



Rep. Daniel J. Burke

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LRB099 08956 MLM 32121 a

1 AMENDMENT TO HOUSE BILL 3655

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3655 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.26 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following  
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, Hair Braiding, ~~and~~  
14 Nail Technology, and Eyelash Extension Application Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

1 The Illinois Physical Therapy Act.

2 The Professional Geologist Licensing Act.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;  
4 96-1246, eff. 1-1-11.)

5 Section 10. The Massage Licensing Act is amended by  
6 changing Section 30 as follows:

7 (225 ILCS 57/30)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 30. Title protection.

10 (a) Persons regulated by this Act are designated as massage  
11 therapists and therefore are exclusively entitled to utilize  
12 the terms "massage", "massage therapy", and "massage  
13 therapist" when advertising or printing promotional material.

14 (b) Anyone who knowingly aids and abets one or more persons  
15 not authorized to use a professional title regulated by this  
16 Act or knowingly employs persons not authorized to use the  
17 regulated professional title in the course of their employment,  
18 commits a violation of this Act.

19 (c) Anyone not authorized, under the definitions of this  
20 Act, to utilize the term "massage", "massage therapy", or  
21 "massage therapist" and who knowingly utilizes these terms when  
22 advertising commits a violation of this Act.

23 (d) Nothing in this Act shall prohibit the use of the terms  
24 "massage", "massage therapy", or "massage therapist" by a salon

1 registered under the Barber, Cosmetology, Esthetics, Hair  
2 Braiding, ~~and~~ Nail Technology, and Eyelash Extension  
3 Application Act of 1985, provided that the salon offers massage  
4 therapy services in accordance with this Act.

5 (Source: P.A. 97-514, eff. 8-23-11.)

6 Section 15. The Barber, Cosmetology, Esthetics, Hair  
7 Braiding, and Nail Technology Act of 1985 is amended by  
8 changing Sections 1-1, 1-2, 1-4, 1-7, 1-7.5, 1-10, 1-11, the  
9 heading of Article IIIB, 3B-1, 3B-10, 3B-11, 3B-12, 3B-15,  
10 3B-16, the heading of Article IIID, 3D-5, and 3E-2 and Sections  
11 4-1, 4-2, 4-4, 4-7, 4-9, 4-19, and 4-20 and by adding the  
12 heading of Article IIIF and Sections 3F-1, 3F-2, 3F-3, 3F-4,  
13 3F-5, and 3F-6 as follows:

14 (225 ILCS 410/1-1) (from Ch. 111, par. 1701-1)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 1-1. Title of Act. This Act may be cited as the  
17 Barber, Cosmetology, Esthetics, Hair Braiding, ~~and~~ Nail  
18 Technology, and Eyelash Extension Application Act of 1985.

19 (Source: P.A. 96-1246, eff. 1-1-11.)

20 (225 ILCS 410/1-2) (from Ch. 111, par. 1701-2)

21 (Section scheduled to be repealed on January 1, 2016)

22 Sec. 1-2. Public policy. The practices of barbering,  
23 cosmetology, esthetics, hair braiding, ~~and~~ nail technology,

1 and eyelash extension application in the State of Illinois are  
2 hereby declared to affect the public health, safety and welfare  
3 and to be subject to regulation and control in the public  
4 interest. It is further declared to be a matter of public  
5 interest and concern that the professions merit and receive the  
6 confidence of the public and that only qualified persons be  
7 permitted to practice said professions in the State of  
8 Illinois. This Act shall be liberally construed to carry out  
9 these objects and purposes.

10 (Source: P.A. 98-911, eff. 1-1-15.)

11 (225 ILCS 410/1-4)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 1-4. Definitions. In this Act the following words  
14 shall have the following meanings:

15 "Board" means the Barber, Cosmetology, Esthetics, Hair  
16 Braiding, ~~and~~ Nail Technology, and Eyelash Extension  
17 Application Board.

18 "Department" means the Department of Financial and  
19 Professional Regulation.

20 "Licensed barber" means an individual licensed by the  
21 Department to practice barbering as defined in this Act and  
22 whose license is in good standing.

23 "Licensed cosmetologist" means an individual licensed by  
24 the Department to practice cosmetology, nail technology, hair  
25 braiding, and esthetics as defined in this Act and whose

1 license is in good standing.

2 "Licensed esthetician" means an individual licensed by the  
3 Department to practice esthetics as defined in this Act and  
4 whose license is in good standing.

5 "Licensed eyelash extension application technician" means  
6 an individual licensed by the Department to practice eyelash  
7 extension application as defined in this Act and whose license  
8 is in good standing.

9 "Licensed nail technician" means any individual licensed  
10 by the Department to practice nail technology as defined in  
11 this Act and whose license is in good standing.

12 "Licensed barber teacher" means an individual licensed by  
13 the Department to practice barbering as defined in this Act and  
14 to provide instruction in the theory and practice of barbering  
15 to students in an approved barber school.

16 "Licensed cosmetology teacher" means an individual  
17 licensed by the Department to practice cosmetology, esthetics,  
18 hair braiding, and nail technology as defined in this Act and  
19 to provide instruction in the theory and practice of  
20 cosmetology, esthetics, and nail technology to students in an  
21 approved cosmetology, esthetics, or nail technology school.

22 "Licensed cosmetology clinic teacher" means an individual  
23 licensed by the Department to practice cosmetology, esthetics,  
24 and nail technology as defined in this Act and to provide  
25 clinical instruction in the practice of cosmetology,  
26 esthetics, hair braiding, and nail technology in an approved

1 school of cosmetology, esthetics, or nail technology.

2 "Licensed esthetics teacher" means an individual licensed  
3 by the Department to practice esthetics as defined in this Act  
4 and to provide instruction in the theory and practice of  
5 esthetics to students in an approved cosmetology or esthetics  
6 school.

7 "Licensed eyelash extension application teacher" means an  
8 individual licensed by the Department to practice eyelash  
9 extension application as defined in this Act and to provide  
10 instruction in the theory and practice of eyelash extension  
11 application to students in an approved eyelash extension  
12 application school.

13 "Licensed hair braider" means any individual licensed by  
14 the Department to practice hair braiding as defined in Section  
15 3E-1 and whose license is in good standing.

16 "Licensed hair braiding teacher" means an individual  
17 licensed by the Department to practice hair braiding and to  
18 provide instruction in the theory and practice of hair braiding  
19 to students in an approved cosmetology or hair braiding school.

20 "Licensed nail technology teacher" means an individual  
21 licensed by the Department to practice nail technology and to  
22 provide instruction in the theory and practice of nail  
23 technology to students in an approved nail technology school or  
24 cosmetology school.

25 "Enrollment" is the date upon which the student signs an  
26 enrollment agreement or student contract.

1 "Enrollment agreement" or "student contract" is any  
2 agreement, instrument, or contract however named, which  
3 creates or evidences an obligation binding a student to  
4 purchase a course of instruction from a school.

5 "Enrollment time" means the maximum number of hours a  
6 student could have attended class, whether or not the student  
7 did in fact attend all those hours.

8 "Elapsed enrollment time" means the enrollment time  
9 elapsed between the actual starting date and the date of the  
10 student's last day of physical attendance in the school.

11 "Eyelash extension application" means any technique in  
12 which semi-permanent, thread-like extensions are bonded to a  
13 person's eyelashes.

14 "Secretary" means the Secretary of the Department of  
15 Financial and Professional Regulation.

16 "Threading" means any technique that results in the removal  
17 of superfluous hair from the body by twisting thread around  
18 unwanted hair and then pulling it from the skin; and may also  
19 include the incidental trimming of eyebrow hair.

20 (Source: P.A. 97-333, eff. 8-12-11; 97-777, eff. 7-13-12;  
21 98-238, eff. 1-1-14; 98-911, eff. 1-1-15.)

22 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 1-7. Licensure required; renewal.

