



Rep. William D. Burns

**Filed: 3/18/2010**

09600HB5783ham002

LRB096 16775 ASK 39211 a

1 AMENDMENT TO HOUSE BILL 5783

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5783, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

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

12 (Section scheduled to be repealed on January 1, 2016)

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

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

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

2 (Section scheduled to be repealed on January 1, 2016)

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

5 "Board" means the Barber, Cosmetology, Esthetics, and Nail  
6 Technology Board.

7 "Department" means the Department of Financial and  
8 Professional Regulation.

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

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

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

17 "Licensed cosmetologist" means an individual licensed by  
18 the Department to practice cosmetology, nail technology, and  
19 esthetics as defined in this Act and whose license is in good  
20 standing.

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

24 "Licensed nail technician" means any individual licensed  
25 by the Department to practice nail technology as defined in

1 this Act and whose license is in good standing.

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

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

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

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

23 "Licensed esthetics clinic teacher" means an individual  
24 licensed by the Department to practice esthetics as defined in  
25 this Act and to provide clinical instruction in the practice of  
26 esthetics in an approved school of cosmetology or an approved

1 school of esthetics.

2 "Licensed hair braider" means any individual licensed by  
3 the Department to practice hair braiding as defined in Section  
4 3E-1 and whose license is in good standing.

5 "Licensed hair braiding teacher" means an individual  
6 licensed by the Department to practice hair braiding and to  
7 provide instruction in the theory and practice of hair braiding  
8 to students in an approved cosmetology school.

9 "Licensed nail technology teacher" means an individual  
10 licensed by the Department to practice nail technology and to  
11 provide instruction in the theory and practice of nail  
12 technology to students in an approved nail technology school or  
13 cosmetology school.

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

19 "Enrollment" is the date upon which the student signs an  
20 enrollment agreement or student contract.

21 "Enrollment agreement" or "student contract" is any  
22 agreement, instrument, or contract however named, which  
23 creates or evidences an obligation binding a student to  
24 purchase a course of instruction from a school.

25 "Enrollment time" means the maximum number of hours a  
26 student could have attended class, whether or not the student

1 did in fact attend all those hours.

2 "Elapsed enrollment time" means the enrollment time  
3 elapsed between the actual starting date and the date of the  
4 student's last day of physical attendance in the school.

5 "Secretary" means the Secretary of the Department of  
6 Financial and Professional Regulation.

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

8 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

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

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

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

1 barber college or school approved by the Department or hold  
2 himself or herself out as a cosmetology, esthetics, hair  
3 braiding, nail technology, or barber teacher without a license  
4 as a teacher, issued by the Department or as a barber clinic  
5 teacher or cosmetology, esthetics, hair braiding, or nail  
6 technology clinic teacher without a license as a clinic teacher  
7 issued by the Department.

8 (b) Notwithstanding any other provision of this Act, a  
9 person licensed as a cosmetologist may hold himself or herself  
10 out as an esthetician and may engage in the practice of  
11 esthetics, as defined in this Act, without being licensed as an  
12 esthetician. A person licensed as a cosmetology teacher may  
13 teach esthetics or hold himself or herself out as an esthetics  
14 teacher without being licensed as an esthetics teacher. A  
15 person licensed as a cosmetologist may hold himself or herself  
16 out as a nail technician and may engage in the practice of nail  
17 technology, as defined in this Act, without being licensed as a  
18 nail technician. A person licensed as a cosmetology teacher may  
19 teach nail technology and hold himself or herself out as a nail  
20 technology teacher without being licensed as a nail technology  
21 teacher. A person licensed as a cosmetologist may hold himself  
22 or herself out as a hair braider and may engage in the practice  
23 of hair braiding, as defined in this Act, without being  
24 licensed as a hair braider. A person licensed as a cosmetology  
25 teacher may teach hair braiding and hold himself or herself out  
26 as a hair braiding teacher without being licensed as a hair

1 braiding teacher.

2 (c) A person licensed as a barber teacher may hold himself  
3 or herself out as a barber and may practice barbering without a  
4 license as a barber. A person licensed as a cosmetology teacher  
5 may hold himself or herself out as a cosmetologist,  
6 esthetician, hair braider, and nail technologist and may  
7 practice cosmetology, esthetics, hair braiding, and nail  
8 technology without a license as a cosmetologist, esthetician,  
9 hair braider, or nail technologist. A person licensed as an  
10 esthetics teacher may hold himself or herself out as an  
11 esthetician without being licensed as an esthetician and may  
12 practice esthetics. A person licensed as a nail technician  
13 teacher may practice nail technology and may hold himself or  
14 herself out as a nail technologist without being licensed as a  
15 nail technologist.

