

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by changing the heading of
6 Articles IIIB and IIID and Sections 1-1, 1-4, 1-7, 1-7.5, 1-10,
7 1-11, 3-8, 3B-1, 3B-10, 3B-11, 3B-12, 3B-15, 3D-5, 4-1, 4-2,
8 4-4, 4-6, 4-7, 4-8, 4-9, 4-10, 4-12, 4-14, 4-15, 4-16, 4-19,
9 and 4-20 and by adding Article IIIE as follows:

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

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 1-1. Title of Act. This Act may be cited as the
13 Barber, Cosmetology, Esthetics, Hair Braiding, and Nail
14 Technology Act of 1985.

15 (Source: P.A. 86-1475; 87-786.)

16 (225 ILCS 410/1-4) (from Ch. 111, par. 1701-4)

17 (Section scheduled to be repealed on January 1, 2016)

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

20 "Board" means the Barber, Cosmetology, Esthetics, and Nail
21 Technology Board.

22 "Department" means the Department of Financial and

1 Professional Regulation.

2 ~~"Director" means the Director of Professional Regulation.~~

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

6 "Licensed barber clinic teacher" means an individual
7 licensed by the Department to practice barbering, as defined in
8 this Act, and to provide clinical instruction in the practice
9 of barbering in an approved school of barbering.

10 "Licensed cosmetologist" means an individual licensed by
11 the Department to practice cosmetology, nail technology, and
12 esthetics as defined in this Act and whose license is in good
13 standing.

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

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

20 "Licensed barber teacher" means an individual licensed by
21 the Department to practice barbering as defined in this Act and
22 to provide instruction in the theory and practice of barbering
23 to students in an approved barber school.

24 "Licensed cosmetology teacher" means an individual
25 licensed by the Department to practice cosmetology, esthetics,
26 and nail technology as defined in this Act and to provide

1 instruction in the theory and practice of cosmetology,
2 esthetics, and nail technology to students in an approved
3 cosmetology, esthetics, or nail technology school.

4 "Licensed cosmetology clinic teacher" means an individual
5 licensed by the Department to practice cosmetology, esthetics,
6 and nail technology as defined in this Act and to provide
7 clinical instruction in the practice of cosmetology,
8 esthetics, and nail technology in an approved school of
9 cosmetology, esthetics, or nail technology.

10 "Licensed esthetics teacher" means an individual licensed
11 by the Department to practice esthetics as defined in this Act
12 and to provide instruction in the theory and practice of
13 esthetics to students in an approved cosmetology or esthetics
14 school.

15 "Licensed esthetics clinic teacher" means an individual
16 licensed by the Department to practice esthetics as defined in
17 this Act and to provide clinical instruction in the practice of
18 esthetics in an approved school of cosmetology or an approved
19 school of esthetics.

20 "Licensed hair braider" means any individual licensed by
21 the Department to practice hair braiding as defined in Section
22 3E-1 and whose license is in good standing.

23 "Licensed hair braiding teacher" means an individual
24 licensed by the Department to practice hair braiding and to
25 provide instruction in the theory and practice of hair braiding
26 to students in an approved cosmetology school.

1 "Licensed nail technology teacher" means an individual
2 licensed by the Department to practice nail technology and to
3 provide instruction in the theory and practice of nail
4 technology to students in an approved nail technology school or
5 cosmetology school.

6 "Licensed nail technology clinic teacher" means an
7 individual licensed by the Department to practice nail
8 technology as defined in this Act and to provide clinical
9 instruction in the practice of nail technology in an approved
10 school of cosmetology or an approved school of nail technology.

11 "Enrollment" is the date upon which the student signs an
12 enrollment agreement or student contract.

13 "Enrollment agreement" or "student contract" is any
14 agreement, instrument, or contract however named, which
15 creates or evidences an obligation binding a student to
16 purchase a course of instruction from a school.

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

20 "Elapsed enrollment time" means the enrollment time
21 elapsed between the actual starting date and the date of the
22 student's last day of physical attendance in the school.

23 "Secretary" means the Secretary of the Department of
24 Financial and Professional Regulation.

25 (Source: P.A. 94-451, eff. 12-31-05; 94-871, eff. 6-16-06.)

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

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

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

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

26 (b) Notwithstanding any other provision of this Act, a

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

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

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

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

11 (Source: P.A. 94-451, eff. 12-31-05; 94-871, eff. 6-16-06.)

12 (225 ILCS 410/1-7.5)

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

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

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

25 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

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

7 (Source: P.A. 89-387, eff. 1-1-96.)

8 (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

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

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

22 Every registered shop shall display its certificate of
23 registration at the location of the shop. Each shop where
24 barber, cosmetology, esthetics, hair braiding, or nail
25 technology services are provided shall have a certificate of

1 registration.

2 (Source: P.A. 89-387, eff. 1-1-96.)

3 (225 ILCS 410/1-11) (from Ch. 111, par. 1701-11)

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

5 Sec. 1-11. Exceptions to Act.

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

14 (b) Nothing in this Act shall be construed to apply to the
15 activities and services of registered nurses or licensed
16 practical nurses, as defined in the Nurse Practice Act, or to
17 personal care or health care services provided by individuals
18 in the performance of their duties as employed or authorized by
19 facilities or programs licensed or certified by State agencies.
20 As used in this subsection (b), "personal care" means
21 assistance with meals, dressing, movement, bathing, or other
22 personal needs or maintenance or general supervision and
23 oversight of the physical and mental well-being of an
24 individual who is incapable of maintaining a private,
25 independent residence or who is incapable of managing his or

1 her person whether or not a guardian has been appointed for
2 that individual. The definition of "personal care" as used in
3 this subsection (b) shall not otherwise be construed to negate
4 the requirements of this Act or its rules.

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

11 (Source: P.A. 95-639, eff. 10-5-07.)