25 (a) It is unlawful for any person to practice, or to hold

1 himself or herself out to be a cosmetologist, esthetician, nail  
2 technician, hair braider, ~~or~~ barber, or licensed eyelash  
3 extension application technician without a license as a  
4 cosmetologist, esthetician, nail technician, hair braider, ~~or~~  
5 barber, or eyelash extension application technician issued by  
6 the Department of Financial and Professional Regulation  
7 pursuant to the provisions of this Act and of the Civil  
8 Administrative Code of Illinois. It is also unlawful for any  
9 person, firm, partnership, or corporation to own, operate, or  
10 conduct a cosmetology, esthetics, nail technology, hair  
11 braiding, or eyelash extension application salon, or barber  
12 school without a license issued by the Department or to own or  
13 operate a cosmetology, esthetics, nail technology, ~~or~~ hair  
14 braiding, or eyelash extension application salon or barber shop  
15 without a certificate of registration issued by the Department.  
16 It is further unlawful for any person to teach in any  
17 cosmetology, esthetics, nail technology, hair braiding,  
18 eyelash extension application, or barber college or school  
19 approved by the Department or hold himself or herself out as a  
20 cosmetology, esthetics, hair braiding, nail technology,  
21 eyelash extension application, or barber teacher without a  
22 license as a teacher, issued by the Department or as a  
23 cosmetology clinic teacher without a license as a clinic  
24 teacher issued by the Department.

25 (b) Notwithstanding any other provision of this Act, a  
26 person licensed as a cosmetologist may hold himself or herself

1 out as an esthetician and may engage in the practice of  
2 esthetics, as defined in this Act, without being licensed as an  
3 esthetician. A person licensed as a cosmetology teacher may  
4 teach esthetics or hold himself or herself out as an esthetics  
5 teacher without being licensed as an esthetics teacher. A  
6 person licensed as a cosmetologist may hold himself or herself  
7 out as a nail technician and may engage in the practice of nail  
8 technology, as defined in this Act, without being licensed as a  
9 nail technician. A person licensed as a cosmetology teacher may  
10 teach nail technology and hold himself or herself out as a nail  
11 technology teacher without being licensed as a nail technology  
12 teacher. A person licensed as a cosmetologist may hold himself  
13 or herself out as a hair braider and may engage in the practice  
14 of hair braiding, as defined in this Act, without being  
15 licensed as a hair braider. A person licensed as a cosmetology  
16 teacher may teach hair braiding and hold himself or herself out  
17 as a hair braiding teacher without being licensed as a hair  
18 braiding teacher.

19 (c) A person licensed as a barber teacher may hold himself  
20 or herself out as a barber and may practice barbering without a  
21 license as a barber. A person licensed as a cosmetology teacher  
22 may hold himself or herself out as a cosmetologist,  
23 esthetician, hair braider, and nail technologist and may  
24 practice cosmetology, esthetics, hair braiding, and nail  
25 technology without a license as a cosmetologist, esthetician,  
26 hair braider, or nail technologist. A person licensed as an

1 esthetics teacher may hold himself or herself out as an  
2 esthetician without being licensed as an esthetician and may  
3 practice esthetics. A person licensed as a nail technician  
4 teacher may practice nail technology and may hold himself or  
5 herself out as a nail technologist without being licensed as a  
6 nail technologist. A person licensed as a hair braiding teacher  
7 may practice hair braiding and may hold himself or herself out  
8 as a hair braider without being licensed as a hair braider.

9 (d) The holder of a license issued under this Act may renew  
10 that license during the month preceding the expiration date of  
11 the license by paying the required fee.

12 (Source: P.A. 98-911, eff. 1-1-15.)

13 (225 ILCS 410/1-7.5)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 1-7.5. Unlicensed practice; violation; civil penalty.

16 (a) Any person who practices, offers to practice, attempts  
17 to practice, or holds himself or herself out to practice  
18 barbering, cosmetology, esthetics, hair braiding, eyelash  
19 extension application, or nail technology without being  
20 licensed under this Act shall, in addition to any other penalty  
21 provided by law, pay a civil penalty to the Department in an  
22 amount not to exceed \$5,000 for each offense as determined by  
23 the Department. The civil penalty shall be assessed by the  
24 Department after a hearing is held in accordance with the  
25 provisions set forth in this Act regarding disciplining a

1 licensee.

2 (b) The Department has the authority and power to  
3 investigate any and all unlicensed activity.

4 (c) The civil penalty shall be paid within 60 days after  
5 the effective date of the order imposing the civil penalty. The  
6 order shall constitute a judgment and may be filed and  
7 execution had thereon in the same manner as any judgment from  
8 any court of record.

9 (Source: P.A. 96-1246, eff. 1-1-11.)

10 (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 1-10. Display. Every holder of a license shall display  
13 it in a place in the holder's principal office, place of  
14 business or place of employment. Whenever a licensed  
15 cosmetologist, esthetician, nail technician, hair braider,  
16 eyelash extension application technician, or barber practices  
17 cosmetology, esthetics, nail technology, hair braiding,  
18 eyelash extension application, or barbering outside of or away  
19 from the cosmetologist's, esthetician's, nail technician's,  
20 hair braider's, eyelash extension application technician's, or  
21 barber's principal office, place of business, or place of  
22 employment, the cosmetologist, esthetician, nail technician,  
23 hair braider, eyelash extension application technician, or  
24 barber shall deliver to each person served a certificate of  
25 identification in a form specified by the Department.

1 Every registered shop shall display its certificate of  
2 registration at the location of the shop. Each shop where  
3 barber, cosmetology, esthetics, hair braiding, eyelash  
4 extension application, or nail technology services are  
5 provided shall have a certificate of registration.

6 (Source: P.A. 96-1246, eff. 1-1-11.)

7 (225 ILCS 410/1-11) (from Ch. 111, par. 1701-11)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 1-11. Exceptions to Act.

10 (a) Nothing in this Act shall be construed to apply to the  
11 educational activities conducted in connection with any  
12 monthly, annual or other special educational program of any  
13 bona fide association of licensed cosmetologists,  
14 estheticians, nail technicians, hair braiders, eyelash  
15 extension application technicians, or barbers, or licensed  
16 cosmetology, esthetics, nail technology, hair braiding, or  
17 barber schools from which the general public is excluded.

18 (b) Nothing in this Act shall be construed to apply to the  
19 activities and services of registered nurses or licensed  
20 practical nurses, as defined in the Nurse Practice Act, or to  
21 personal care or health care services provided by individuals  
22 in the performance of their duties as employed or authorized by  
23 facilities or programs licensed or certified by State agencies.  
24 As used in this subsection (b), "personal care" means  
25 assistance with meals, dressing, movement, bathing, or other

1 personal needs or maintenance or general supervision and  
2 oversight of the physical and mental well-being of an  
3 individual who is incapable of maintaining a private,  
4 independent residence or who is incapable of managing his or  
5 her person whether or not a guardian has been appointed for  
6 that individual. The definition of "personal care" as used in  
7 this subsection (b) shall not otherwise be construed to negate  
8 the requirements of this Act or its rules.

9 (c) Nothing in this Act shall be deemed to require  
10 licensure of individuals employed by the motion picture, film,  
11 television, stage play or related industry for the purpose of  
12 providing cosmetology, temporary eyelash enhancement, or  
13 esthetics services to actors of that industry while engaged in  
14 the practice of cosmetology or esthetics as a part of that  
15 person's employment.

16 (Source: P.A. 95-639, eff. 10-5-07; 96-1246, eff. 1-1-11.)

17 (225 ILCS 410/Art. IIIB heading)

18 ARTICLE IIIB. BARBER, COSMETOLOGY, ESTHETICS, HAIR BRAIDING,  
19 EYELASH EXTENSION APPLICATION, AND NAIL TECHNOLOGY SCHOOLS

20 (Source: P.A. 98-911, eff. 1-1-15.)

21 (225 ILCS 410/3B-1) (from Ch. 111, par. 1703B-1)

22 (Section scheduled to be repealed on January 1, 2016)

23 Sec. 3B-1. Application. The provisions of this Article are  
24 applicable only to barber, cosmetology, esthetics, hair

1 braiding, eyelash extension application, and nail technology  
2 schools regulated under this Act.

3 (Source: P.A. 98-911, eff. 1-1-15.)