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

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

20 (225 ILCS 410/1-7.5)

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

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

23 (a) Any person who practices, offers to practice, attempts  
24 to practice, or holds himself or herself out to practice  
25 barbering, cosmetology, esthetics, hair braiding, or nail

1 technology without being licensed under this Act shall, in  
2 addition to any other penalty provided by law, pay a civil  
3 penalty to the Department in an amount not to exceed \$5,000 for  
4 each offense as determined by the Department. The civil penalty  
5 shall be assessed by the Department after a hearing is held in  
6 accordance with the provisions set forth in this Act regarding  
7 disciplining a licensee.

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

10 (c) The civil penalty shall be paid within 60 days after  
11 the effective date of the order imposing the civil penalty. The  
12 order shall constitute a judgment and may be filed and  
13 execution had thereon in the same manner as any judgment from  
14 any court of record.

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

16 (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

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

18 Sec. 1-10. Display. Every holder of a license shall display  
19 it in a place in the holder's principal office, place of  
20 business or place of employment. Whenever a licensed  
21 cosmetologist, esthetician, nail technician, hair braider, or  
22 barber practices cosmetology, esthetics, nail technology, hair  
23 braiding, or barbering outside of or away from the  
24 cosmetologist's, esthetician's, nail technician's, hair  
25 braider's, or barber's principal office, place of business, or



1 place of employment, the cosmetologist, esthetician, nail  
2 technician, hair braider, or barber shall deliver to each  
3 person served a certificate of identification in a form  
4 specified by the Department.

5 Every registered shop shall display its certificate of  
6 registration at the location of the shop. Each shop where  
7 barber, cosmetology, esthetics, hair braiding, or nail  
8 technology services are provided shall have a certificate of  
9 registration.

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

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

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

13 Sec. 1-11. Exceptions to Act.

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

22 (b) Nothing in this Act shall be construed to apply to the  
23 activities and services of registered nurses or licensed  
24 practical nurses, as defined in the Nurse Practice Act, or to  
25 personal care or health care services provided by individuals

1 in the performance of their duties as employed or authorized by  
2 facilities or programs licensed or certified by State agencies.  
3 As used in this subsection (b), "personal care" means  
4 assistance with meals, dressing, movement, bathing, or other  
5 personal needs or maintenance or general supervision and  
6 oversight of the physical and mental well-being of an  
7 individual who is incapable of maintaining a private,  
8 independent residence or who is incapable of managing his or  
9 her person whether or not a guardian has been appointed for  
10 that individual. The definition of "personal care" as used in  
11 this subsection (b) shall not otherwise be construed to negate  
12 the requirements of this Act or its rules.

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

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

20 (225 ILCS 410/3-8) (from Ch. 111, par. 1703-8)

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

22 Sec. 3-8. Cosmetologists, cosmetology teachers, and  
23 cosmetology clinic teachers registered or licensed elsewhere.

24 (a) Except as otherwise provided in this Act, upon payment  
25 of the required fee, an applicant who is a cosmetologist,

1 cosmetology teacher, or cosmetology clinic teacher registered  
2 or licensed under the laws of ~~another state or territory of the~~  
3 ~~United States or of~~ a foreign country or province may, ~~without~~  
4 ~~examination~~, be granted a license as a licensed cosmetologist,  
5 cosmetology teacher, or cosmetology clinic teacher by the  
6 Department in its discretion upon the following conditions:

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

10 (2) ~~(b)~~ The requirements for the registration or  
11 licensing of cosmetologists, cosmetology teachers, or  
12 cosmetology clinic teachers in the particular ~~state,~~  
13 ~~territory,~~ country, or province were, at the date of the  
14 license, substantially equivalent to the requirements then  
15 in force for cosmetologists, cosmetology teachers, or  
16 cosmetology clinic teachers in this State; or the applicant  
17 has established proof of legal practice as a cosmetologist,  
18 cosmetology teacher, or cosmetology clinic teacher in  
19 another jurisdiction for at least 3 years; ~~and~~

20 (3) If the Department, in its discretion and in  
21 accordance with the rules, deems it necessary, then the  
22 applicant has passed an examination as required by this  
23 Act; and

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

26 The Department shall prescribe reasonable rules governing

1 the recognition of and the credit to be given to the study of  
2 cosmetology under a cosmetologist registered or licensed under  
3 the laws of ~~another state or territory of the United States or~~  
4 a foreign country or province by an applicant for a license as  
5 a cosmetologist, and for the recognition of legal practice in  
6 another jurisdiction towards the education required under this  
7 Act.

8 (b) Except as otherwise provided in this Act, upon payment  
9 of the required fee, an applicant who is a cosmetologist,  
10 cosmetology teacher, or cosmetology clinic teacher registered  
11 or licensed under the laws of another state or territory of the  
12 United States shall, without examination, be granted a license  
13 as a licensed cosmetologist, cosmetology teacher, or  
14 cosmetology clinic teacher, whichever is applicable, by the  
15 Department upon the following conditions:

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

19 (2) The applicant submits to the Department  
20 satisfactory evidence that the applicant is registered or  
21 licensed in another state or territory as a cosmetologist,  
22 cosmetology teacher, or cosmetology clinic teacher; and

23 (3) The applicant has met any other requirements of  
24 this Act.