12 (225 ILCS 410/3-8) (from Ch. 111, par. 1703-8)

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

14 Sec. 3-8. Cosmetologists, cosmetology teachers, and
15 cosmetology clinic teachers registered or licensed elsewhere.

16 (a) Except as otherwise provided in this Act, upon payment
17 of the required fee, an applicant who is a cosmetologist,
18 cosmetology teacher, or cosmetology clinic teacher registered
19 or licensed under the laws of ~~another state or territory of the~~
20 ~~United States or of~~ a foreign country or province may, ~~without~~
21 ~~examination,~~ be granted a license as a licensed cosmetologist,
22 cosmetology teacher, or cosmetology clinic teacher by the
23 Department in its discretion upon the following conditions:

24 (1) ~~(a)~~ The cosmetologist applicant is at least 16
25 years of age and the cosmetology teacher or cosmetology

1 clinic teacher applicant is at least 18 years of age; and

2 (2) ~~(b)~~ The requirements for the registration or
3 licensing of cosmetologists, cosmetology teachers, or
4 cosmetology clinic teachers in the particular ~~state,~~
5 ~~territory,~~ country, or province were, at the date of the
6 license, substantially equivalent to the requirements then
7 in force for cosmetologists, cosmetology teachers, or
8 cosmetology clinic teachers in this State; or the applicant
9 has established proof of legal practice as a cosmetologist,
10 cosmetology teacher, or cosmetology clinic teacher in
11 another jurisdiction for at least 3 years; and

12 (3) If the Department, in its discretion and in
13 accordance with the rules, deems it necessary, then the
14 applicant has passed an examination as required by this
15 Act; and

16 (4) ~~(c)~~ The applicant has ~~has~~ met any other
17 requirements of this Act.

18 The Department shall prescribe reasonable rules governing
19 the recognition of and the credit to be given to the study of
20 cosmetology under a cosmetologist registered or licensed under
21 the laws of ~~another state or territory of the United States or~~
22 a foreign country or province by an applicant for a license as
23 a cosmetologist, and for the recognition of legal practice in
24 another jurisdiction towards the education required under this
25 Act.

26 (b) Except as otherwise provided in this Act, upon payment

1 of the required fee, an applicant who is a cosmetologist,
2 cosmetology teacher, or cosmetology clinic teacher registered
3 or licensed under the laws of another state or territory of the
4 United States shall, without examination, be granted a license
5 as a licensed cosmetologist, cosmetology teacher, or
6 cosmetology clinic teacher, whichever is applicable, by the
7 Department upon the following conditions:

8 (1) The cosmetologist applicant is at least 16 years of
9 age and the cosmetology teacher or cosmetology clinic
10 teacher applicant is at least 18 years of age; and

11 (2) The applicant submits to the Department
12 satisfactory evidence that the applicant is registered or
13 licensed in another state or territory as a cosmetologist,
14 cosmetology teacher, or cosmetology clinic teacher; and

15 (3) The applicant has met any other requirements of
16 this Act.

17 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

18 (225 ILCS 410/Art. IIIB heading)

19 ARTICLE IIIB. COSMETOLOGY, ESTHETICS, HAIR BRAIDING,

20 AND NAIL TECHNOLOGY SCHOOLS

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 cosmetology, esthetics, hair braiding, and

1 nail technology schools regulated under this Act.

2 (Source: P.A. 89-387, eff. 1-1-96.)

3 (225 ILCS 410/3B-10)

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

5 Sec. 3B-10. Requisites for ownership or operation of
6 school. No person, firm, or corporation may own, operate, or
7 conduct a school of cosmetology, esthetics, hair braiding, or
8 nail technology for the purpose of teaching cosmetology,
9 esthetics, hair braiding, or nail technology for compensation
10 without applying on forms provided by the Department, paying
11 the required fees, and complying with the following
12 requirements:

13 1. The applicant must submit to the Department for
14 approval:

15 a. A floor plan, drawn to a scale specified on the
16 floor plan, showing every detail of the proposed
17 school; and

18 b. A lease commitment or proof of ownership for the
19 location of the proposed school; a lease commitment
20 must provide for execution of the lease upon the
21 Department's approval of the school's application and
22 the lease must be for a period of at least one year.

23 c. (Blank).

24 2. An application to own or operate a school shall
25 include the following:

1 a. If the owner is a corporation, a copy of the
2 Articles of Incorporation;

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

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

8 d. A copy of the official enrollment agreement or
9 student contract to be used by the school, which shall
10 be consistent with the requirements of this Act;

11 e. A listing of all teachers who will be in the
12 school's employ, including their teacher license
13 numbers;

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

15 g. The names, addresses, and current status of all
16 schools in which the applicant has previously owned any
17 interest, and a declaration as to whether any of these
18 schools were ever denied accreditation or licensing or
19 lost accreditation or licensing from any governmental
20 body or accrediting agency;

21 h. Each application for a certificate of approval
22 shall be signed and certified under oath by the
23 school's chief managing employee and also by its
24 individual owner or owners; if the applicant is a
25 partnership or a corporation, then the application
26 shall be signed and certified under oath by the

1 school's chief managing employee and also by each
2 member of the partnership or each officer of the
3 corporation, as the case may be;

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

5 j. The required fee.

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

8 a. To conduct the school in accordance with this
9 Act and the standards, and rules from time to time
10 adopted under this Act and to meet standards and
11 requirements at least as stringent as those required by
12 Part H of the Federal Higher Education Act of 1965.

13 b. To permit the Department to inspect the school
14 or classes thereof from time to time with or without
15 notice; and to make available to the Department, at any
16 time when required to do so, information including
17 financial information pertaining to the activities of
18 the school required for the administration of this Act
19 and the standards and rules adopted under this Act;

20 c. To utilize only advertising and solicitation
21 which is free from misrepresentation, deception,
22 fraud, or other misleading or unfair trade practices;

23 d. To screen applicants to the school prior to
24 enrollment pursuant to the requirements of the
25 school's regional or national accrediting agency, if
26 any, and to maintain any and all records of such

1 screening. If the course of instruction is offered in a
2 language other than English, the screening shall also
3 be performed in that language;

4 e. To post in a conspicuous place a statement,
5 developed by the Department, of student's rights
6 provided under this Act.

7 4. The applicant shall establish to the satisfaction of
8 the Department that the owner possesses sufficient liquid
9 assets to meet the prospective expenses of the school for a
10 period of 3 months. In the discretion of the Department,
11 additional proof of financial ability may be required.

12 5. The applicant shall comply with all rules of the
13 Department determining the necessary curriculum and
14 equipment required for the conduct of the school.

15 6. The applicant must demonstrate employment of a
16 sufficient number of qualified teachers who are holders of
17 a current license issued by the Department.

18 7. A final inspection of the cosmetology, esthetics,
19 hair braiding, or nail technology school shall be made by
20 the Department before the school may commence classes.

21 8. A written inspection report must be made by the
22 State Fire Marshal or a local fire authority approving the
23 use of the proposed premises as a cosmetology, esthetics,
24 hair braiding, or nail technology school.

25 (Source: P.A. 94-451, eff. 12-31-05.)