4 (225 ILCS 410/3B-10)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 3B-10. Requisites for ownership or operation of  
7 school. No person, firm, or corporation may own, operate, or  
8 conduct a school of barbering, cosmetology, esthetics, hair  
9 braiding, eyelash extension application, or nail technology  
10 for the purpose of teaching barbering, cosmetology, esthetics,  
11 hair braiding, eyelash extension application, or nail  
12 technology for compensation unless licensed by the Department.  
13 A licensed school is a postsecondary educational institution  
14 authorized by the Department to provide a postsecondary  
15 education program in compliance with the requirements of this  
16 Act. An applicant shall apply to the Department on forms  
17 provided by the Department, pay the required fees, and comply  
18 with the following requirements:

19 1. The applicant must submit to the Department for  
20 approval:

21 a. A floor plan, drawn to a scale specified on the  
22 floor plan, showing every detail of the proposed  
23 school; and

24 b. A lease commitment or proof of ownership for the  
25 location of the proposed school; a lease commitment

1 must provide for execution of the lease upon the  
2 Department's approval of the school's application and  
3 the lease must be for a period of at least one year.

4 c. (Blank).

5 2. An application to own or operate a school shall  
6 include the following:

7 a. If the owner is a corporation, a copy of the  
8 Articles of Incorporation;

9 b. If the owner is a partnership, a listing of all  
10 partners and their current addresses;

11 c. If the applicant is an owner, a completed  
12 financial statement showing the owner's ability to  
13 operate the school for at least 3 months;

14 d. A copy of the official enrollment agreement or  
15 student contract to be used by the school, which shall  
16 be consistent with the requirements of this Act and  
17 rules;

18 e. A listing of all teachers who will be in the  
19 school's employ, including their teacher license  
20 numbers;

21 f. A copy of the curricula that will be followed;

22 g. The names, addresses, and current status of all  
23 schools in which the applicant has previously owned any  
24 interest, and a declaration as to whether any of these  
25 schools were ever denied accreditation or licensing or  
26 lost accreditation or licensing from any governmental

1 body or accrediting agency;

2 h. Each application for a certificate of approval  
3 shall be signed and certified under oath by the  
4 school's chief managing employee and also by its  
5 individual owner or owners; if the applicant is a  
6 partnership or a corporation, then the application  
7 shall be signed and certified under oath by the  
8 school's chief managing employee and also by each  
9 member of the partnership or each officer of the  
10 corporation, as the case may be;

11 i. A copy of the school's official transcript; and

12 j. The required fee.

13 3. Each application for a license to operate a school  
14 shall also contain the following commitments:

15 a. To conduct the school in accordance with this  
16 Act and the standards, and rules from time to time  
17 adopted under this Act and to meet standards and  
18 requirements at least as stringent as those required by  
19 Part H of the Federal Higher Education Act of 1965.

20 b. To permit the Department to inspect the school  
21 or classes thereof from time to time with or without  
22 notice; and to make available to the Department, at any  
23 time when required to do so, information including  
24 financial information pertaining to the activities of  
25 the school required for the administration of this Act  
26 and the standards and rules adopted under this Act;

1           c. To utilize only advertising and solicitation  
2           which is free from misrepresentation, deception,  
3           fraud, or other misleading or unfair trade practices;

4           d. To screen applicants to the school prior to  
5           enrollment pursuant to the requirements of the  
6           school's regional or national accrediting agency, if  
7           any, and to maintain any and all records of such  
8           screening. If the course of instruction is offered in a  
9           language other than English, the screening shall also  
10          be performed in that language;

11          e. To post in a conspicuous place a statement,  
12          developed by the Department, of student's rights  
13          provided under this Act.

14          4. The applicant shall establish to the satisfaction of  
15          the Department that the owner possesses sufficient liquid  
16          assets to meet the prospective expenses of the school for a  
17          period of 3 months. In the discretion of the Department,  
18          additional proof of financial ability may be required.

19          5. The applicant shall comply with all rules of the  
20          Department determining the necessary curriculum and  
21          equipment required for the conduct of the school.

22          6. The applicant must demonstrate employment of a  
23          sufficient number of qualified teachers who are holders of  
24          a current license issued by the Department.

25          7. A final inspection of the barber, cosmetology,  
26          esthetics, hair braiding, eyelash extension application,

1 or nail technology school shall be made by the Department  
2 before the school may commence classes.

3 8. A written inspection report must be made by the  
4 State Fire Marshal or a local fire authority approving the  
5 use of the proposed premises as a barber, cosmetology,  
6 esthetics, hair braiding, eyelash extension application,  
7 or nail technology school.

8 (Source: P.A. 98-238, eff. 1-1-14; 98-911, eff. 1-1-15.)

9 (225 ILCS 410/3B-11)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 3B-11. Periodic review of barber, cosmetology,  
12 esthetics, hair braiding, eyelash extension application, and  
13 nail technology schools. The Department shall review at least  
14 biennially all approved schools and courses of instruction. The  
15 biennial review shall include consideration of a comparison  
16 between the graduation or completion rate for the school and  
17 the graduation or completion rate for the schools within that  
18 classification of schools. Consideration shall be given to  
19 complaints and information forwarded to the Department by the  
20 Federal Trade Commission, Better Business Bureaus, the  
21 Illinois Attorney General's Office, a State's Attorney's  
22 Office, other State or official approval agencies, local school  
23 officials, and interested persons. The Department shall  
24 investigate all complaints filed with the Department about a  
25 school or its sales representatives.

1           A school shall retain the records, as defined by rule, of a  
2 student who withdraws from or drops out of the school, by  
3 written notice of cancellation or otherwise, for any period  
4 longer than 7 years from the student's first day of attendance.  
5 However, a school shall retain indefinitely the transcript of  
6 each student who completes the program and graduates from the  
7 school.

8           (Source: P.A. 98-911, eff. 1-1-15.)

9           (225 ILCS 410/3B-12)

10          (Section scheduled to be repealed on January 1, 2016)

11          Sec. 3B-12. Enrollment agreements.

12          (a) Enrollment agreements shall be used by barber,  
13 cosmetology, esthetics, hair braiding, eyelash extension  
14 application, and nail technology schools licensed to operate by  
15 the Department and shall include the following written  
16 disclosures:

17               (1) The name and address of the school and the  
18 addresses where instruction will be given;

19               (2) The name and description of the course of  
20 instruction, including the number of clock hours in each  
21 course and an approximate number of weeks or months  
22 required for completion;

23               (3) The scheduled starting date and calculated  
24 completion date;

25               (4) The total cost of the course of instruction

1 including any charges made by the school for tuition,  
2 books, materials, supplies, and other expenses;

3 (5) A clear and conspicuous statement that the contract  
4 is a legally binding instrument when signed by the student  
5 and accepted by the school;

6 (6) A clear and conspicuous caption, "BUYER'S RIGHT TO  
7 CANCEL" under which it is explained that the student has  
8 the right to cancel the initial enrollment agreement until  
9 midnight of the fifth business day after the student has  
10 been enrolled; and if notice of the right to cancel is not  
11 given to any prospective student at the time the enrollment  
12 agreement is signed, then the student has the right to  
13 cancel the agreement at any time and receive a refund of  
14 all monies paid to date within 10 days of cancellation;

15 (7) A notice to the students that the cancellation must  
16 be in writing and given to the registered agent, if any, or  
17 managing employee of the school;

18 (8) The school's refund policy for unearned tuition,  
19 fees, and other charges;

20 (9) The date of the student's signature and the date of  
21 the student's admission;

22 (10) The name of the school employee or agent  
23 responsible for procuring, soliciting, or enrolling the  
24 student;

25 (11) A clear statement that the institution does not  
26 guarantee employment and a statement describing the

1 school's placement assistance procedures;

2 (12) The graduation requirements of the school;

3 (13) The contents of the following notice, in at least  
4 10 point bold type:

5 "NOTICE TO THE STUDENT"

6 "Do not sign this contract before you read it or if it  
7 contains any blank space. You are entitled to an exact copy  
8 of the contract you sign."

9 (14) A statement either in the enrollment agreement or  
10 separately provided and acknowledged by the student  
11 indicating the number of students who did not complete the  
12 course of instruction for which they enrolled for the past  
13 calendar year as compared to the number of students who  
14 enrolled in school during the school's past calendar year;

15 (15) The following clear and conspicuous caption:  
16 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE  
17 DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION", set  
18 forth with the address and telephone number of the  
19 Department's Chicago and Springfield offices.