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

1 (225 ILCS 410/Art. III B heading)

2 ARTICLE III B. COSMETOLOGY, ESTHETICS, HAIR BRAIDING,  
3 AND NAIL TECHNOLOGY SCHOOLS

4 (225 ILCS 410/3B-1) (from Ch. 111, par. 1703B-1)

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

6 Sec. 3B-1. Application. The provisions of this Article are  
7 applicable only to cosmetology, esthetics, hair braiding, and  
8 nail technology schools regulated under this Act.

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

10 (225 ILCS 410/3B-10)

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

12 Sec. 3B-10. Requisites for ownership or operation of  
13 school. No person, firm, or corporation may own, operate, or  
14 conduct a school of cosmetology, esthetics, hair braiding, or  
15 nail technology for the purpose of teaching cosmetology,  
16 esthetics, hair braiding, or nail technology for compensation  
17 without applying on forms provided by the Department, paying  
18 the required fees, and complying with the following  
19 requirements:

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

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

1           b. A lease commitment or proof of ownership for the  
2 location of the proposed school; a lease commitment  
3 must provide for execution of the lease upon the  
4 Department's approval of the school's application and  
5 the lease must be for a period of at least one year.

6           c. (Blank).

7           2. An application to own or operate a school shall  
8 include the following:

9           a. If the owner is a corporation, a copy of the  
10 Articles of Incorporation;

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

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

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

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

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

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

1           lost accreditation or licensing from any governmental  
2           body or accrediting agency;

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

12          i. A copy of the school's official transcript; and  
13          j. The required fee.

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

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

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

1 and the standards and rules adopted under this Act;

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

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

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

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

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

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

26 7. A final inspection of the cosmetology, esthetics,



1       hair braiding, or nail technology school shall be made by  
2       the Department 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 cosmetology, esthetics,  
6       hair braiding, or nail technology school.

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

8           (225 ILCS 410/3B-11)

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

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

25       A school shall retain the records, as defined by rule, of a

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

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

8 (225 ILCS 410/3B-12)

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

10 Sec. 3B-12. Enrollment agreements.

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

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

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

21 (3) The scheduled starting date and calculated  
22 completion date;

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

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

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

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

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

18           (9) The date of the student's signature and the date of  
19 the student's admission;

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

23           (11) A clear statement that the institution does not  
24 guarantee employment and a statement describing the  
25 school's placement assistance procedures;

26           (12) The graduation requirements of the school;

1           (13) The contents of the following notice, in at least  
2           10 point bold type:

3                               "NOTICE TO THE STUDENT"

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

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

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

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

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

25          (d) No enrollment agreement or student contract shall  
26          contain a wage assignment provision or a confession of judgment

1 clause.

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

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

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

12 (225 ILCS 410/3B-15)

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

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

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

23 (2) Knowingly furnishing false, misleading, or  
24 incomplete information to the Department or failure to  
25 furnish information requested by the Department.

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

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

10          (5) Failure to provide premises or equipment or to  
11          maintain them in a safe and sanitary condition as required  
12          by law.

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

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

20          (8) Paying a commission or valuable consideration to  
21          any person for acts or services performed in violation of  
22          this Act.

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

25          (10) Failure to correct any deficiency or act of  
26          noncompliance under this Act or the standards and rules

1 established under this Act within reasonable time limits  
2 set by the Department.

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

5 (12) Failure to make all of the disclosures or making  
6 inaccurate disclosures to the Department or in the  
7 enrollment agreement as required under this Act.

8 (13) Failure to make appropriate refunds as required by  
9 this Act.

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

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

25 (16) Failure to maintain a written record indicating  
26 the funds received per student and funds paid out per

1 student. Such records shall be maintained for a minimum of  
2 7 years and shall be made available to the Department upon  
3 request. Such records shall identify the funding source and  
4 amount for any student who has enrolled as well as any  
5 other item set forth by rule.

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

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

9 (225 ILCS 410/Art. IIID heading)

10 ARTICLE IIID. COSMETOLOGY, ESTHETICS, HAIR BRAIDING,

11 AND NAIL TECHNOLOGY SALONS AND BARBER SHOPS

12 (225 ILCS 410/3D-5)

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

14 Sec. 3D-5. Requisites for ownership or operation of  
15 cosmetology, esthetics, hair braiding, and nail technology  
16 salons and barber shops.

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

23 (b) The application for a certificate of registration under  
24 this Section shall set forth the name, address, and telephone



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

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

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

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

25 (f) The Department may promulgate rules to establish  
26 additional requirements for owning or operating a salon or

1 shop.