1 (225 ILCS 410/3B-11)

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

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

18 A school shall retain the records, as defined by rule, of a
19 student who withdraws from or drops out of the school, by
20 written notice of cancellation or otherwise, for any period
21 longer than 7 years from the student's first day of attendance.
22 However, a school shall retain indefinitely the transcript of
23 each student who completes the program and graduates from the
24 school.

25 (Source: P.A. 94-451, eff. 12-31-05.)

1 (225 ILCS 410/3B-12)

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

3 Sec. 3B-12. Enrollment agreements.

4 (a) Enrollment agreements shall be used by cosmetology,
5 esthetics, hair braiding, and nail technology schools licensed
6 to operate by the Department and shall include the following
7 written disclosures:

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

10 (2) The name and description of the course of
11 instruction, including the number of clock hours in each
12 course and an approximate number of weeks or months
13 required for completion;

14 (3) The scheduled starting date and calculated
15 completion date;

16 (4) The total cost of the course of instruction
17 including any charges made by the school for tuition,
18 books, materials, supplies, and other expenses;

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

22 (6) A clear and conspicuous caption, "BUYER'S RIGHT TO
23 CANCEL" under which it is explained that the student has
24 the right to cancel the initial enrollment agreement until
25 midnight of the fifth business day after the student has
26 been enrolled; and if notice of the right to cancel is not

1 given to any prospective student at the time the enrollment
2 agreement is signed, then the student has the right to
3 cancel the agreement at any time and receive a refund of
4 all monies paid to date within 10 days of cancellation;

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

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

10 (9) The date of the student's signature and the date of
11 the student's admission;

12 (10) The name of the school employee or agent
13 responsible for procuring, soliciting, or enrolling the
14 student;

15 (11) A clear statement that the institution does not
16 guarantee employment and a statement describing the
17 school's placement assistance procedures;

18 (12) The graduation requirements of the school;

19 (13) The contents of the following notice, in at least
20 10 point bold type:

21 "NOTICE TO THE STUDENT"

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

25 (14) A statement either in the enrollment agreement or
26 separately provided and acknowledged by the student

1 indicating the number of students who did not complete the
2 course of instruction for which they enrolled for the past
3 calendar year as compared to the number of students who
4 enrolled in school during the school's past calendar year;

5 (15) The following clear and conspicuous caption:
6 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE
7 DEPARTMENT OF PROFESSIONAL REGULATION", set forth with the
8 address and telephone number of the Department's Chicago
9 and Springfield offices.

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

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

17 (d) No enrollment agreement or student contract shall
18 contain a wage assignment provision or a confession of judgment
19 clause.

20 (e) Any provision in an enrollment agreement or student
21 contract that purports to waive the student's right to assert
22 against the school, or any assignee, any claim or defense he or
23 she may have against the school arising under the contract
24 shall be void.

25 (f) Two copies of the enrollment agreement shall be signed
26 by the student. One copy shall be given to the student and the

1 school shall retain the other copy as part of the student's
2 permanent record.

3 (Source: P.A. 89-387, eff. 1-1-96.)

4 (225 ILCS 410/3B-15)

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

6 Sec. 3B-15. Grounds for disciplinary action. In addition to
7 any other cause herein set forth the Department may refuse to
8 issue or renew and may suspend, place on probation, or revoke
9 any license to operate a school, or take any other action that
10 the Department may deem proper, including the imposition of
11 fines not to exceed \$5,000 for each violation, for any one or
12 any combination of the following causes:

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

15 (2) Knowingly furnishing false, misleading, or
16 incomplete information to the Department or failure to
17 furnish information requested by the Department.

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

22 (4) Presenting to prospective students information
23 relating to the school, or to employment opportunities or
24 opportunities for enrollment in institutions of higher
25 learning after entering into or completing courses offered

1 by the school, that is false, misleading, or fraudulent.

2 (5) Failure to provide premises or equipment or to
3 maintain them in a safe and sanitary condition as required
4 by law.

5 (6) Failure to maintain financial resources adequate
6 for the satisfactory conduct of the courses of instruction
7 offered or to retain a sufficient and qualified
8 instructional and administrative staff.

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

12 (8) Paying a commission or valuable consideration to
13 any person for acts or services performed in violation of
14 this Act.

15 (9) Attempting to confer a fraudulent degree, diploma,
16 or certificate upon a student.

17 (10) Failure to correct any deficiency or act of
18 noncompliance under this Act or the standards and rules
19 established under this Act within reasonable time limits
20 set by the Department.

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

23 (12) Failure to make all of the disclosures or making
24 inaccurate disclosures to the Department or in the
25 enrollment agreement as required under this Act.

26 (13) Failure to make appropriate refunds as required by

1 this Act.

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

4 (15) During any calendar year, having a failure rate of
5 25% or greater for those of its students who for the first
6 time take the examination authorized by the Department to
7 determine fitness to receive a license as a cosmetologist,
8 cosmetology teacher, esthetician, esthetician teacher,
9 hair braider, hair braiding teacher, nail technician, or
10 nail technology teacher, provided that a student who
11 transfers into the school having completed 50% or more of
12 the required program and who takes the examination during
13 that calendar year shall not be counted for purposes of
14 determining the school's failure rate on an examination,
15 without regard to whether that transfer student passes or
16 fails the examination.

17 (16) Failure to maintain a written record indicating
18 the funds received per student and funds paid out per
19 student. Such records shall be maintained for a minimum of
20 7 years and shall be made available to the Department upon
21 request. Such records shall identify the funding source and
22 amount for any student who has enrolled as well as any
23 other item set forth by rule.

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

26 (Source: P.A. 94-451, eff. 12-31-05.)

1 (225 ILCS 410/Art. IIID heading)

2 ARTICLE IIID. COSMETOLOGY, ESTHETICS, HAIR BRAIDING,
3 AND NAIL TECHNOLOGY SALONS AND BARBER SHOPS

4 (225 ILCS 410/3D-5)

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

6 Sec. 3D-5. Requisites for ownership or operation of
7 cosmetology, esthetics, hair braiding, and nail technology
8 salons and barber shops.

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

15 (b) The application for a certificate of registration under
16 this Section shall set forth the name, address, and telephone
17 number of the proposed cosmetology, esthetics, hair braiding,
18 or nail technology salon or barber shop; the name, address, and
19 telephone number of the person, firm, partnership, or
20 corporation that is to own or operate the salon or shop; and,
21 if the salon or shop is to be owned or operated by an entity
22 other than an individual, the name, address, and telephone
23 number of the managing partner or the chief executive officer
24 of the corporation or other entity that owns or operates the

1 salon or shop.