20 (b) If the enrollment is negotiated orally in a language  
21 other than English, then copies of the above disclosures shall  
22 be tendered in the language in which the contract was  
23 negotiated prior to executing the enrollment agreement.

24 (c) The school shall comply with all applicable  
25 requirements of the Retail Installment Sales Act in its  
26 enrollment agreement or student contracts.

1 (d) No enrollment agreement or student contract shall  
2 contain a wage assignment provision or a confession of judgment  
3 clause.

4 (e) Any provision in an enrollment agreement or student  
5 contract that purports to waive the student's right to assert  
6 against the school, or any assignee, any claim or defense he or  
7 she may have against the school arising under the contract  
8 shall be void.

9 (f) Two copies of the enrollment agreement shall be signed  
10 by the student. One copy shall be given to the student and the  
11 school shall retain the other copy as part of the student's  
12 permanent record.

13 (Source: P.A. 98-911, eff. 1-1-15.)

14 (225 ILCS 410/3B-15)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 3B-15. Grounds for disciplinary action. In addition to  
17 any other cause herein set forth the Department may refuse to  
18 issue or renew and may suspend, place on probation, or revoke  
19 any license to operate a school, or take any other disciplinary  
20 or non-disciplinary action that the Department may deem proper,  
21 including the imposition of fines not to exceed \$5,000 for each  
22 violation, for any one or any combination of the following  
23 causes:

24 (1) Repeated violation of any provision of this Act or  
25 any standard or rule established under this Act.

1           (2) Knowingly furnishing false, misleading, or  
2 incomplete information to the Department or failure to  
3 furnish information requested by the Department.

4           (3) Violation of any commitment made in an application  
5 for a license, including failure to maintain standards that  
6 are the same as, or substantially equivalent to, those  
7 represented in the school's applications and advertising.

8           (4) Presenting to prospective students information  
9 relating to the school, or to employment opportunities or  
10 opportunities for enrollment in institutions of higher  
11 learning after entering into or completing courses offered  
12 by the school, that is false, misleading, or fraudulent.

13           (5) Failure to provide premises or equipment or to  
14 maintain them in a safe and sanitary condition as required  
15 by law.

16           (6) Failure to maintain financial resources adequate  
17 for the satisfactory conduct of the courses of instruction  
18 offered or to retain a sufficient and qualified  
19 instructional and administrative staff.

20           (7) Refusal to admit applicants on account of race,  
21 color, creed, sex, physical or mental handicap unrelated to  
22 ability, religion, or national origin.

23           (8) Paying a commission or valuable consideration to  
24 any person for acts or services performed in violation of  
25 this Act.

26           (9) Attempting to confer a fraudulent degree, diploma,

1 or certificate upon a student.

2 (10) Failure to correct any deficiency or act of  
3 noncompliance under this Act or the standards and rules  
4 established under this Act within reasonable time limits  
5 set by the Department.

6 (11) Conduct of business or instructional services  
7 other than at locations approved by the Department.

8 (12) Failure to make all of the disclosures or making  
9 inaccurate disclosures to the Department or in the  
10 enrollment agreement as required under this Act.

11 (13) Failure to make appropriate refunds as required by  
12 this Act.

13 (14) Denial, loss, or withdrawal of accreditation by  
14 any accrediting agency.

15 (15) During any calendar year, having a failure rate of  
16 25% or greater for those of its students who for the first  
17 time take the examination authorized by the Department to  
18 determine fitness to receive a license as a barber, barber  
19 teacher, cosmetologist, cosmetology teacher, esthetician,  
20 esthetician teacher, eyelash extension application  
21 technician, eyelash extension application teacher, hair  
22 braider, hair braiding teacher, nail technician, or nail  
23 technology teacher, provided that a student who transfers  
24 into the school having completed 50% or more of the  
25 required program and who takes the examination during that  
26 calendar year shall not be counted for purposes of

1 determining the school's failure rate on an examination,  
2 without regard to whether that transfer student passes or  
3 fails the examination.

4 (16) Failure to maintain a written record indicating  
5 the funds received per student and funds paid out per  
6 student. Such records shall be maintained for a minimum of  
7 7 years and shall be made available to the Department upon  
8 request. Such records shall identify the funding source and  
9 amount for any student who has enrolled as well as any  
10 other item set forth by rule.

11 (17) Failure to maintain a copy of the student record  
12 as defined by rule.

13 (Source: P.A. 98-911, eff. 1-1-15.)

14 (225 ILCS 410/3B-16)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 3B-16. Department of Corrections. The Secretary may  
17 waive any requirement of this Act or of the rules enacted by  
18 the Department pursuant to this Act pertaining to the operation  
19 of a barber, cosmetology, esthetics, hair braiding, eyelash  
20 extension application, or nail technology school owned or  
21 operated by the Department of Corrections and located in a  
22 correctional facility to educate inmates that is inconsistent  
23 with the mission or operations of the Department of Corrections  
24 or is detrimental to the safety and security of any  
25 correctional facility. Nothing in this Section 3B-16 exempts

1 the Department of Corrections from the necessity of licensure.

2 (Source: P.A. 98-911, eff. 1-1-15.)

3 (225 ILCS 410/Art. IIID heading)

4 ARTICLE IIID. COSMETOLOGY, ESTHETICS, HAIR BRAIDING,  
5 EYELASH EXTENSION APPLICATION, AND NAIL TECHNOLOGY SALONS AND  
6 BARBER SHOPS

7 (Source: P.A. 96-1246, eff. 1-1-11.)

8 (225 ILCS 410/3D-5)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 3D-5. Requisites for ownership or operation of  
11 cosmetology, esthetics, hair braiding, and nail technology  
12 salons and barber shops.

13 (a) No person, firm, partnership, limited liability  
14 company, or corporation shall own or operate a cosmetology,  
15 esthetics, hair braiding, eyelash extension application, or  
16 nail technology salon or barber shop or employ, rent space to,  
17 or independently contract with any licensee under this Act  
18 without applying on forms provided by the Department for a  
19 certificate of registration.

20 (b) The application for a certificate of registration under  
21 this Section shall set forth the name, address, and telephone  
22 number of the proposed cosmetology, esthetics, hair braiding,  
23 eyelash extension application, or nail technology salon or  
24 barber shop; the name, address, and telephone number of the

1 person, firm, partnership, or corporation that is to own or  
2 operate the salon or shop; and, if the salon or shop is to be  
3 owned or operated by an entity other than an individual, the  
4 name, address, and telephone number of the managing partner or  
5 the chief executive officer of the corporation or other entity  
6 that owns or operates the salon or shop.

7 (c) The Department shall be notified by the owner or  
8 operator of a salon or shop that is moved to a new location. If  
9 there is a change in the ownership or operation of a salon or  
10 shop, the new owner or operator shall report that change to the  
11 Department along with completion of any additional  
12 requirements set forth by rule.

13 (d) If a person, firm, partnership, limited liability  
14 company, or corporation owns or operates more than one shop or  
15 salon, a separate certificate of registration must be obtained  
16 for each salon or shop.

17 (e) A certificate of registration granted under this  
18 Section may be revoked in accordance with the provisions of  
19 Article IV and the holder of the certificate may be otherwise  
20 disciplined by the Department in accordance with rules adopted  
21 under this Act.

22 (f) The Department may promulgate rules to establish  
23 additional requirements for owning or operating a salon or  
24 shop.

25 (Source: P.A. 96-1246, eff. 1-1-11.)

1 (225 ILCS 410/3E-2)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 3E-2. Hair braider licensure; qualifications.