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

3 (225 ILCS 410/Art. IIIE heading new)

4 ARTICLE IIIE. HAIR BRAIDING AND HAIR BRAIDING TEACHERS

5 (225 ILCS 410/3E-1 new)

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

1 the braiding process.

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

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

1           (MSDS) on chemicals, hair analysis and scalp care, and  
2           technical procedures;

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

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

19           (D) Business practices consisting of 30 hours of  
20           classroom instruction in the following subject areas:  
21           Illinois Barber, Cosmetology, Esthetics, Hair Braiding  
22           and Nail Technology Act 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       (225 ILCS 410/3E-3 new)

22       Sec. 3E-3. Hair braiding teacher licensure. A hair braiding  
23 teacher license shall be made available by the Department. The  
24 qualifications for a hair braiding teacher license shall be  
25 provided by rule, and shall include at least 600 clock hours or

1 a 20 credit hour equivalency in relevant teaching methods and  
2 curriculum content, or at least 500 clock hours of hair  
3 braiding teacher training for an individual who is able to  
4 establish that he or she has had at least 2 years of practical  
5 experience.

6 (225 ILCS 410/3E-4 new)

7 Sec. 3E-4. Internship program.

8 (a) An internship program may be part of the curriculum for  
9 hair braiding and shall be an organized, pre-planned training  
10 program designed to allow a student to learn hair braiding  
11 under the direct supervision of a licensed cosmetologist or  
12 licensed hair braider in a registered salon. A licensed  
13 cosmetology or hair braiding school may establish an internship  
14 program as part of its curriculum subject to the following  
15 conditions:

16 (1) Students may only participate in the internship  
17 program after completing 150 hours of training and must  
18 maintain a minimum average grade of 80 out of 100. A school  
19 may set the minimum grade average higher and establish  
20 additional standards for participation in an internship  
21 program.

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

24 (3) Students may not be paid for participating in the  
25 internship program that is part of the hair braiding

1 curriculum of the school.

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

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

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

12 (7) The hair braiding school shall enter into a written  
13 internship contract with the student, the registered  
14 salon, and the licensed cosmetologist or licensed hair  
15 braider that contains all of the provisions set forth in  
16 this Section and Section 3E-2. The contract shall be signed  
17 by the student, an authorized representative of the school,  
18 and the licensed cosmetologist or licensed hair braider who  
19 will supervise the student. The internship contract may be  
20 terminated by any of the parties at any time.

21 (b) If an internship program meets the requirements of  
22 subsection (a) of this Section, a maximum of 30 hours spent  
23 under the internship program may be credited toward meeting the  
24 300 hours of instruction required by Section 3E-2.

25 (c) A hair braiding student shall not be permitted to  
26 practice on the public until he or she has successfully

1 completed the 35 hours of general theory, practical  
2 application, and technical application instruction as  
3 specified in Section 3E-2.

4 (225 ILCS 410/3E-5 new)

5 Sec. 3E-5. License renewal. To renew a license issued under  
6 this Article, an individual must produce proof of successful  
7 completion of 10 hours of continuing education for a hair  
8 braider license and 20 hours of continuing education for a hair  
9 braiding teacher license.

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

19 (225 ILCS 410/3E-6 new)

20 Sec. 3E-6. Immunity from prosecution. The Department shall  
21 take no action against any person for unlicensed practice as a  
22 hair braider that occurred prior to the effective date of this  
23 amendatory Act of the 96th General Assembly. The Department  
24 shall not use any information provided in an application for a



1 license pursuant to subsection (c) of Section 3E-2 as evidence  
2 of unlicensed practice under Article III prior to the date of  
3 application.

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

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

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

9 (1) To cause to be conducted examinations to ascertain  
10 the qualifications and fitness of applicants for licensure  
11 as cosmetologists, estheticians, nail technicians, hair  
12 braiders, or barbers and as cosmetology, esthetics, nail  
13 technology, hair braiding, or barber ~~barbering~~ teachers.

14 (2) To determine the qualifications for licensure as  
15 (i) a cosmetologist, esthetician, nail technician, hair  
16 braider, or barber, or (ii) a cosmetology, esthetics, nail  
17 technology, hair braiding, or barber teacher, or (iii) a  
18 cosmetology, esthetics, hair braiding, or nail technology  
19 clinic teacher ~~teachers~~ for persons currently holding  
20 similar licenses ~~licensed as cosmetologists, estheticians,~~  
21 ~~nail technicians, or barbers or cosmetology, esthetics,~~  
22 ~~nail technology, or barber teachers or cosmetology,~~  
23 ~~esthetics, or nail technology clinic teachers~~ outside the  
24 State of Illinois or the continental U.S.

25 (3) To prescribe rules for:

1 (i) The method of examination of candidates for  
2 licensure as a cosmetologist, esthetician, nail  
3 technician, hair braider, or barber or cosmetology,  
4 esthetics, nail technology, hair braiding, or barber  
5 ~~barbering~~ teacher.