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

8 (d) If a person, firm, partnership, limited liability
9 company, or corporation owns or operates more than one shop or
10 salon, a separate certificate of registration must be obtained
11 for each salon or shop.

12 (e) A certificate of registration granted under this
13 Section may be revoked in accordance with the provisions of
14 Article IV and the holder of the certificate may be otherwise
15 disciplined by the Department in accordance with rules adopted
16 under this Act.

17 (f) The Department may promulgate rules to establish
18 additional requirements for owning or operating a salon or
19 shop.

20 (Source: P.A. 94-451, eff. 12-31-05.)

21 (225 ILCS 410/Art. IIIIE heading new)

22 ARTICLE IIIIE. HAIR BRAIDING AND HAIR BRAIDING TEACHERS

23 (225 ILCS 410/3E-1 new)

24 Sec. 3E-1. Hair braiding defined. "Hair braiding" means a

1 natural form of hair manipulation by braiding, cornrowing,
2 extending, lacing, locking, sewing, twisting, weaving, or
3 wrapping human hair, natural fibers, synthetic fibers, and hair
4 extensions. Such practice can be performed by hand or by using
5 simple braiding devices including clips, combs, hairpins,
6 scissors, needles and thread. Hair braiding includes what is
7 commonly known as "African-style hair braiding" or "natural
8 hair care", but is not limited to any particular cultural,
9 ethnic, racial, or religious form of hair style. Hair braiding
10 includes the making of customized wigs from natural hair,
11 natural fibers, synthetic fibers, and hair extensions. Hair
12 braiding does not involve the use of penetrating chemical hair
13 treatments, chemical hair coloring agents, chemical hair
14 straightening agents, chemical hair joining agents, permanent
15 wave styles, or chemical hair bleaching agents applied to
16 growing human hair. Hair braiding does not include the cutting
17 or growing of human hair, but may include the trimming of hair
18 extensions or sewn weave-in extensions only as applicable to
19 the braiding process.

20 (225 ILCS 410/3E-2 new)

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

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

1 (1) Is at least 16 years of age;
2 (2) Is beyond the age of compulsory school attendance
3 or has received a certificate of graduation from a school
4 providing secondary education, or the recognized
5 equivalent of that certificate; and

6 (3) Has completed a program consisting of a minimum of
7 300 clock hours or a 10 credit hour equivalency of
8 instruction, as defined by rule, in a licensed cosmetology
9 school teaching a hair braiding curriculum or in a licensed
10 hair braiding school as follows:

11 (A) Basic training consisting of 35 hours of
12 classroom instruction in general theory, practical
13 application, and technical application in the
14 following subject areas: history of hair braiding,
15 personal hygiene and public health, professional
16 ethics, disinfection and sanitation, bacteriology,
17 disorders and diseases of the hair and scalp, OSHA
18 standards relating to material safety data sheets
19 (MSDS) on chemicals, hair analysis and scalp care, and
20 technical procedures;

21 (B) Related concepts consisting of 35 hours of
22 classroom instruction in the following subject areas:
23 Braid removal and scalp care; basic styling knowledge;
24 tools and equipment; growth patterns, styles and
25 sectioning; client consultation and face shapes; and
26 client education, pre-care, post-care, home care and

1 follow-up services;

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

11 (D) Business practices consisting of 30 hours of
12 classroom instruction in the following subject areas:
13 Illinois Barber, Cosmetology, Esthetics, Hair Braiding
14 and Nail Technology Act and Rules; salon management;
15 human relations and salesmanship; and Workers'
16 Compensation Act.

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

19 (c) Within 2 years after the effective date of this
20 amendatory Act of the 96th General Assembly, the Department may
21 issue a hair braider license to any applicant who does not meet
22 the requirements of items (2) and (3) of subsection (a) of this
23 Section if the applicant: (1) files an application in
24 accordance with subsection (a), (2) pays the required fee, (3)
25 has not committed an offense that would be grounds for
26 discipline under this Act, and (4) is able to demonstrate to

1 the Department through tax records or affidavits that he or she
2 has practiced hair braiding for at least 2 consecutive years
3 immediately prior to the date of his or her application.

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

13 (225 ILCS 410/3E-3 new)

14 Sec. 3E-3. Hair braiding teacher licensure. A hair braiding
15 teacher license shall be made available by the Department. The
16 qualifications for a hair braiding teacher license shall be
17 provided by rule, and shall include at least 600 clock hours or
18 a 20 credit hour equivalency in relevant teaching methods and
19 curriculum content, or at least 500 clock hours of hair
20 braiding teacher training for an individual who is able to
21 establish that he or she has had at least 2 years of practical
22 experience.

23 (225 ILCS 410/3E-4 new)

24 Sec. 3E-4. Internship program.

1 (a) An internship program may be part of the curriculum for
2 hair braiding and shall be an organized, pre-planned training
3 program designed to allow a student to learn hair braiding
4 under the direct supervision of a licensed cosmetologist or
5 licensed hair braider in a registered salon. A licensed
6 cosmetology or hair braiding school may establish an internship
7 program as part of its curriculum subject to the following
8 conditions:

9 (1) Students may only participate in the internship
10 program after completing 150 hours of training and must
11 maintain a minimum average grade of 80 out of 100. A school
12 may set the minimum grade average higher and establish
13 additional standards for participation in an internship
14 program.

15 (2) Students may not spend more than 30 hours in the
16 internship program.

17 (3) Students may not be paid for participating in the
18 internship program that is part of the hair braiding
19 curriculum of the school.

20 (4) Students may not work more than 8 hours per day in
21 the internship program and must spend at least one day per
22 week at the school.

23 (5) Students shall be under the direct supervision of
24 an on-site licensed cosmetologist or licensed hair
25 braider, and the supervising cosmetologist or hair braider
26 may only supervise one hair braiding student at a time.

1 (6) The hair braiding school shall state clearly in its
2 student contract that the school offers an internship
3 program as part of its hair braiding curriculum.

4 (7) The hair braiding school shall enter into a written
5 internship contract with the student, the registered
6 salon, and the licensed cosmetologist or licensed hair
7 braider that contains all of the provisions set forth in
8 this Section and Section 3E-2. The contract shall be signed
9 by the student, an authorized representative of the school,
10 and the licensed cosmetologist or licensed hair braider who
11 will supervise the student. The internship contract may be
12 terminated by any of the parties at any time.

13 (b) If an internship program meets the requirements of
14 subsection (a) of this Section, a maximum of 30 hours spent
15 under the internship program may be credited toward meeting the
16 300 hours of instruction required by Section 3E-2.