4 (a) A person is qualified to receive a license as a hair  
5 braider if he or she has filed an application on forms provided  
6 by the Department, paid the required fees, and meets the  
7 following qualifications:

8 (1) Is at least 16 years of age;

9 (2) Is beyond the age of compulsory school attendance  
10 or has received a certificate of graduation from a school  
11 providing secondary education, or the recognized  
12 equivalent of that certificate; and

13 (3) Has completed a program consisting of a minimum of  
14 300 clock hours or a 10 credit hour equivalency of  
15 instruction, as defined by rule, in a licensed cosmetology  
16 school teaching a hair braiding curriculum or in a licensed  
17 hair braiding school as follows:

18 (A) Basic training consisting of 35 hours of  
19 classroom instruction in general theory, practical  
20 application, and technical application in the  
21 following subject areas: history of hair braiding,  
22 personal hygiene and public health, professional  
23 ethics, disinfection and sanitation, bacteriology,  
24 disorders and diseases of the hair and scalp, OSHA  
25 standards relating to material safety data sheets  
26 (MSDS) on chemicals, hair analysis and scalp care, and

1 technical procedures;

2 (B) Related concepts consisting of 35 hours of  
3 classroom instruction in the following subject areas:  
4 Braid removal and scalp care; basic styling knowledge;  
5 tools and equipment; growth patterns, styles and  
6 sectioning; client consultation and face shapes; and  
7 client education, pre-care, post-care, home care and  
8 follow-up services;

9 (C) Practices and procedures consisting of 200  
10 hours of instruction, which shall be a combination of  
11 classroom instruction and clinical practical  
12 application, in the following subject areas: single  
13 braids with and without extensions; cornrows with and  
14 without extensions; twists and knots; multiple  
15 strands; hair locking; weaving/sewn-in; other  
16 procedures as they relate to hair-braiding; and  
17 product knowledge as it relates to hair braiding; and

18 (D) Business practices consisting of 30 hours of  
19 classroom instruction in the following subject areas:  
20 Illinois Barber, Cosmetology, Esthetics, Hair  
21 Braiding, ~~and~~ Nail Technology, and Eyelash Extension  
22 Application Act of 1985 and Rules; salon management;  
23 human relations and salesmanship; and Workers'  
24 Compensation Act.

25 (b) The expiration date and renewal period for each license  
26 issued under this Act shall be set by rule.

1           (c) Within 2 years after the effective date of this  
2 amendatory Act of the 96th General Assembly, the Department may  
3 issue a hair braider license to any applicant who does not meet  
4 the requirements of items (2) and (3) of subsection (a) of this  
5 Section if the applicant: (1) files an application in  
6 accordance with subsection (a), (2) pays the required fee, (3)  
7 has not committed an offense that would be grounds for  
8 discipline under this Act, and (4) is able to demonstrate to  
9 the Department through tax records or affidavits that he or she  
10 has practiced hair braiding for at least 2 consecutive years  
11 immediately prior to the date of his or her application.

12           A hair braider who obtains his or her license under this  
13 subsection (c) may renew his or her license if he or she  
14 applies to the Department for renewal and has completed at  
15 least 65 hours of relevant training in health, safety, hygiene,  
16 and business management in accordance with the requirements of  
17 this Section or any rule adopted pursuant to this Section. A  
18 hair braider who renews his or her license under this  
19 subsection (c) may thereafter only renew his or her license if  
20 he or she meets the requirements of Section 3E-5 of this Act.

21           (Source: P.A. 96-1246, eff. 1-1-11; 97-333, eff. 8-12-11.)

22           (225 ILCS 410/Art. IIIIF heading new)

23           ARTICLE IIIIF. EYELASH EXTENSION APPLICATION TECHNICIANS

24           (225 ILCS 410/3F-1 new)

1       Sec. 3F-1. Definitions. As used in this Article:

2       "Eyelash extension application" means applying  
3 semi-permanent, thread-like extensions composed of single  
4 fibers to a person's eyelashes.

5       "Eyelash extension application teacher" means an  
6 individual licensed by the Department to practice eyelash  
7 extension application as defined in this Act and to provide  
8 instruction in the theory and practice of eyelash extension  
9 application to students in an approved eyelash extension  
10 application school.

11       "Eyelash extension application technician" means an  
12 individual licensed by the Department to practice eyelash  
13 extension application as defined in this Act and whose license  
14 is in good standing. "Eyelash extension application  
15 technician" includes individuals rendering advice on what is  
16 cosmetically appealing, but no person licensed under this Act  
17 shall render advice on what is appropriate medical treatment  
18 for diseases of the eyes or eyelashes.

19       (225 ILCS 410/3F-2 new)

20       Sec. 3F-2. Licensure as an eyelash extension application  
21 technician; qualifications. A person is qualified to receive a  
22 license as an eyelash extension application technician if that  
23 person has applied in writing on forms provided by the  
24 Department, paid any required fees, and:

25       (1) is at least 17 years of age;

1       (2) has obtained a high school diploma or the equivalent of  
2 a high school diploma or has passed a valid examination  
3 administered by a certified testing agency that measures the  
4 person's ability to benefit from training;

5       (3) has completed an eyelash extension application  
6 training program which includes at least 320 hours of classroom  
7 instruction and practical experience, including at least 8  
8 hours of theoretical instruction in the following areas:

9           (A) recognizing infectious or contagious diseases of  
10 the eye and allergic reactions to materials;

11           (B) proper sanitation practices;

12           (C) occupational health and safety practices;

13           (D) eyelash extension application procedures; and

14           (E) eyelash extension isolation and separation  
15 procedures;

16       (4) has passed an examination authorized by the Department  
17 to determine fitness to receive a license as an eyelash  
18 extension application technician;

19       (5) has met any other requirements of this Act and its  
20 rules; and

21       (6) has the opportunity to get a specialty designation.

22       (225 ILCS 410/3F-3 new)

23       Sec. 3F-3. Licensure as an eyelash extension application  
24 teacher; qualifications. A person is qualified to receive a  
25 license as an eyelash extension application teacher if that

1 person has applied in writing on forms supplied by the  
2 Department, paid the required fees, and:

3 (1) is at least 18 years of age;

4 (2) has graduated from high school or its equivalent;

5 (3) has a current license as an eyelash extension  
6 application technician;

7 (4) has either: (i) completed a program of 500 hours of  
8 teacher training in a licensed school of cosmetology or a  
9 licensed esthetics school or an approved eyelash extension  
10 program and had 2 years of practical experience applying  
11 eyelashes in the 2 years preceding the examination; or (ii)  
12 completed a program of 750 hours of teacher training in a  
13 licensed school of cosmetology approved by the Department  
14 to teach eyelash extension application or a licensed  
15 esthetics school;

16 (5) has passed an examination authorized by the  
17 Department to determine eligibility to receive a license as  
18 a licensed eyelash extension application teacher; and

19 (6) has met any other requirements as required by this  
20 Act.

21 (225 ILCS 410/3F-4 new)

22 Sec. 3F-4. Licensure; renewal; continuing education;  
23 examination; military service. The holder of a license issued  
24 under this Article may renew such license during the month  
25 preceding the license's expiration date by paying the required

1 fee and giving evidence, as the Department may prescribe, of  
2 completing not less than 10 hours of continuing education for  
3 eyelash extension application technicians, and not less than 20  
4 hours of continuing education for eyelash extension  
5 application teachers, within the 2 years prior to renewal. The  
6 training shall be in subjects approved by the Department, as  
7 prescribed by rule, upon recommendation of the Board.

8 A license that has expired or been placed on inactive  
9 status may be restored only by payment of the restoration fee  
10 and submitting evidence satisfactory to the Department of the  
11 current qualifications and fitness of the licensee, including  
12 the completion of continuing education hours for the period  
13 following expiration.

14 A license issued under the provisions of this Act that has  
15 expired while the holder of the license was engaged (1) in  
16 federal service on active duty with the Army of the United  
17 States, the United States Navy, the Marine Corps, the Air  
18 Force, the Coast Guard, or any Women's Auxiliary thereof, or  
19 the State Militia called into the service or training of the  
20 United States of America, or (2) in training or education under  
21 the supervision of the United States preliminary to induction  
22 into the military service, may be reinstated or restored  
23 without the payment of any lapsed renewal fees, reinstatement  
24 fee, or restoration fee if within 2 years after the termination  
25 of such service, training, or education other than by  
26 dishonorable discharge, the holder furnishes the Department

1 with an affidavit to the effect that he or she has been so  
2 engaged and that his or her service, training, or education has  
3 been so terminated.

4 The Department, in its discretion, may waive enforcement of  
5 the continuing education requirement in this Section, and shall  
6 adopt rules defining the standards and criteria for such  
7 waiver, under the following circumstances:

8 (1) the licensee resides in a locality where it is  
9 demonstrated that the absence of opportunities for such  
10 education would interfere with the ability of the licensee  
11 to provide service to the public;

12 (2) the licensee's compliance with the continuing  
13 education requirements would cause a substantial financial  
14 hardship on the licensee;

15 (3) the licensee is serving in the United States Armed  
16 Forces; or

17 (4) the licensee is incapacitated due to illness.

