

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 173
Committee Substitute Favorable 7/8/03

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

(Public)

Sponsors:

Referred to:

March 3, 2003

A BILL TO BE ENTITLED

1 AN ACT REQUIRING THE CONTINUING EDUCATION OF PERSONS
2 PRACTICING UNDER THE COSMETIC ART ACT AND CLARIFYING THE
3 REMITTANCE OF CIVIL PENALTIES UNDER THE ACT.
4

5 The General Assembly of North Carolina enacts:

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

7 "**§ 88B-21. Renewals; expired ~~licenses~~licenses; inactive status.**

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

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

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

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

27 (e) Prior to renewal of a ~~teacher's~~ license, ~~the teacher~~ a teacher, cosmetologist,
28 esthetician, or manicurist shall annually complete ~~a minimum~~ of eight hours of Board-
29 approved continuing education ~~which shall be approved by the Board.~~ Teachers for each

1 year of the licensing cycle. A cosmetologist may complete up to 24 hours of required
2 continuing education at any time within the cosmetologist's three-year licensing cycle.
3 Licensees shall submit written documentation to the Board showing that they have
4 satisfied the requirements of this subsection. A licensee who is in active practice as a
5 cosmetologist, esthetician, or manicurist, has practiced for at least five consecutive
6 years as a cosmetologist, esthetician, or manicurist, and is 55 years of age or older does
7 not have to meet the continuing education requirements of this subsection, unless the
8 licensee is a cosmetology teacher.

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

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

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

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

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

36 **SECTION 3.** Section 1 of this act becomes effective October 1, 2003.
37 Section 2 of this act is effective when it becomes law and applies to violations occurring
38 on or after that date.