17 (c) A hair braiding student shall not be permitted to
18 practice on the public until he or she has successfully
19 completed the 35 hours of general theory, practical
20 application, and technical application instruction as
21 specified in Section 3E-2.

22 (225 ILCS 410/3E-5 new)

23 Sec. 3E-5. License renewal. To renew a license issued under
24 this Article, an individual must produce proof of successful
25 completion of 10 hours of continuing education for a hair

1 braider license and 20 hours of continuing education for a hair
2 braiding teacher license.

3 A license that has been expired for more than 5 years may
4 be restored by payment of the restoration fee and submitting
5 evidence satisfactory to the Department of the current
6 qualifications and fitness of the licensee, which shall include
7 completion of continuing education hours for the period
8 subsequent to expiration. The Department may establish
9 additional rules for the administration of this Section and
10 other requirements for the renewal of a hair braider or hair
11 braiding teacher license issued under this Act.

12 (225 ILCS 410/3E-6 new)

13 Sec. 3E-6. Immunity from prosecution. The Department shall
14 take no action against any person for unlicensed practice as a
15 hair braider that occurred prior to the effective date of this
16 amendatory Act of the 96th General Assembly. The Department
17 shall not use any information provided in an application for a
18 license pursuant to subsection (c) of Section 3E-2 as evidence
19 of unlicensed practice under Article III prior to the date of
20 application.

21 (225 ILCS 410/4-1) (from Ch. 111, par. 1704-1)

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

23 Sec. 4-1. Powers and duties of Department. The Department
24 shall exercise, subject to the provisions of this Act, the

1 following functions, powers and duties:

2 (1) To cause to be conducted examinations to ascertain
3 the qualifications and fitness of applicants for licensure
4 as cosmetologists, estheticians, nail technicians, hair
5 braiders, or barbers and as cosmetology, esthetics, nail
6 technology, hair braiding, or barber ~~barbering~~ teachers.

7 (2) To determine the qualifications for licensure as
8 (i) a cosmetologist, esthetician, nail technician, hair
9 braider, or barber, or (ii) a cosmetology, esthetics, nail
10 technology, hair braiding, or barber teacher, or (iii) a
11 cosmetology, esthetics, hair braiding, or nail technology
12 clinic teacher ~~teachers~~ for persons currently holding
13 similar licenses ~~licensed as cosmetologists, estheticians,~~
14 ~~nail technicians, or barbers or cosmetology, esthetics,~~
15 ~~nail technology, or barber teachers or cosmetology,~~
16 ~~esthetics, or nail technology clinic teachers~~ outside the
17 State of Illinois or the continental U.S.

18 (3) To prescribe rules for:

19 (i) The method of examination of candidates for
20 licensure as a cosmetologist, esthetician, nail
21 technician, hair braider, or barber or cosmetology,
22 esthetics, nail technology, hair braiding, or barber
23 ~~barbering~~ teacher.

24 (ii) Minimum standards as to what constitutes an
25 approved ~~school~~ of cosmetology, esthetics, nail
26 technology, hair braiding, or barber school ~~barbering~~.

1 (4) To conduct investigations or hearings on
2 proceedings to determine disciplinary action.

3 (5) To prescribe reasonable rules governing the
4 sanitary regulation and inspection of cosmetology,
5 esthetics, nail technology, hair braiding, or barber
6 ~~barbering~~ schools, salons, or shops.

7 (6) To prescribe reasonable rules for the method of
8 renewal for each license as a cosmetologist, esthetician,
9 nail technician, hair braider, or barber or cosmetology,
10 esthetics, nail technology, hair braiding, or barber
11 ~~barbering~~ teacher or cosmetology, esthetics, hair
12 braiding, or nail technology clinic teacher.

13 (7) To prescribe reasonable rules for the method of
14 registration, the issuance, fees, renewal and discipline
15 of a certificate of registration for the ownership or
16 operation of cosmetology, esthetics, hair braiding, and
17 nail technology salons and barber shops.

18 (Source: P.A. 94-451, eff. 12-31-05.)

19 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

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

21 Sec. 4-2. The Barber, Cosmetology, Esthetics, Hair
22 Braiding, and Nail Technology Board. There is established
23 within the Department the Barber, Cosmetology, Esthetics, Hair
24 Braiding, and Nail Technology Board, composed of 11 persons,
25 which shall serve in an advisory capacity to the Secretary

1 ~~Director~~ in all matters related to the practice of barbering,
2 cosmetology, esthetics, hair braiding, and nail technology.

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

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

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

17 Six ~~A majority of Board~~ members of the Board shall
18 constitute ~~then appointed constitutes~~ a quorum. A majority ~~of~~
19 ~~the quorum~~ is required for ~~a Board~~ decisions ~~decision~~.

20 Whenever the Secretary ~~Director~~ is satisfied that
21 substantial justice has not been done in an examination, the
22 Secretary ~~Director~~ may order a reexamination by the same or
23 other examiners.

24 (Source: P.A. 93-253, eff. 7-22-03; 94-451, eff. 12-31-05.)

25 (225 ILCS 410/4-4) (from Ch. 111, par. 1704-4)

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

2 Sec. 4-4. Issuance of license. Whenever the provisions of
3 this Act have been complied with, the Department shall issue a
4 license as a cosmetologist, esthetician, nail technician, hair
5 braider, or barber, a license as a cosmetology, esthetics, nail
6 technology, hair braiding, or barber ~~barbering~~ teacher, or a
7 license as a cosmetology, esthetics, hair braiding, or nail
8 technology clinic teacher as the case may be.

9 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

10 (225 ILCS 410/4-6) (from Ch. 111, par. 1704-6)

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

12 Sec. 4-6. Payments; penalty for insufficient funds. Any
13 person who delivers a check or other payment to the Department
14 that is returned to the Department unpaid by the financial
15 institution upon which it is drawn shall pay to the Department,
16 in addition to the amount already owed to the Department, a
17 fine of \$50. The fines imposed by this Section are in addition
18 to any other discipline provided under this Act for unlicensed
19 practice or practice on a nonrenewed license. The Department
20 shall notify the person that payment of fees and fines shall be
21 paid to the Department by certified check or money order within
22 30 calendar days of the notification. If, after the expiration
23 of 30 days from the date of the notification, the person has
24 failed to submit the necessary remittance, the Department shall
25 automatically terminate the license or certificate or deny the

1 application, without hearing. If, after termination or denial,
2 the person seeks a license or certificate, he or she shall
3 apply to the Department for restoration or issuance of the
4 license or certificate and pay all fees and fines due to the
5 Department. The Department may establish a fee for the
6 processing of an application for restoration of a license or
7 certificate to pay all expenses of processing this application.
8 The Secretary ~~Director~~ may waive the fines due under this
9 Section in individual cases where the Secretary ~~Director~~ finds
10 that the fines would be unreasonable or unnecessarily
11 burdensome.