18 (225 ILCS 410/3F-5 new)

19 Sec. 3F-5. Eyelash extension application technician  
20 licensed elsewhere. Upon payment of the required fee, an  
21 applicant who is an eyelash extension application technician  
22 registered or licensed under the laws of another state or  
23 territory of the United States or of a foreign country or  
24 province may, without examination, be granted a license as a  
25 licensed eyelash extension application technician by the

1 Department in its discretion upon the following conditions:

2 (a) In the case of an eyelash extension application  
3 technician registered or licensed elsewhere:

4 (1) the applicant is at least 17 years of age; and

5 (2) the requirements for the registration or licensing  
6 of eyelash extension application technician in the  
7 particular state, territory, country, or province were at  
8 the date of the license substantially equivalent to the  
9 requirements then in force in this State.

10 (b) In the case of an eyelash extension application teacher  
11 registered or licensed elsewhere:

12 (1) the applicant is at least 18 years of age; and

13 (2) the requirements for the registration or licensing  
14 of esthetics teachers in the particular state, territory,  
15 country, or province were at the date of the license  
16 substantially equivalent to the requirements then in force  
17 in this State or the applicant has established proof of  
18 legal practice as an eyelash extension application teacher  
19 in another jurisdiction for at least 3 years.

20 If the Department, in its discretion and in accordance with  
21 rules, deems it necessary, an applicant registered or licensed  
22 under the laws of a foreign country or province may be required  
23 to pass an examination as required by this Act.

24 An applicant who has been licensed to practice eyelash  
25 extension application in another state may receive credit of at  
26 least 300 hours for each year of experience toward the

1 education required under this Act.

2 (225 ILCS 410/3F-6 new)

3 Sec. 3F-6. Grandfather provision. For a period of 12 months  
4 after the filing of the original administrative rules adopted  
5 under this Act, the Department may issue a license to any  
6 individual who, in addition to meeting the requirements set  
7 forth in items (1) and (2) of Section 3F-2, can provide  
8 documentation of employment as an eyelash extension  
9 application technician and has received remuneration for  
10 practicing eyelash extension application for a period of 3  
11 years.

12 (225 ILCS 410/4-1)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 4-1. Powers and duties of Department. The Department  
15 shall exercise, subject to the provisions of this Act, the  
16 following functions, powers and duties:

17 (1) To cause to be conducted examinations to ascertain  
18 the qualifications and fitness of applicants for licensure  
19 as cosmetologists, estheticians, nail technicians, hair  
20 braiders, eyelash extension application technicians, or  
21 barbers and as cosmetology, esthetics, nail technology,  
22 hair braiding, eyelash extension application or barber  
23 teachers.

24 (2) To determine the qualifications for licensure as

1 (i) a cosmetologist, esthetician, nail technician, hair  
2 braider, eyelash extension application technician, or  
3 barber, or (ii) a cosmetology, esthetics, nail technology,  
4 hair braiding, eyelash extension application, or barber  
5 teacher, or (iii) a cosmetology clinic teacher for persons  
6 currently holding similar licenses outside the State of  
7 Illinois or the continental U.S.

8 (3) To prescribe rules for:

9 (i) The method of examination of candidates for  
10 licensure as a cosmetologist, esthetician, nail  
11 technician, hair braider, eyelash extension  
12 application technician, or barber or cosmetology,  
13 esthetics, nail technology, hair braiding, eyelash  
14 extension application, or barber teacher.

15 (ii) Minimum standards as to what constitutes an  
16 approved cosmetology, esthetics, nail technology, hair  
17 braiding, eyelash extension application, or barber  
18 school.

19 (4) To conduct investigations or hearings on  
20 proceedings to determine disciplinary action.

21 (5) To prescribe reasonable rules governing the  
22 sanitary regulation and inspection of cosmetology,  
23 esthetics, nail technology, hair braiding, eyelash  
24 extension application, or barber schools, salons, or  
25 shops.

26 (6) To prescribe reasonable rules for the method of

1 renewal for each license as a cosmetologist, esthetician,  
2 nail technician, hair braider, eyelash extension  
3 application technician, or barber or cosmetology,  
4 esthetics, nail technology, hair braiding, or barber  
5 teacher, eyelash extension application, or cosmetology  
6 clinic teacher.

7 (7) To prescribe reasonable rules for the method of  
8 registration, the issuance, fees, renewal and discipline  
9 of a certificate of registration for the ownership or  
10 operation of cosmetology, esthetics, hair braiding,  
11 eyelash extension application, and nail technology salons  
12 and barber shops.

13 (8) To adopt rules concerning sanitation requirements,  
14 requirements for education on sanitation, and any other  
15 health concerns associated with threading.

16 (Source: P.A. 97-333, eff. 8-12-11; 98-911, eff. 1-1-15.)

17 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 4-2. The Barber, Cosmetology, Esthetics, Hair  
20 Braiding, ~~and~~ Nail Technology, and Eyelash Extension  
21 Application Board. There is established within the Department  
22 the Barber, Cosmetology, Esthetics, Hair Braiding, ~~and~~ Nail  
23 Technology, and Eyelash Extension Application Board, composed  
24 of 12 ~~11~~ persons, which shall serve in an advisory capacity to  
25 the Secretary in all matters related to the practice of

1 barbering, cosmetology, esthetics, hair braiding, eyelash  
2 extension application, and nail technology.

3 The 12 ~~11~~ members of the Board shall be appointed as  
4 follows: 6 licensed cosmetologists, all of whom hold a current  
5 license as a cosmetologist or cosmetology teacher and, for  
6 appointments made after the effective date of this amendatory  
7 Act of 1996, at least 2 of whom shall be an owner of or a major  
8 stockholder in a school of cosmetology, 2 of whom shall be  
9 representatives of either a franchiser or an owner operating  
10 salons in 2 or more locations within the State, one of whom  
11 shall be an independent salon owner, and no one of the  
12 cosmetologist members shall be a manufacturer, jobber, or  
13 stockholder in a factory of cosmetology articles or an  
14 immediate family member of any of the above; one of whom shall  
15 be a barber holding a current license; one member who shall be  
16 a licensed esthetician or esthetics teacher; one member who  
17 shall be a licensed nail technician or nail technology teacher;  
18 one member who shall be a licensed hair braider or hair  
19 braiding teacher; one member who shall be an eyelash extension  
20 application technician or eyelash extension application  
21 teacher; and one public member who holds no licenses issued by  
22 the Department. The Secretary shall give due consideration for  
23 membership to recommendations by members of the professions and  
24 by their professional organizations. Members shall serve 4 year  
25 terms and until their successors are appointed and qualified.  
26 No member shall be reappointed to the Board for more than 2

1 terms. Appointments to fill vacancies shall be made in the same  
2 manner as original appointments for the unexpired portion of  
3 the vacated term. Members of the Board in office on the  
4 effective date of this amendatory Act of 1996 shall continue to  
5 serve for the duration of the terms to which they have been  
6 appointed, but beginning on that effective date all  
7 appointments of licensed cosmetologists and barbers to serve as  
8 members of the Board shall be made in a manner that will effect  
9 at the earliest possible date the changes made by this  
10 amendatory Act of 1996 in the representative composition of the  
11 Board.

12 For the initial appointment of a member who shall be a hair  
13 braider or hair braiding teacher to the Board, such individual  
14 shall not be required to possess a license at the time of  
15 appointment, but shall have at least 5 years active practice in  
16 the field of hair braiding and shall obtain a license as a hair  
17 braider or a hair braiding teacher within 18 months after  
18 appointment to the Board.

19 For the initial appointment of a member who shall be an  
20 eyelash extension application technician or eyelash extension  
21 application teacher to the Board, such individual shall not be  
22 required to possess a license at the time of appointment, but  
23 shall have at least 3 years active practice in the field of  
24 eyelash extension application and shall obtain a license as an  
25 eyelash extension application technician or an eyelash  
26 extension application teacher within 18 months after

1 appointment to the Board.

