

# HAIRDRESSERS AND COSMETOLOGISTS

## CHAPTER 150

S. B. No. 213—(Guthrie)

### REGULATIONS, HAIRDRESSERS AND COSMETOLOGISTS

An act to amend and re-enact Sections 3, 4, 12, 15, 26 and 27 of Chapter 157 of the Laws of 1927 and Section 1 of Chapter 137 of the Laws of 1937, relating to the occupation of hairdressers and cosmetologists, the conduct of schools for hairdressing and cosmetology, the qualification of applicants for examinations, certificates, and making provisions for the payment of fees in connection therewith.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 3 of Chapter 157 of the Session Laws of 1927 be and the same is hereby amended and re-enacted to read as follows:

§ 3. DEFINITIONS AND GENERAL QUALIFICATIONS.] For the purposes of this act the following definitions and qualifications shall be adopted and understood to be included within the meaning of this act;

(a) A student is a person who is engaged in learning or acquiring within a hairdressing and cosmetologist school knowledge and experience in the arts of hairdressing and cosmetology and upon registration as hereinafter provided, while so engaged, may assist in any of the practices of the classified occupations within this act, under the immediate direction and supervision of a licensed instructor.

(b) An operator is a person, not a student, who is licensed under this act to engage in and follow any of the practices of the classified occupations named herein.

(c) A hairdressing and cosmetologist shop is that part of any building wherein or whereupon the classified occupations are practiced.

(d) A licensed instructor is an operator as hereinbefore defined, who has had at least two years experience as a licensed operator, and who has a general education equivalent to that of a high school graduate from a high school in the State of North Dakota.

(e) A manager operator is any person of the age of eighteen (18) years or more who has been a licensed operator for at least one (1) year, and who owns, operates, conducts or manages a hairdressing and cosmetologist shop, and no person shall operate, conduct or manage a hairdressing or cosmetologist shop who is not

licensed as a manager operator; provided, however, it shall be lawful for any person to own, operate, conduct and manage a hair-dressing and cosmetologist shop without being licensed as a manager operator, if such person does not instruct in or practice any of the practices as defined in this act, but does employ one or more manager operators in said shop to operate, conduct and manage the same.

§ 2. AMENDMENT.] That Section 1 of Chapter 137 of the Session Laws of 1937 be and the same is hereby amended and re-enacted to read as follows:

§ 4. REGISTERED SCHOOLS.] (a) It shall be competent for any person, firm or corporation to apply to the Board of Hairdressers and Cosmetologists for a certificate of registration as a school for both of the classified occupations within this act, upon the payment of a reasonable annual registration fee as determined annually by the said board for both of the classified occupations, not to exceed a total sum of one hundred dollars (\$100.00).

(b) No school for hairdressers and cosmetologists within this act shall be granted a certificate of registration unless it is operated and maintained in premises entirely distinct from and permanently separated from any hairdressing, beauty or cosmetologist shop, and unless it shall attach to and maintain upon its staff a regularly licensed physician and in addition thereto at least one competent and qualified instructor for each twenty-five students or fraction thereof, which said instructor must be registered as such instructor, and such school shall give and require a course of training and instruction of not less than one thousand hours for both of the said classified occupations, as provided in this act, to include practical demonstrations, written or oral tests, and practical instructions in sanitation, sterilizations, and the use of antiseptics, and cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this act.

(c) No person who has not completed the regular course offered by a recognized hairdressing and cosmetology school shall be granted a license under this act. This provision shall not apply to any person heretofore licensed under Chapter 157 of the Session Laws of 1927.

(d) No school, as provided in this act, shall operate within this State unless a proper certificate of registration under this act has first been obtained.

(e) No person, firm or corporation operating or conducting a school of hairdressing and cosmetology under license pursuant to this act shall advertise in any manner whatsoever, to perform any of the practices referred to herein without disclosing therein that the practice offered is to be performed in said school by students under the supervision of a licensed instructor or instructors. Any

violation of this subdivision shall authorize the board, after notice and hearing, and it shall be its duty upon determining as a fact that this subdivision has been violated, to forthwith cancel the certificate granted to said school.

§ 3. AMENDMENT.] That Section 12 of Chapter 157 of the Session Laws of 1927 be and the same is hereby amended and re-enacted to read as follows:

§ 12. REQUISITES FOR ADMISSION TO EXAMINATION AND REGISTRATION.] No person shall be admitted to examination or registration under this act unless he or she possesses the following qualifications:

(a) Students shall be registered with the board and the names and qualifications of students shall be certified to said board by a registered school, duly registered under the terms of this act. To be registered as such student such student must be at least sixteen (16) years of age, of good moral character and have educational qualifications equivalent to that of an eighth grade graduate of a grammar school in the State of North Dakota, and must have duly matriculated in such registered school and must have complied with the preliminary requirements thereof.