12 (Source: P.A. 92-146, eff. 1-1-02.)

13 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

17 (1) The Department may refuse to issue or renew, and may
18 suspend, revoke, place on probation, reprimand or take any
19 other disciplinary action as the Department may deem proper,
20 including civil penalties not to exceed \$500 for each
21 violation, with regard to any license for any one, or any
22 combination, of the following causes:

23 a. Conviction of any crime under the laws of the United
24 States or any state or territory thereof that is (i) a
25 felony, (ii) a misdemeanor, an essential element of which

1 is dishonesty, or (iii) a crime which is related to the
2 practice of the profession.

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

5 c. Material misstatement in furnishing information to
6 the Department.

7 d. Making any misrepresentation for the purpose of
8 obtaining a license or violating any provision of this Act
9 or its rules.

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

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

14 g. Discipline by another state, territory, or country
15 if at least one of the grounds for the discipline is the
16 same as or substantially equivalent to those set forth in
17 this Act.

18 h. Practice in the barber, nail technology, esthetics,
19 hair braiding, or cosmetology profession, or an attempt to
20 practice in those professions, by fraudulent
21 misrepresentation.

22 i. Gross malpractice or gross incompetency.

23 j. Continued practice by a person knowingly having an
24 infectious or contagious disease.

25 k. Solicitation of professional services by using
26 false or misleading advertising.

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

4 m. Directly or indirectly giving to or receiving from
5 any person, firm, corporation, partnership or association
6 any fee, commission, rebate, or other form of compensation
7 for any professional services not actually or personally
8 rendered.

9 n. Violating any of the provisions of this Act or rules
10 adopted pursuant to this Act.

11 o. Willfully making or filing false records or reports
12 relating to a licensee's practice, including but not
13 limited to, false records filed with State agencies or
14 departments.

15 p. Habitual or excessive use addiction to alcohol,
16 narcotics, stimulants, or any other chemical agent or drug
17 that results in the inability to practice with reasonable
18 judgment, skill or safety.

19 q. Engaging in dishonorable, unethical or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public as may be defined by rules of
22 the Department, or violating the rules of professional
23 conduct which may be adopted by the Department.

24 r. Permitting any person to use for any unlawful or
25 fraudulent purpose one's diploma or license or certificate
26 of registration as a cosmetologist, nail technician,

1 esthetician, hair braider, or barber or cosmetology, nail
2 technology, esthetics, hair braiding, or barber ~~barbering~~
3 teacher or salon or shop or cosmetology, esthetics, hair
4 braiding, or nail technology clinic teacher.

5 s. Being named as a perpetrator in an indicated report
6 by the Department of Children and Family Services under the
7 Abused and Neglected Child Reporting Act and upon proof by
8 clear and convincing evidence that the licensee has caused
9 a child to be an abused child or neglected child as defined
10 in the Abused and Neglected Child Reporting Act.

11 (2) In rendering an order, the Secretary ~~Director~~ shall
12 take into consideration the facts and circumstances involving
13 the type of acts or omissions in paragraph (1) of this Section
14 including, but not limited to:

15 (a) the extent to which public confidence in the
16 cosmetology, nail technology, esthetics, hair braiding, or
17 barbering profession was, might have been, or may be,
18 injured;

19 (b) the degree of trust and dependence among the
20 involved parties;

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

23 (d) the intent or mental state of the licensee at the
24 time of the acts or omissions.

25 (3) The Department shall reissue the license or
26 registration upon certification by the Committee that the

1 disciplined licensee or registrant has complied with all of the
2 terms and conditions set forth in the final order or has been
3 sufficiently rehabilitated to warrant the public trust.

4 (4) The Department may refuse to issue or may suspend the
5 license or certificate of registration of any person who fails
6 to file a return, or to pay the tax, penalty or interest shown
7 in a filed return, or to pay any final assessment of tax,
8 penalty or interest, as required by any tax Act administered by
9 the Illinois Department of Revenue, until such time as the
10 requirements of any such tax Act are satisfied.

11 (5) The Department shall deny without hearing any
12 application for a license or renewal of a license under this
13 Act by a person who has defaulted on an educational loan
14 guaranteed by the Illinois Student Assistance Commission;
15 however, the Department may issue or renew a license if the
16 person in default has established a satisfactory repayment
17 record as determined by the Illinois Student Assistance
18 Commission.

19 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

20 (225 ILCS 410/4-8) (from Ch. 111, par. 1704-8)

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

22 Sec. 4-8. Persons in need of mental treatment. The
23 determination by a circuit court that a licensee is subject to
24 involuntary admission or judicial admission as provided in the
25 Mental Health and Developmental Disabilities Code operates as

1 an automatic suspension. Such suspension shall end only upon a
2 finding by a court that the patient is no longer subject to
3 involuntary admission or judicial admission and issues an order
4 so finding and discharging the patient; and upon the
5 recommendation of the Committee to the Secretary ~~Director~~ that
6 the licensee be allowed to resume his practice.

7 (Source: P.A. 89-387, eff. 1-1-96.)

8 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

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

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

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

25 (b) If any person shall practice as a barber,

1 cosmetologist, nail technician, hair braider, or esthetician,
2 or teacher thereof or cosmetology, esthetics, hair braiding, or
3 nail technology clinic teacher or hold himself or herself out
4 as such without being licensed under the provisions of this
5 Act, any licensee, any interested party, or any person injured
6 thereby may, in addition to the Secretary ~~Director~~, petition
7 for relief as provided in subsection (a) of this Section.