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

9 (4) To conduct investigations or hearings on  
10 proceedings to determine disciplinary action.

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

15 (6) To prescribe reasonable rules for the method of  
16 renewal for each license as a cosmetologist, esthetician,  
17 nail technician, hair braider, or barber or cosmetology,  
18 esthetics, nail technology, hair braiding, or barber  
19 ~~barbering~~ teacher or cosmetology, esthetics, hair  
20 braiding, or nail technology clinic teacher.

21 (7) To prescribe reasonable rules for the method of  
22 registration, the issuance, fees, renewal and discipline  
23 of a certificate of registration for the ownership or  
24 operation of cosmetology, esthetics, hair braiding, and  
25 nail technology salons and barber shops.

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

1 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

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

3 Sec. 4-2. The Barber, Cosmetology, Esthetics, Hair  
4 Braiding, and Nail Technology Board. There is established  
5 within the Department the Barber, Cosmetology, Esthetics, Hair  
6 Braiding, and Nail Technology Board, composed of 11 persons,  
7 which shall serve in an advisory capacity to the Secretary  
8 Director in all matters related to the practice of barbering,  
9 cosmetology, esthetics, hair braiding, and nail technology.

10 The 11 members of the Board shall be appointed as follows:  
11 6 licensed cosmetologists, all of whom hold a current license  
12 as a cosmetologist or cosmetology teacher and, for appointments  
13 made after the effective date of this amendatory Act of 1996,  
14 at least 2 of whom shall be an owner of or a major stockholder  
15 in a school of cosmetology, 2 of whom shall be representatives  
16 of either a franchiser or an owner operating salons in 2 or  
17 more locations within the State, one of whom shall be an  
18 independent salon owner, and no one of the cosmetologist  
19 members shall be a manufacturer, jobber, or stockholder in a  
20 factory of cosmetology articles or an immediate family member  
21 of any of the above; one ~~2~~ of whom shall be a barber ~~barbers~~  
22 holding a current license; one member who shall be a licensed  
23 esthetician or esthetics teacher; one member who shall be a  
24 licensed nail technician or nail technology teacher; one member  
25 who shall be a licensed hair braider or hair braiding teacher;

1 and one public member who holds no licenses issued by the  
2 Department. The Secretary ~~Director~~ shall give due  
3 consideration for membership to recommendations by members of  
4 the professions and by their professional organizations.  
5 Members shall serve 4 year terms and until their successors are  
6 appointed and qualified. No member shall be reappointed to the  
7 Board for more than 2 terms. Appointments to fill vacancies  
8 shall be made in the same manner as original appointments for  
9 the unexpired portion of the vacated term. Members of the Board  
10 in office on the effective date of this amendatory Act of 1996  
11 shall continue to serve for the duration of the terms to which  
12 they have been appointed, but beginning on that effective date  
13 all appointments of licensed cosmetologists and barbers to  
14 serve as members of the Board shall be made in a manner that  
15 will effect at the earliest possible date the changes made by  
16 this amendatory Act of 1996 in the representative composition  
17 of the Board.

18 For the initial appointment of a member who shall be a hair  
19 braider or hair braiding teacher to the Board, such individual  
20 shall not be required to possess a license at the time of  
21 appointment, but shall have at least 5 years active practice in  
22 the field of hair braiding and shall obtain a license as a hair  
23 braider or a hair braiding teacher within 18 months after  
24 appointment to the Board.

25 Six ~~A majority of Board~~ members of the Board shall  
26 constitute ~~then appointed constitutes~~ a quorum. A majority ~~of~~

1 ~~the quorum~~ is required for a Board decisions ~~decision~~.

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

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

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

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

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

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

17 (225 ILCS 410/4-6) (from Ch. 111, par. 1704-6)

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

19 Sec. 4-6. Payments; penalty for insufficient funds. Any  
20 person who delivers a check or other payment to the Department  
21 that is returned to the Department unpaid by the financial  
22 institution upon which it is drawn shall pay to the Department,  
23 in addition to the amount already owed to the Department, a  
24 fine of \$50. The fines imposed by this Section are in addition

1 to any other discipline provided under this Act for unlicensed  
2 practice or practice on a nonrenewed license. The Department  
3 shall notify the person that payment of fees and fines shall be  
4 paid to the Department by certified check or money order within  
5 30 calendar days of the notification. If, after the expiration  
6 of 30 days from the date of the notification, the person has  
7 failed to submit the necessary remittance, the Department shall  
8 automatically terminate the license or certificate or deny the  
9 application, without hearing. If, after termination or denial,  
10 the person seeks a license or certificate, he or she shall  
11 apply to the Department for restoration or issuance of the  
12 license or certificate and pay all fees and fines due to the  
13 Department. The Department may establish a fee for the  
14 processing of an application for restoration of a license or  
15 certificate to pay all expenses of processing this application.  
16 The Secretary ~~Director~~ may waive the fines due under this  
17 Section in individual cases where the Secretary ~~Director~~ finds  
18 that the fines would be unreasonable or unnecessarily  
19 burdensome.

