

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 971
Committee Substitute Favorable 6/11/03

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

(Public)

Sponsors:

Referred to:

April 9, 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~~cosmetologist's, esthetician's, or manicurist's
28 license, the ~~teacher~~licensee shall annually complete a ~~minimum~~ of eight hours of
29 Board-approved continuing education ~~which shall be approved by the Board.~~ Teachers

1 for each year of the licensing cycle. A cosmetologist may complete up to 24 hours of
2 required continuing education at anytime within the cosmetologist's three-year licensing
3 cycle. Licensees shall submit written documentation to the Board showing that they
4 have satisfied the requirements of this subsection. However, licensees who are 62 years
5 of age or cosmetic art teachers do not have to meet the continuing education
6 requirement, unless the licensee is a cosmetic art teacher in active practice as a
7 cosmetologist, esthetician, or manicurist.

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

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

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

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

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

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