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

17 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

18 (225 ILCS 410/4-10) (from Ch. 111, par. 1704-10)

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

20 Sec. 4-10. Refusal, suspension and revocation of licenses;
21 investigations and hearing. The Department may upon its own
22 motion and shall, upon the verified complaint in writing of any
23 person setting forth the facts which if proven would constitute
24 grounds for disciplinary action as set forth in Section 4-7,
25 investigate the actions of any person holding or claiming to

1 hold a license. The Department shall, at least 30 days prior to
2 the date set for the hearing, notify in writing the applicant
3 or the holder of that license of any charges made and shall
4 afford the accused person an opportunity to be heard in person
5 or by counsel in reference thereto. The Department shall direct
6 the applicant or licensee to file a written answer to the Board
7 under oath within 20 days after the service of the notice and
8 inform the applicant or licensee that failure to file an answer
9 will result in default being taken against the applicant or
10 licensee and that the license may be suspended, revoked, placed
11 on probationary status, or other disciplinary action may be
12 taken, including limiting the scope, nature or extent of
13 practice, as the Secretary ~~Director~~ may deem proper. The
14 written notice may be served by the delivery of the notice
15 personally to the accused person, or by mailing the notice by
16 registered or certified mail to the place of business last
17 specified by the accused person in his last notification to the
18 Department. In case the person fails to file an answer after
19 receiving notice, his or her license or certificate may, in the
20 discretion of the Department be suspended, revoked, or placed
21 on probationary status, or the Department, may take whatever
22 disciplinary action deemed proper, including limiting the
23 scope, nature, or extent of the person's practice or the
24 imposition of a fine, without a hearing, if the act or acts
25 charged constitute sufficient grounds for such action under
26 this Act. At the time and place fixed in the notice, the

1 Committee designated by the Secretary ~~Director~~, as provided in
2 this Act, shall proceed to hearing of the charges and both the
3 accused person and the complainant shall be accorded ample
4 opportunity to present in person or by counsel, any statements,
5 testimony, evidence and arguments as may be pertinent to the
6 charges or their defense. The Committee may continue a hearing
7 from time to time. If the Committee is not sitting at the time
8 and place fixed in the notice or at the time and place to which
9 hearing has been continued, the Department shall continue the
10 hearing for not more than 30 days.

11 (Source: P.A. 89-387, eff. 1-1-96.)

12 (225 ILCS 410/4-12) (from Ch. 111, par. 1704-12)

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

14 Sec. 4-12. Department may take testimony - oaths. The
15 Department shall have power to subpoena and bring before it any
16 person in this State and to take testimony either orally or by
17 deposition, or both, with the same fees and mileage and in the
18 same manner as prescribed by law in judicial procedure in civil
19 cases in courts of this State.

20 The Secretary ~~Director~~ and any member of the Committee
21 shall each have power to administer oaths to witnesses at any
22 hearing which the Department is authorized by law to conduct,
23 and any other oaths required or authorized in any Act
24 administered by the Department.

25 (Source: P.A. 84-657.)

1 (225 ILCS 410/4-14) (from Ch. 111, par. 1704-14)

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

3 Sec. 4-14. Report of committee; rehearing. The Committee
4 shall present to the Secretary ~~Director~~ its written report of
5 its findings and recommendations. A copy of such report shall
6 be served upon the accused person, either personally or by
7 registered mail as provided in this Section for the service of
8 the citation. Within 20 days after such service, said accused
9 person may present to the Department his or her motion in
10 writing for rehearing, which written motion shall specify the
11 particular grounds therefor. If said accused person shall order
12 and pay for a transcript of the record as provided in this
13 Section, the time elapsing thereafter and before such
14 transcript is ready for delivery to him or her shall not be
15 counted as part of such 20 days. Whenever the Secretary
16 ~~Director~~ is satisfied that substantial justice has not been
17 done, he or she may order a re-hearing by the same or a special
18 committee. At the expiration of the time specified for filing a
19 motion or a rehearing the Secretary ~~Director~~ shall have the
20 right to take the action recommended by the Committee. Upon the
21 suspension or revocation of his or her license a licensee shall
22 be required to surrender his or her license to the Department,
23 and upon his or her failure or refusal so to do, the Department
24 shall have the right to seize the same.

25 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 410/4-15) (from Ch. 111, par. 1704-15)

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

3 Sec. 4-15. Hearing officer. Notwithstanding the
4 provisions of Section 4-10, the Secretary ~~Director~~ shall have
5 the authority to appoint any attorney duly licensed to practice
6 law in the State of Illinois to serve as the hearing officer in
7 any action for refusal to issue or renew, or discipline of a
8 license. The hearing officer shall have full authority to
9 conduct the hearing. The hearing officer shall report his or
10 her findings and recommendations to the Committee and the
11 Secretary ~~Director~~. The Committee shall have 60 days from
12 receipt of the report to review the report of the hearing
13 officer and present their findings of fact, conclusions of law,
14 and recommendations to the Secretary ~~Director~~. If the Committee
15 fails to present its report within the 60 day period, then the
16 Secretary ~~Director~~ shall issue an order based on the report of
17 the hearing officer. If the Secretary ~~Director~~ determines that
18 the Committee's report is contrary to the manifest weight of
19 the evidence, then he or she may issue an order in
20 contravention of the Committee's report.

21 (Source: P.A. 89-387, eff. 1-1-96.)

22 (225 ILCS 410/4-16) (from Ch. 111, par. 1704-16)

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

24 Sec. 4-16. Order or certified copy; prima facie proof. An

1 order of revocation or suspension or a certified copy thereof,
2 over the seal of the Department and purporting to be signed by
3 the Secretary Director, shall be prima facie proof that:

4 1. the signature is the genuine signature of the
5 Secretary Director;

6 2. the Secretary Director is duly appointed and
7 qualified; and

8 3. the Committee and the members thereof are qualified
9 to act.

10 Such proof may be rebutted.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 (225 ILCS 410/4-19) (from Ch. 111, par. 1704-19)

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

14 Sec. 4-19. Emergency suspension. The Secretary Director
15 may temporarily suspend the license of a barber, cosmetologist,
16 nail technician, hair braider, esthetician or teacher thereof
17 or of a cosmetology, esthetics, hair braiding, or nail
18 technology clinic teacher without a hearing, simultaneously
19 with the institution of proceedings for a hearing provided for
20 in Section 4-10 of this Act, if the Secretary Director finds
21 that evidence in his possession indicates that the licensee's
22 continuation in practice would constitute an imminent danger to
23 the public. In the event that the Secretary Director suspends,
24 temporarily, this license without a hearing, a hearing must be
25 held within 30 days after such suspension has occurred.

1 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

2 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

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

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

10 (1) The practice of cosmetology, nail technology,
11 esthetics, hair braiding, or barbering or an attempt to
12 practice cosmetology, nail technology, esthetics, hair
13 braiding, or barbering without a license as a cosmetologist,
14 nail technician, esthetician, hair braider, or barber; or the
15 practice or attempt to practice as a cosmetology, nail
16 technology, esthetics, hair braiding, or barber ~~barbering~~
17 teacher without a license as a cosmetology, nail technology,
18 esthetics, hair braiding, or barber ~~barbering~~ teacher; or the
19 practice or attempt to practice as a cosmetology, esthetics,
20 hair braiding, or nail technology clinic teacher without a
21 proper license.