(b) A person may be registered as an operator in the practice of classifications under this act, upon the payment of such examination fee as may be fixed by the board, but not exceeding ten dollars (\$10.00) for said classifications, providing such person is of good moral character, and has an education equivalent to that of a graduate of an eighth grade grammar school in the State of North Dakota, and shall have served and completed the required time and studies as uniformly determined by the board to be necessarily related to said practice, and shall have had the required training in a registered school, which shall not be less than one thousand (1000) hours for said classifications as defined in this act, and provided such person shall have passed an examination to the satisfaction of the board as provided in this act.

(c) A person may be registered as an instructor under this act upon furnishing to said board evidence that he or she has practiced as a licensed operator for at least two years, and upon the payment of a fee of ten dollars (\$10.00) and upon furnishing to said board evidence that said applicant has a general education equivalent to that of a high school graduate in the State of North Dakota, and upon complying with all other requirements applicable to an instructor, as provided in this act.

(d) A person may obtain a manager-operator's license under the terms of this act upon furnishing to said board evidence that he or she has practiced as a licensed operator in this State, for at least one year, and upon the payment of a fee of ten dollars (\$10.00).

and upon complying with the other requirements of this act applicable to a manager operator.

(e) The sufficiency of the qualifications of applicants for admission to examination, for registration, and for license, shall be determined by the board but the board may delegate the authority to determine the sufficiency of such requirements to the secretary, subject to such provision as the board may make for appeal to the board.

(f) Any person who has secured an operator's license for 1939 and who is at the time this act goes into effect engaged in operating a business or practice, which under this act requires a manager operator certificate, shall not be required to obtain any additional certificate for the year 1939, and shall be entitled to a manager operator certificate upon application therefor as provided herein for renewals, upon submitting proof of the foregoing facts to the satisfaction of the board and the payment of the required fee for original manager operator certificate.

§ 4. AMENDMENT.] That Section 15 of Chapter 157 of the Session Laws of 1927 be and the same is hereby amended and re-enacted to read as follows:

§ 15. CERTIFICATES.] If an applicant for examination passes such examination to the satisfaction of said board, and has paid the fee required, and possesses the other qualifications provided for in this act, such person shall be entitled to an operator's certificate. The board shall issue all certificates, including operator's, instructor's and manager operator's, which shall be signed by the president and secretary and attested by the seal of said board. Such certificate shall be evidence that the person to whom it is issued is entitled to follow all of the practices, occupations or occupation referred to therein. Such certificate shall be conspicuously displayed in the principal office, place of business or place of employment in which the certificate holder is engaged in the practices in the certificate referred to.

§ 5. AMENDMENT.] That Section 26 of Chapter 157 of the Session Laws of 1927 be and the same is hereby amended and re-enacted to read as follows:

§ 26. RENEWAL OF CERTIFICATES.] The holder of a certificate issued by the board as provided in this act, who continues in active practice or occupation, shall annually on or before the 31st day of December, renew his or her certificate and pay the renewal fee. A certificate which has not been renewed prior to the 31st day of December in any year shall expire on the 31st day of December in that year. The holder of an expired certificate may within one year from and after the date of expiration thereof, obtain a certificate upon the payment of a fee of five dollars (\$5.00) in addition to the current renewal fee, and upon furnishing to said board satisfac-

tory proof of his or her qualifications to resume practice of the occupation. If a certificate is not renewed within one year from the date said license expired, the applicant for reinstatement must take and pass an examination such as is required from new applicants under the provisions of this act. Annual renewal fees shall not exceed for operators eight dollars (\$8.00) per year; for manager operators ten dollars (\$10.00) per year; and for instructors ten dollars (\$10.00) per year. The power to reduce renewal fee from the maximum amount hereinbefore in this act provided for, shall be exercised only by the board by applying an equal percentage of reduction to all renewal fees provided for herein.

§ 6. AMENDMENT.] That Section 27 of Chapter 157 of the Session Laws of 1927 be and the same is hereby amended and re-enacted to read as follows:

§ 27. DURATION OF CERTIFICATE. RENEWAL FEES.] No certificate shall be issued for a longer period than one year and all certificates shall expire on the 31st day of December next succeeding, unless renewed for the following year as hereinbefore provided, and upon the payment of fees for renewal as may be determined by the board, but not in excess of the amounts as set out in Section 26 hereof.

Approved March 15, 1939.

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## HIGHWAYS

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### CHAPTER 151

S. B. No. 215—(Committee on Public Safety)

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#### DRIVERS LICENSE AGENTS

An act amending and re-enacting Section 16 of Chapter 139 of the 1937 Session Laws relating to motor vehicle drivers licenses, to provide for appointment of local agents and their compensation for issuing licenses, and repealing Section 17 of said Chapter 139 of the 1937 Session Laws and all acts or parts of acts in conflict herewith.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 16 of Chapter 139 of the 1937 Session Laws is amended and re-enacted to read as follows:

§ 16. COMMISSIONER TO APPOINT LOCAL AGENTS. COMPENSATION OF LOCAL AGENTS.] The Highway Commissioner shall appoint in each county and in all municipalities or other subdivisions thereof, where possible, as many local agents as in his judgment may