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

21 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

25 (1) The Department may refuse to issue or renew, and may

1 suspend, revoke, place on probation, reprimand or take any  
2 other disciplinary action as the Department may deem proper,  
3 including civil penalties not to exceed \$500 for each  
4 violation, with regard to any license for any one, or any  
5 combination, of the following causes:

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

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

13 c. Material misstatement in furnishing information to  
14 the Department.

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

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

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

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

26 h. Practice in the barber, nail technology, esthetics,

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

4           i. Gross malpractice or gross incompetency.

5           j. Continued practice by a person knowingly having an  
6       infectious or contagious disease.

7           k. Solicitation of professional services by using  
8       false or misleading advertising.

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

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

17          n. Violating any of the provisions of this Act or rules  
18      adopted pursuant to this Act.

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

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



1           q. Engaging in dishonorable, unethical or  
2 unprofessional conduct of a character likely to deceive,  
3 defraud, or harm the public as may be defined by rules of  
4 the Department, or violating the rules of professional  
5 conduct which may be adopted by the Department.

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

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

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

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

1           (b) the degree of trust and dependence among the  
2           involved parties;

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

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

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

12          (4) The Department may refuse to issue or may suspend the  
13          license or certificate of registration of any person who fails  
14          to file a return, or to pay the tax, penalty or interest shown  
15          in a filed return, or to pay any final assessment of tax,  
16          penalty or interest, as required by any tax Act administered by  
17          the Illinois Department of Revenue, until such time as the  
18          requirements of any such tax Act are satisfied.

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

2 (225 ILCS 410/4-8) (from Ch. 111, par. 1704-8)

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

4 Sec. 4-8. Persons in need of mental treatment. The  
5 determination by a circuit court that a licensee is subject to  
6 involuntary admission or judicial admission as provided in the  
7 Mental Health and Developmental Disabilities Code operates as  
8 an automatic suspension. Such suspension shall end only upon a  
9 finding by a court that the patient is no longer subject to  
10 involuntary admission or judicial admission and issues an order  
11 so finding and discharging the patient; and upon the  
12 recommendation of the Committee to the Secretary ~~Director~~ that  
13 the licensee be allowed to resume his practice.

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

15 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

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

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

19 (a) If any person violates the provisions of this Act, the  
20 Secretary ~~Director~~ may, in the name of the People of the State  
21 of Illinois, through the Attorney General of the State of  
22 Illinois, petition, for an order enjoining such violation or  
23 for an order enforcing compliance with this Act. Upon the  
24 filing of a verified petition in such court, the court may

1 issue a temporary restraining order, without notice or bond,  
2 and may preliminarily and permanently enjoin such violation,  
3 and if it is established that such person has violated or is  
4 violating the injunction, the Court may punish the offender for  
5 contempt of court. Proceedings under this Section shall be in  
6 addition to, and not in lieu of, all other remedies and  
7 penalties provided by this Act.

8 (b) If any person shall practice as a barber,  
9 cosmetologist, nail technician, hair braider, or esthetician,  
10 or teacher thereof or cosmetology, esthetics, hair braiding, or  
11 nail technology clinic teacher or hold himself or herself out  
12 as such without being licensed under the provisions of this  
13 Act, any licensee, any interested party, or any person injured  
14 thereby may, in addition to the Secretary ~~Director~~, petition  
15 for relief as provided in subsection (a) of this Section.

16 (c) Whenever in the opinion of the Department any person  
17 violates any provision of this Act, the Department may issue a  
18 rule to show cause why an order to cease and desist should not  
19 be entered against him. The rule shall clearly set forth the  
20 grounds relied upon by the Department and shall provide a  
21 period of 7 days from the date of the rule to file an answer to  
22 the satisfaction of the Department. Failure to answer to the  
23 satisfaction of the Department shall cause an order to cease  
24 and desist to be issued immediately.