2 Seven ~~Six~~ members of the Board shall constitute a quorum. A  
3 majority is required for Board decisions.

4 Whenever the Secretary is satisfied that substantial  
5 justice has not been done in an examination, the Secretary may  
6 order a reexamination by the same or other examiners.

7 (Source: P.A. 96-1246, eff. 1-1-11.)

8 (225 ILCS 410/4-4) (from Ch. 111, par. 1704-4)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 4-4. Issuance of license. Whenever the provisions of  
11 this Act have been complied with, the Department shall issue a  
12 license as a cosmetologist, esthetician, nail technician, hair  
13 braider, eyelash extension application technician, or barber,  
14 a license as a cosmetology, esthetics, nail technology, hair  
15 braiding, eyelash extension application, or barber teacher, or  
16 a license as a cosmetology clinic teacher as the case may be.

17 (Source: P.A. 98-911, eff. 1-1-15.)

18 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 4-7. Refusal, suspension and revocation of licenses;  
21 causes; disciplinary action.

22 (1) The Department may refuse to issue or renew, and may  
23 suspend, revoke, place on probation, reprimand or take any  
24 other disciplinary or non-disciplinary action as the

1 Department may deem proper, including civil penalties not to  
2 exceed \$500 for each violation, with regard to any license for  
3 any one, or any combination, of the following causes:

4 a. Conviction of any crime under the laws of the United  
5 States or any state or territory thereof that is (i) a  
6 felony, (ii) a misdemeanor, an essential element of which  
7 is dishonesty, or (iii) a crime which is related to the  
8 practice of the profession.

9 b. Conviction of any of the violations listed in  
10 Section 4-20.

11 c. Material misstatement in furnishing information to  
12 the Department.

13 d. Making any misrepresentation for the purpose of  
14 obtaining a license or violating any provision of this Act  
15 or its rules.

16 e. Aiding or assisting another person in violating any  
17 provision of this Act or its rules.

18 f. Failing, within 60 days, to provide information in  
19 response to a written request made by the Department.

20 g. Discipline by another state, territory, or country  
21 if at least one of the grounds for the discipline is the  
22 same as or substantially equivalent to those set forth in  
23 this Act.

24 h. Practice in the barber, nail technology, esthetics,  
25 hair braiding, eyelash extension application, or  
26 cosmetology profession, or an attempt to practice in those

1 professions, by fraudulent misrepresentation.

2 i. Gross malpractice or gross incompetency.

3 j. Continued practice by a person knowingly having an  
4 infectious or contagious disease.

5 k. Solicitation of professional services by using  
6 false or misleading advertising.

7 l. A finding by the Department that the licensee, after  
8 having his or her license placed on probationary status,  
9 has violated the terms of probation.

10 m. Directly or indirectly giving to or receiving from  
11 any person, firm, corporation, partnership or association  
12 any fee, commission, rebate, or other form of compensation  
13 for any professional services not actually or personally  
14 rendered.

15 n. Violating any of the provisions of this Act or rules  
16 adopted pursuant to this Act.

17 o. Willfully making or filing false records or reports  
18 relating to a licensee's practice, including but not  
19 limited to, false records filed with State agencies or  
20 departments.

21 p. Habitual or excessive use addiction to alcohol,  
22 narcotics, stimulants, or any other chemical agent or drug  
23 that results in the inability to practice with reasonable  
24 judgment, skill or safety.

25 q. Engaging in dishonorable, unethical or  
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public as may be defined by rules of  
2 the Department, or violating the rules of professional  
3 conduct which may be adopted by the Department.

4 r. Permitting any person to use for any unlawful or  
5 fraudulent purpose one's diploma or license or certificate  
6 of registration as a cosmetologist, nail technician,  
7 esthetician, hair braider, eyelash extension application  
8 technician, or barber or cosmetology, nail technology,  
9 esthetics, hair braiding, eyelash extension application,  
10 or barber teacher or salon or shop or cosmetology clinic  
11 teacher.

12 s. Being named as a perpetrator in an indicated report  
13 by the Department of Children and Family Services under the  
14 Abused and Neglected Child Reporting Act and upon proof by  
15 clear and convincing evidence that the licensee has caused  
16 a child to be an abused child or neglected child as defined  
17 in the Abused and Neglected Child Reporting Act.

18 (2) In rendering an order, the Secretary shall take into  
19 consideration the facts and circumstances involving the type of  
20 acts or omissions in paragraph (1) of this Section including,  
21 but not limited to:

22 (a) the extent to which public confidence in the  
23 cosmetology, nail technology, esthetics, hair braiding,  
24 eyelash extension application, or barbering profession  
25 was, might have been, or may be, injured;

26 (b) the degree of trust and dependence among the

1 involved parties;

2 (c) the character and degree of harm which did result  
3 or might have resulted;

4 (d) the intent or mental state of the licensee at the  
5 time of the acts or omissions.

6 (3) The Department shall reissue the license or  
7 registration upon certification by the Board that the  
8 disciplined licensee or registrant has complied with all of the  
9 terms and conditions set forth in the final order or has been  
10 sufficiently rehabilitated to warrant the public trust.

11 (4) The Department shall refuse to issue or renew or  
12 suspend without hearing the license or certificate of  
13 registration of any person who fails to file a return, or to  
14 pay the tax, penalty or interest shown in a filed return, or to  
15 pay any final assessment of tax, penalty or interest, as  
16 required by any tax Act administered by the Illinois Department  
17 of Revenue, until such time as the requirements of any such tax  
18 Act are satisfied as determined by the Department of Revenue.

19 (5) The Department shall deny without hearing any  
20 application for a license or renewal of a license under this  
21 Act by a person who has defaulted on an educational loan  
22 guaranteed by the Illinois Student Assistance Commission;  
23 however, the Department may issue or renew a license if the  
24 person in default has established a satisfactory repayment  
25 record as determined by the Illinois Student Assistance  
26 Commission.

1           (6) All fines imposed under this Section shall be paid  
2 within 60 days after the effective date of the order imposing  
3 the fine or in accordance with the terms set forth in the order  
4 imposing the fine.

5           (Source: P.A. 98-911, eff. 1-1-15.)

6           (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

7           (Section scheduled to be repealed on January 1, 2016)

8           Sec. 4-9. Practice without a license or after suspension or  
9 revocation thereof.

10          (a) If any person violates the provisions of this Act, the  
11 Secretary may, in the name of the People of the State of  
12 Illinois, through the Attorney General of the State of  
13 Illinois, petition, for an order enjoining such violation or  
14 for an order enforcing compliance with this Act. Upon the  
15 filing of a verified petition in such court, the court may  
16 issue a temporary restraining order, without notice or bond,  
17 and may preliminarily and permanently enjoin such violation,  
18 and if it is established that such person has violated or is  
19 violating the injunction, the Court may punish the offender for  
20 contempt of court. Proceedings under this Section shall be in  
21 addition to, and not in lieu of, all other remedies and  
22 penalties provided by this Act.

23          (b) If any person shall practice as a barber,  
24 cosmetologist, nail technician, hair braider, eyelash  
25 extension application technician, or esthetician, or teacher

1     thereof or cosmetology clinic teacher or hold himself or  
2     herself out as such without being licensed under the provisions  
3     of this Act, any licensee, any interested party, or any person  
4     injured thereby may, in addition to the Secretary, petition for  
5     relief as provided in subsection (a) of this Section.

6           (c) Whenever in the opinion of the Department any person  
7     violates any provision of this Act, the Department may issue a  
8     rule to show cause why an order to cease and desist should not  
9     be entered against him. The rule shall clearly set forth the  
10    grounds relied upon by the Department and shall provide a  
11    period of 7 days from the date of the rule to file an answer to  
12    the satisfaction of the Department. Failure to answer to the  
13    satisfaction of the Department shall cause an order to cease  
14    and desist to be issued immediately.

15    (Source: P.A. 98-911, eff. 1-1-15.)

