

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 173
Committee Substitute Favorable 7/8/03
Third Edition Engrossed 7/10/03
Senate Commerce Committee Substitute Adopted 7/1/04
Fifth Edition Engrossed 7/7/04
Sixth Edition Engrossed 7/14/04

Short Title: Cosmetic Art/Continuing Ed/Penalty Change.

(Public)

Sponsors:

Referred to:

March 3, 2003

A BILL TO BE ENTITLED

AN ACT REQUIRING THE CONTINUING EDUCATION OF PERSONS
PRACTICING UNDER THE COSMETIC ART ACT AND CLARIFYING THE
REMITTANCE OF CIVIL PENALTIES UNDER THE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 88B-21 reads as rewritten:

"§ 88B-21. Renewals; expired ~~licenses~~ licenses; inactive status.

(a) Each license to operate a cosmetic art shop shall be renewed on or before the first day of February of each year. As provided in G.S. 88B-20, a late fee shall be charged for licenses renewed after February 1. Any license not renewed by March 1 of each year shall expire. A cosmetic art shop whose license has been expired for one year or less shall have the license reinstated immediately upon payment of the reinstatement fee, the late fee, and all unpaid license fees. The licensee shall submit to the Board, as a part of the renewal process, a list of all licensed cosmetologists who practice cosmetic art in the shop and shall identify each as an employee or a booth renter.

(b) Cosmetologist licenses shall be renewed on or before October 1 every three years beginning October 1, 1998. A late fee shall be charged for renewals after that date. Any license not renewed shall expire on October 1 of the year that renewal is required. The Board may develop and implement a plan for staggered license renewal and may prorate license fees to implement such a plan.

(c) Apprentice, esthetician, and manicurist licenses shall be renewed annually on or before October 1 of each year. A late fee shall be charged for the renewal of licenses after that date. Any license not renewed shall expire on October 1 of that year.

1 (d) Teacher licenses shall be renewed every two years on or before October 1. A
2 late fee shall be charged for the renewal of licenses after that date. Any license not
3 renewed shall expire on October 1 of that year.

4 (e) Prior to renewal of a ~~teacher's license, the teacher~~ a teacher, cosmetologist,
5 esthetician, or manicurist shall annually complete a minimum of eight hours of
6 Board-approved continuing education which shall be approved by the Board. Teachers
7 for each year of the licensing cycle. A cosmetologist may complete up to 24 hours of
8 required continuing education at any time within the cosmetologist's three-year
9 licensing cycle. Licensees shall submit written documentation to the Board showing that
10 they have satisfied the requirements of this subsection. A licensee who is in active
11 practice as a cosmetologist, esthetician, or manicurist, has practiced for at least 10
12 consecutive years in that profession and is 60 years of age or older does not have to
13 meet the continuing education requirements of this subsection. Promotion of products
14 and systems shall be allowed at continuing education given in-house or at trade shows.
15 Continuing education classes may also be offered in secondary languages as needed. No
16 member of the Board may offer continuing education courses as required by this
17 section.

18 (f) If an apprentice, cosmetologist, esthetician, manicurist, or teacher fails to
19 renew his or her license within five years following the expiration date, the licensee
20 shall be required to ~~pay the license fee for each year that the fees are delinquent and~~ to
21 pass an examination as prescribed by the Board before the license will be reinstated.

22 (g) Cosmetic art school licenses shall be renewed on or before October 1 of each
23 year. A late fee shall be charged for licenses renewed after that date. Any license not
24 renewed by November 1 of that year shall expire. A cosmetic art school whose license
25 has been expired for one year or less shall have its license reinstated upon payment of
26 the reinstatement fee, the late fee, and all unpaid license fees.

27 (h) Upon request by a licensee for inactive status, the Board may place the
28 licensee's name on the inactive list so long as the licensee is in good standing with the
29 Board. An inactive licensee is not required to complete continuing education
30 requirements. An inactive licensee shall not practice cosmetic art for consideration.
31 However, the inactive licensee may continue to purchase supplies as accorded an active
32 licensee. When the inactive licensee desires to be removed from the inactive list and
33 return to active practice, the inactive licensee shall notify the Board of his or her desire
34 to return to active status and pay the required fee as determined by the Board. As a
35 condition of returning to active status, the Board may require the licensee to complete
36 eight to 24 hours of continuing education pursuant to subsection (e) of this section."

37 **SECTION 2.** G.S. 88B-29(a) reads as rewritten:

38 "(a) Authority to Assess Civil Penalties. – In addition to taking any of the actions
39 permitted under G.S. 88B-24, the Board may assess a civil penalty not in excess of one
40 thousand dollars (\$1,000) for the violation of any section of this Chapter or the violation
41 of any rules adopted by the Board. ~~All civil penalties collected by the Board shall be~~
42 ~~remitted to the school fund of the county in which the violation occurred.~~ The clear
43 proceeds of any civil penalty assessed under this section shall be remitted to the Civil
44 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

1 **SECTION 3.** Section 1 of this act becomes effective October 1, 2004.
2 Section 2 of this act is effective when it becomes law and applies to violations occurring
3 on or after that date.