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

1 (225 ILCS 410/4-10) (from Ch. 111, par. 1704-10)

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

3 Sec. 4-10. Refusal, suspension and revocation of licenses;  
4 investigations and hearing. The Department may upon its own  
5 motion and shall, upon the verified complaint in writing of any  
6 person setting forth the facts which if proven would constitute  
7 grounds for disciplinary action as set forth in Section 4-7,  
8 investigate the actions of any person holding or claiming to  
9 hold a license. The Department shall, at least 30 days prior to  
10 the date set for the hearing, notify in writing the applicant  
11 or the holder of that license of any charges made and shall  
12 afford the accused person an opportunity to be heard in person  
13 or by counsel in reference thereto. The Department shall direct  
14 the applicant or licensee to file a written answer to the Board  
15 under oath within 20 days after the service of the notice and  
16 inform the applicant or licensee that failure to file an answer  
17 will result in default being taken against the applicant or  
18 licensee and that the license may be suspended, revoked, placed  
19 on probationary status, or other disciplinary action may be  
20 taken, including limiting the scope, nature or extent of  
21 practice, as the Secretary ~~Director~~ may deem proper. The  
22 written notice may be served by the delivery of the notice  
23 personally to the accused person, or by mailing the notice by  
24 registered or certified mail to the place of business last  
25 specified by the accused person in his last notification to the  
26 Department. In case the person fails to file an answer after

1 receiving notice, his or her license or certificate may, in the  
2 discretion of the Department be suspended, revoked, or placed  
3 on probationary status, or the Department, may take whatever  
4 disciplinary action deemed proper, including limiting the  
5 scope, nature, or extent of the person's practice or the  
6 imposition of a fine, without a hearing, if the act or acts  
7 charged constitute sufficient grounds for such action under  
8 this Act. At the time and place fixed in the notice, the  
9 Committee designated by the Secretary ~~Director~~, as provided in  
10 this Act, shall proceed to hearing of the charges and both the  
11 accused person and the complainant shall be accorded ample  
12 opportunity to present in person or by counsel, any statements,  
13 testimony, evidence and arguments as may be pertinent to the  
14 charges or their defense. The Committee may continue a hearing  
15 from time to time. If the Committee is not sitting at the time  
16 and place fixed in the notice or at the time and place to which  
17 hearing has been continued, the Department shall continue the  
18 hearing for not more than 30 days.

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

20 (225 ILCS 410/4-12) (from Ch. 111, par. 1704-12)

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

22 Sec. 4-12. Department may take testimony - oaths. The  
23 Department shall have power to subpoena and bring before it any  
24 person in this State and to take testimony either orally or by  
25 deposition, or both, with the same fees and mileage and in the

1 same manner as prescribed by law in judicial procedure in civil  
2 cases in courts of this State.

3 The Secretary ~~Director~~ and any member of the Committee  
4 shall each have power to administer oaths to witnesses at any  
5 hearing which the Department is authorized by law to conduct,  
6 and any other oaths required or authorized in any Act  
7 administered by the Department.

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

9 (225 ILCS 410/4-14) (from Ch. 111, par. 1704-14)

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

11 Sec. 4-14. Report of committee; rehearing. The Committee  
12 shall present to the Secretary ~~Director~~ its written report of  
13 its findings and recommendations. A copy of such report shall  
14 be served upon the accused person, either personally or by  
15 registered mail as provided in this Section for the service of  
16 the citation. Within 20 days after such service, said accused  
17 person may present to the Department his or her motion in  
18 writing for rehearing, which written motion shall specify the  
19 particular grounds therefor. If said accused person shall order  
20 and pay for a transcript of the record as provided in this  
21 Section, the time elapsing thereafter and before such  
22 transcript is ready for delivery to him or her shall not be  
23 counted as part of such 20 days. Whenever the Secretary  
24 ~~Director~~ is satisfied that substantial justice has not been  
25 done, he or she may order a re-hearing by the same or a special

1 committee. At the expiration of the time specified for filing a  
2 motion or a rehearing the Secretary ~~Director~~ shall have the  
3 right to take the action recommended by the Committee. Upon the  
4 suspension or revocation of his or her license a licensee shall  
5 be required to surrender his or her license to the Department,  
6 and upon his or her failure or refusal so to do, the Department  
7 shall have the right to seize the same.

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

9 (225 ILCS 410/4-15) (from Ch. 111, par. 1704-15)

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

11 Sec. 4-15. Hearing officer. Notwithstanding the  
12 provisions of Section 4-10, the Secretary ~~Director~~ shall have  
13 the authority to appoint any attorney duly licensed to practice  
14 law in the State of Illinois to serve as the hearing officer in  
15 any action for refusal to issue or renew, or discipline of a  
16 license. The hearing officer shall have full authority to  
17 conduct the hearing. The hearing officer shall report his or  
18 her findings and recommendations to the Committee and the  
19 Secretary ~~Director~~. The Committee shall have 60 days from  
20 receipt of the report to review the report of the hearing  
21 officer and present their findings of fact, conclusions of law,  
22 and recommendations to the Secretary ~~Director~~. If the Committee  
23 fails to present its report within the 60 day period, then the  
24 Secretary ~~Director~~ shall issue an order based on the report of  
25 the hearing officer. If the Secretary ~~Director~~ determines that



1 the Committee's report is contrary to the manifest weight of  
2 the evidence, then he or she may issue an order in  
3 contravention of the Committee's report.

