upon an application to the board and the payment of the
9 annual license fee, if the school:

- 10 1. Is operated and maintained in premises separate from any cosmetology salon;
- 11 2. Requires one thousand eight hundred hours of training and instruction in
12 cosmetology, six hundred hours of training and instruction in esthetics, or three
13 hundred fifty hours of training and instruction in manicure, not to exceed eight
14 hours per day;
- 15 3. Employs at least two full-time licensed instructors for the first twenty-five students
16 enrolled and one additional instructor for each additional twenty-five students
17 enrolled or fraction thereof ~~after the school's enrollment has reached fifty students,~~
18 except a school that provides training and instruction limited to esthetics or
19 manicure shall employ at least one full-time instructor for the first twelve students
20 enrolled and one additional instructor for each additional twelve students enrolled
21 or fraction thereof;
- 22 4. Possesses apparatus and equipment sufficient for the proper and full teaching of
23 all subjects of its curriculum;
- 24 5. Maintains a record of the attendance and performance of each student;

- 1 6. Maintains regular class and instruction hours to include practical demonstrations
- 2 and theoretical studies supplemented by audiovisual aids, and studies in
- 3 sanitation, sterilization, and other safety measures and the use of antiseptics,
- 4 cosmetics, and electrical appliances consistent with the practical and theoretical
- 5 requirements as applicable to cosmetology;
- 6 7. Agrees not to:
- 7 a. Conduct a clinical department for fees after licensure by the board, until the
- 8 school has been operating for a period of at least twenty percent of the total
- 9 hours of instruction required by this chapter;
- 10 b. Permit any student to practice on any person not an instructor or registered
- 11 student of the school until the student has completed at least twenty percent
- 12 of the total hours of instruction required by this chapter;
- 13 c. Compensate any of its basic students in any way; and
- 14 8. At the time of application for licensure and upon the renewal of a license, furnishes
- 15 to the board, and maintains in force at all times the license is in effect, a bond in
- 16 the penal sum of ten thousand dollars. The bond must run in favor of the board, as
- 17 agent of the state, and must be furnished by a surety company authorized to do
- 18 business in this state. It must be conditioned upon the bonded school's providing
- 19 its registered students with the full course of instruction required under this chapter
- 20 and must provide for a refund of a proportionate amount of each student's tuition
- 21 fee upon default.

22 Any school that enrolls student instructors shall set up an adequate course of training, with the
23 approval of the board, and may not have at any one time more than ~~one~~ two student ~~instructor~~
24 instructors for each licensed instructor actively engaged in the school.

25 **SECTION 2. AMENDMENT.** Subdivisions b and c of subsection 1 of section 43-11-27
26 of the 1999 Supplement to the North Dakota Century Code are amended and reenacted as
27 follows:

- 28 b. ~~Shall have at least one year's experience as an active practicing~~
- 29 ~~cosmetologist~~ possess a current North Dakota license as a cosmetologist and
- 30 must have been actively engaged in the practice of cosmetology for at least
- 31 one year before application for an instructor's license, supplemented by not

- 1 less than four hundred eighty hours instructor's training in ~~cosmetology~~ in a
2 school of cosmetology. ~~In no event may more than six hundred hours~~
3 ~~instructor's training be requisite for admission for examination under this~~
4 ~~subdivision~~ or course of training approved by the board; or
- 5 c. Shall possess a current North Dakota license as a cosmetologist and shall
6 have been actively engaged in the practice of cosmetology for at least three
7 years prior to application for an instructor's license supplemented by not less
8 than one hundred sixty hours instructor's training in ~~cosmetology~~ in a school
9 of cosmetology or course of training approved by the board. ~~In no event may~~
10 ~~more than six hundred hours instructor's training be requisite for admission for~~
11 ~~examination under this subdivision~~. No instructor or student instructor may be
12 permitted to practice cosmetology on a patron other than that part of practical
13 work which pertains directly to the teaching of practical operations to students.