16           (225 ILCS 410/4-19) (from Ch. 111, par. 1704-19)

17           (Section scheduled to be repealed on January 1, 2016)

18           Sec. 4-19. Emergency suspension. The Secretary may  
19     temporarily suspend the license of a barber, cosmetologist,  
20     nail technician, hair braider, esthetician, eyelash extension  
21     application technician, or teacher thereof or of a cosmetology  
22     clinic teacher without a hearing, simultaneously with the  
23     institution of proceedings for a hearing provided for in  
24     Section 4-10 of this Act, if the Secretary finds that evidence  
25     in his possession indicates that the licensee's continuation in

1 practice would constitute an imminent danger to the public. In  
2 the event that the Secretary suspends, temporarily, this  
3 license without a hearing, a hearing must be commenced within  
4 30 days after such suspension has occurred.

5 (Source: P.A. 98-911, eff. 1-1-15.)

6 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 4-20. Violations; penalties. Whoever violates any of  
9 the following shall, for the first offense, be guilty of a  
10 Class B misdemeanor; for the second offense, shall be guilty of  
11 a Class A misdemeanor; and for all subsequent offenses, shall  
12 be guilty of a Class 4 felony and be fined not less than \$1,000  
13 or more than \$5,000.

14 (1) The practice of cosmetology, nail technology,  
15 esthetics, hair braiding, eyelash extension application, or  
16 barbering or an attempt to practice cosmetology, nail  
17 technology, esthetics, hair braiding, eyelash extension  
18 application, or barbering without a license as a cosmetologist,  
19 nail technician, esthetician, hair braider, eyelash extension  
20 application technician, or barber; or the practice or attempt  
21 to practice as a cosmetology, nail technology, esthetics, hair  
22 braiding, eyelash extension application, or barber teacher  
23 without a license as a cosmetology, nail technology, esthetics,  
24 hair braiding, eyelash extension application, or barber  
25 teacher; or the practice or attempt to practice as a

1 cosmetology clinic teacher without a proper license.

2 (2) The obtaining of or an attempt to obtain a license or  
3 money or any other thing of value by fraudulent  
4 misrepresentation.

5 (3) Practice in the barber, nail technology, cosmetology,  
6 hair braiding, eyelash extension application, or esthetic  
7 profession, or an attempt to practice in those professions, by  
8 fraudulent misrepresentation.

9 (4) Wilfully making any false oath or affirmation whenever  
10 an oath or affirmation is required by this Act.

11 (5) The violation of any of the provisions of this Act.

12 (Source: P.A. 98-911, eff. 1-1-15.)

13 Section 20. The Unified Code of Corrections is amended by  
14 changing Section 5-5-5 as follows:

15 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

16 Sec. 5-5-5. Loss and Restoration of Rights.

17 (a) Conviction and disposition shall not entail the loss by  
18 the defendant of any civil rights, except under this Section  
19 and Sections 29-6 and 29-10 of The Election Code, as now or  
20 hereafter amended.

21 (b) A person convicted of a felony shall be ineligible to  
22 hold an office created by the Constitution of this State until  
23 the completion of his sentence.

24 (c) A person sentenced to imprisonment shall lose his right

1 to vote until released from imprisonment.

2 (d) On completion of sentence of imprisonment or upon  
3 discharge from probation, conditional discharge or periodic  
4 imprisonment, or at any time thereafter, all license rights and  
5 privileges granted under the authority of this State which have  
6 been revoked or suspended because of conviction of an offense  
7 shall be restored unless the authority having jurisdiction of  
8 such license rights finds after investigation and hearing that  
9 restoration is not in the public interest. This paragraph (d)  
10 shall not apply to the suspension or revocation of a license to  
11 operate a motor vehicle under the Illinois Vehicle Code.

12 (e) Upon a person's discharge from incarceration or parole,  
13 or upon a person's discharge from probation or at any time  
14 thereafter, the committing court may enter an order certifying  
15 that the sentence has been satisfactorily completed when the  
16 court believes it would assist in the rehabilitation of the  
17 person and be consistent with the public welfare. Such order  
18 may be entered upon the motion of the defendant or the State or  
19 upon the court's own motion.

20 (f) Upon entry of the order, the court shall issue to the  
21 person in whose favor the order has been entered a certificate  
22 stating that his behavior after conviction has warranted the  
23 issuance of the order.

24 (g) This Section shall not affect the right of a defendant  
25 to collaterally attack his conviction or to rely on it in bar  
26 of subsequent proceedings for the same offense.

1           (h) No application for any license specified in subsection  
2           (i) of this Section granted under the authority of this State  
3           shall be denied by reason of an eligible offender who has  
4           obtained a certificate of relief from disabilities, as defined  
5           in Article 5.5 of this Chapter, having been previously  
6           convicted of one or more criminal offenses, or by reason of a  
7           finding of lack of "good moral character" when the finding is  
8           based upon the fact that the applicant has previously been  
9           convicted of one or more criminal offenses, unless:

10           (1) there is a direct relationship between one or more  
11           of the previous criminal offenses and the specific license  
12           sought; or

13           (2) the issuance of the license would involve an  
14           unreasonable risk to property or to the safety or welfare  
15           of specific individuals or the general public.

16           In making such a determination, the licensing agency shall  
17           consider the following factors:

18           (1) the public policy of this State, as expressed in  
19           Article 5.5 of this Chapter, to encourage the licensure and  
20           employment of persons previously convicted of one or more  
21           criminal offenses;

22           (2) the specific duties and responsibilities  
23           necessarily related to the license being sought;

24           (3) the bearing, if any, the criminal offenses or  
25           offenses for which the person was previously convicted will  
26           have on his or her fitness or ability to perform one or

1 more such duties and responsibilities;

2 (4) the time which has elapsed since the occurrence of  
3 the criminal offense or offenses;

4 (5) the age of the person at the time of occurrence of  
5 the criminal offense or offenses;

6 (6) the seriousness of the offense or offenses;

7 (7) any information produced by the person or produced  
8 on his or her behalf in regard to his or her rehabilitation  
9 and good conduct, including a certificate of relief from  
10 disabilities issued to the applicant, which certificate  
11 shall create a presumption of rehabilitation in regard to  
12 the offense or offenses specified in the certificate; and

13 (8) the legitimate interest of the licensing agency in  
14 protecting property, and the safety and welfare of specific  
15 individuals or the general public.

16 (i) A certificate of relief from disabilities shall be  
17 issued only for a license or certification issued under the  
18 following Acts:

19 (1) the Animal Welfare Act; except that a certificate  
20 of relief from disabilities may not be granted to provide  
21 for the issuance or restoration of a license under the  
22 Animal Welfare Act for any person convicted of violating  
23 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
24 Care for Animals Act or Section 26-5 or 48-1 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012;

26 (2) the Illinois Athletic Trainers Practice Act;

1           (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
2 ~~and~~ Nail Technology, and Eyelash Extension Application Act  
3 of 1985;

4           (4) the Boiler and Pressure Vessel Repairer Regulation  
5 Act;

6           (5) the Boxing and Full-contact Martial Arts Act;

7           (6) the Illinois Certified Shorthand Reporters Act of  
8 1984;

9           (7) the Illinois Farm Labor Contractor Certification  
10 Act;

11           (8) the Interior Design Title Act;

12           (9) the Illinois Professional Land Surveyor Act of  
13 1989;

14           (10) the Illinois Landscape Architecture Act of 1989;

15           (11) the Marriage and Family Therapy Licensing Act;

16           (12) the Private Employment Agency Act;

17           (13) the Professional Counselor and Clinical  
18 Professional Counselor Licensing and Practice Act;

19           (14) the Real Estate License Act of 2000;

20           (15) the Illinois Roofing Industry Licensing Act;

21           (16) the Professional Engineering Practice Act of  
22 1989;

23           (17) the Water Well and Pump Installation Contractor's  
24 License Act;

25           (18) the Electrologist Licensing Act;

26           (19) the Auction License Act;

- 1           (20) the Illinois Architecture Practice Act of 1989;  
2           (21) the Dietitian Nutritionist Practice Act;  
3           (22) the Environmental Health Practitioner Licensing  
4           Act;  
5           (23) the Funeral Directors and Embalmers Licensing  
6           Code;  
7           (24) the Land Sales Registration Act of 1999;  
8           (25) the Professional Geologist Licensing Act;  
9           (26) the Illinois Public Accounting Act; and  
10          (27) the Structural Engineering Practice Act of 1989.  
11          (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;  
12          97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.  
13          1-25-13; 98-756, eff. 7-16-14.)".