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

5 (225 ILCS 410/4-16) (from Ch. 111, par. 1704-16)

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

7 Sec. 4-16. Order or certified copy; prima facie proof. An  
8 order of revocation or suspension or a certified copy thereof,  
9 over the seal of the Department and purporting to be signed by  
10 the Secretary Director, shall be prima facie proof that:

11 1. the signature is the genuine signature of the  
12 Secretary Director;

13 2. the Secretary Director is duly appointed and  
14 qualified; and

15 3. the Committee and the members thereof are qualified  
16 to act.

17 Such proof may be rebutted.

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

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

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

21 Sec. 4-19. Emergency suspension. The Secretary Director  
22 may temporarily suspend the license of a barber, cosmetologist,  
23 nail technician, hair braider, esthetician or teacher thereof  
24 or of a cosmetology, esthetics, hair braiding, or nail

1 technology clinic teacher without a hearing, simultaneously  
2 with the institution of proceedings for a hearing provided for  
3 in Section 4-10 of this Act, if the Secretary ~~Director~~ finds  
4 that evidence in his possession indicates that the licensee's  
5 continuation in practice would constitute an imminent danger to  
6 the public. In the event that the Secretary ~~Director~~ suspends,  
7 temporarily, this license without a hearing, a hearing must be  
8 held within 30 days after such suspension has occurred.

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

10 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

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

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

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

1 esthetics, hair braiding, or barber ~~barbering~~ teacher; or the  
2 practice or attempt to practice as a cosmetology, esthetics,  
3 hair braiding, or nail technology clinic teacher without a  
4 proper license.

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

8 (3) Practice in the barber, nail technology, cosmetology, l  
9 hair braiding, or esthetic profession, or an attempt to  
10 practice in those professions, l by fraudulent  
11 misrepresentation.

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

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

16 Section 10. The Regulatory Sunset Act is amended by  
17 changing Section 4.26 as follows:

18 (5 ILCS 80/4.26)

19 Sec. 4.26. Acts repealed on January 1, 2016. The following  
20 Acts are repealed on January 1, 2016:

21 The Illinois Athletic Trainers Practice Act.

22 The Illinois Roofing Industry Licensing Act.

23 The Illinois Dental Practice Act.

24 The Collection Agency Act.

1 The Barber, Cosmetology, Esthetics, Hair Braiding, and  
2 Nail Technology Act of 1985.

3 The Respiratory Care Practice Act.

4 The Hearing Instrument Consumer Protection Act.

5 The Illinois Physical Therapy Act.

6 The Professional Geologist Licensing Act.

7 (Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05;  
8 94-409, eff. 12-31-05; 94-414, eff. 12-31-05; 94-451, eff.  
9 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651,  
10 eff. 1-1-06; 94-708, eff. 12-5-05; 94-1085, eff. 1-19-07;  
11 95-331, eff. 8-21-07; 95-876, eff. 8-21-08.)

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

14 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

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

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

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

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

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

26           (h) No application for any license specified in subsection

1 (i) of this Section granted under the authority of this State  
2 shall be denied by reason of an eligible offender who has  
3 obtained a certificate of relief from disabilities, as defined  
4 in Article 5.5 of this Chapter, having been previously  
5 convicted of one or more criminal offenses, or by reason of a  
6 finding of lack of "good moral character" when the finding is  
7 based upon the fact that the applicant has previously been  
8 convicted of one or more criminal offenses, unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

25           (2) the Illinois Athletic Trainers Practice Act;

26           (3) the Barber, Cosmetology, Esthetics, Hair Braiding,

1 and Nail Technology Act of 1985;

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

4 (5) the Professional Boxing Act;

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

7 (7) the Illinois Farm Labor Contractor Certification  
8 Act;

9 (8) the Interior Design Title Act;

10 (9) the Illinois Professional Land Surveyor Act of  
11 1989;

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

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

14 (12) the Private Employment Agency Act;

15 (13) the Professional Counselor and Clinical  
16 Professional Counselor Licensing Act;

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

18 (15) the Illinois Roofing Industry Licensing Act;

19 (16) the Professional Engineering Practice Act of  
20 1989;

21 (17) the Water Well and Pump Installation Contractor's  
22 License Act;

23 (18) the Electrologist Licensing Act;

24 (19) the Auction License Act;

25 (20) Illinois Architecture Practice Act of 1989;

26 (21) the Dietetic and Nutrition Services Practice Act;



1           (22) the Environmental Health Practitioner Licensing  
2           Act;

3           (23) the Funeral Directors and Embalmers Licensing  
4           Code;

5           (24) the Land Sales Registration Act of 1999;

6           (25) the Professional Geologist Licensing Act;

7           (26) the Illinois Public Accounting Act; and

8           (27) the Structural Engineering Practice Act of 1989.

9           (Source: P.A. 93-207, eff. 1-1-04; 93-914, eff. 1-1-05;  
10          94-1067, eff. 8-1-06.)".