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

25 (3) Practice in the barber, nail technology, cosmetology,

1 hair braiding, or esthetic profession, or an attempt to
2 practice in those professions, by fraudulent
3 misrepresentation.

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

6 (5) The violation of any of the provisions of this Act.
7 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

8 Section 10. The Regulatory Sunset Act is amended by
9 changing Section 4.26 as follows:

10 (5 ILCS 80/4.26)

11 Sec. 4.26. Acts repealed on January 1, 2016. The following
12 Acts are repealed on January 1, 2016:

13 The Illinois Athletic Trainers Practice Act.

14 The Illinois Roofing Industry Licensing Act.

15 The Illinois Dental Practice Act.

16 The Collection Agency Act.

17 The Barber, Cosmetology, Esthetics, Hair Braiding, and
18 Nail Technology Act of 1985.

19 The Respiratory Care Practice Act.

20 The Hearing Instrument Consumer Protection Act.

21 The Illinois Physical Therapy Act.

22 The Professional Geologist Licensing Act.

23 (Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05;
24 94-409, eff. 12-31-05; 94-414, eff. 12-31-05; 94-451, eff.

1 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651,
2 eff. 1-1-06; 94-708, eff. 12-5-05; 94-1085, eff. 1-19-07;
3 95-331, eff. 8-21-07; 95-876, eff. 8-21-08.)

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

6 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

15 (c) A person sentenced to imprisonment shall lose his right
16 to vote until released from imprisonment.

17 (d) On completion of sentence of imprisonment or upon
18 discharge from probation, conditional discharge or periodic
19 imprisonment, or at any time thereafter, all license rights and
20 privileges granted under the authority of this State which have
21 been revoked or suspended because of conviction of an offense
22 shall be restored unless the authority having jurisdiction of
23 such license rights finds after investigation and hearing that
24 restoration is not in the public interest. This paragraph (d)

1 shall not apply to the suspension or revocation of a license to
2 operate a motor vehicle under the Illinois Vehicle Code.

3 (e) Upon a person's discharge from incarceration or parole,
4 or upon a person's discharge from probation or at any time
5 thereafter, the committing court may enter an order certifying
6 that the sentence has been satisfactorily completed when the
7 court believes it would assist in the rehabilitation of the
8 person and be consistent with the public welfare. Such order
9 may be entered upon the motion of the defendant or the State or
10 upon the court's own motion.

11 (f) Upon entry of the order, the court shall issue to the
12 person in whose favor the order has been entered a certificate
13 stating that his behavior after conviction has warranted the
14 issuance of the order.

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

18 (h) No application for any license specified in subsection
19 (i) of this Section granted under the authority of this State
20 shall be denied by reason of an eligible offender who has
21 obtained a certificate of relief from disabilities, as defined
22 in Article 5.5 of this Chapter, having been previously
23 convicted of one or more criminal offenses, or by reason of a
24 finding of lack of "good moral character" when the finding is
25 based upon the fact that the applicant has previously been
26 convicted of one or more criminal offenses, unless:

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

4 (2) the issuance of the license would involve an
5 unreasonable risk to property or to the safety or welfare
6 of specific individuals or the general public.

7 In making such a determination, the licensing agency shall
8 consider the following factors:

9 (1) the public policy of this State, as expressed in
10 Article 5.5 of this Chapter, to encourage the licensure and
11 employment of persons previously convicted of one or more
12 criminal offenses;

13 (2) the specific duties and responsibilities
14 necessarily related to the license being sought;

15 (3) the bearing, if any, the criminal offenses or
16 offenses for which the person was previously convicted will
17 have on his or her fitness or ability to perform one or
18 more such duties and responsibilities;

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

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

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

24 (7) any information produced by the person or produced
25 on his or her behalf in regard to his or her rehabilitation
26 and good conduct, including a certificate of relief from

1 disabilities issued to the applicant, which certificate
2 shall create a presumption of rehabilitation in regard to
3 the offense or offenses specified in the certificate; and

4 (8) the legitimate interest of the licensing agency in
5 protecting property, and the safety and welfare of specific
6 individuals or the general public.

7 (i) A certificate of relief from disabilities shall be
8 issued only for a license or certification issued under the
9 following Acts:

10 (1) the Animal Welfare Act; except that a certificate
11 of relief from disabilities may not be granted to provide
12 for the issuance or restoration of a license under the
13 Animal Welfare Act for any person convicted of violating
14 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
15 Care for Animals Act or Section 26-5 of the Criminal Code
16 of 1961;

17 (2) the Illinois Athletic Trainers Practice Act;

18 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
19 and Nail Technology Act of 1985;

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

22 (5) the Professional Boxing Act;

23 (6) the Illinois Certified Shorthand Reporters Act of
24 1984;

25 (7) the Illinois Farm Labor Contractor Certification
26 Act;

- 1 (8) the Interior Design Title Act;
- 2 (9) the Illinois Professional Land Surveyor Act of
- 3 1989;
- 4 (10) the Illinois Landscape Architecture Act of 1989;
- 5 (11) the Marriage and Family Therapy Licensing Act;
- 6 (12) the Private Employment Agency Act;
- 7 (13) the Professional Counselor and Clinical
- 8 Professional Counselor Licensing Act;
- 9 (14) the Real Estate License Act of 2000;
- 10 (15) the Illinois Roofing Industry Licensing Act;
- 11 (16) the Professional Engineering Practice Act of
- 12 1989;
- 13 (17) the Water Well and Pump Installation Contractor's
- 14 License Act;
- 15 (18) the Electrologist Licensing Act;
- 16 (19) the Auction License Act;
- 17 (20) Illinois Architecture Practice Act of 1989;
- 18 (21) the Dietetic and Nutrition Services Practice Act;
- 19 (22) the Environmental Health Practitioner Licensing
- 20 Act;
- 21 (23) the Funeral Directors and Embalmers Licensing
- 22 Code;
- 23 (24) the Land Sales Registration Act of 1999;
- 24 (25) the Professional Geologist Licensing Act;
- 25 (26) the Illinois Public Accounting Act; and
- 26 (27) the Structural Engineering Practice Act of 1989.

1 (Source: P.A. 93-207, eff. 1-1-04; 93-914, eff. 1-1-05;
2 94-1067, eff. 8-1-06.)