



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5712

by Rep. Luis Arroyo

#### SYNOPSIS AS INTRODUCED:

225 ILCS 410/3-6

from Ch. 111, par. 1703-6

Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Provides that the Department shall, upon the request of an applicant, provide for the administration of any written examination in the Chinese, Korean, Spanish, or Vietnamese languages. Further provides that the Department shall adopt rules to ensure that the examinations are properly translated and that the examinations are consistent in terms of knowledge tested and difficulty. Provides that the Department is not required to administer a written examination in Chinese, Korean, Spanish, or Vietnamese if it determines that knowledge of the English language is a necessary qualification for the license that the applicant is seeking.

LRB098 19036 ZMM 54186 b

1 AN ACT concerning 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, Hair  
5 Braiding, and Nail Technology Act of 1985 is amended by  
6 changing Section 3-6 as follows:

7 (225 ILCS 410/3-6) (from Ch. 111, par. 1703-6)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 3-6. Examination. The Department shall authorize  
10 examinations of applicants for licensure as cosmetologists and  
11 teachers of cosmetology at the times and places it may  
12 determine. If an applicant for licensure as a cosmetologist  
13 fails to pass 3 examinations conducted by the Department, the  
14 applicant shall, before taking a subsequent examination,  
15 furnish evidence of not less than 250 hours of additional study  
16 of cosmetology in an approved school of cosmetology since the  
17 applicant last took the examination. If an applicant for  
18 licensure as a cosmetology teacher fails to pass 3 examinations  
19 conducted by the Department, the applicant shall, before taking  
20 a subsequent examination, furnish evidence of not less than 80  
21 hours of additional study in teaching methodology and  
22 educational psychology in an approved school of cosmetology  
23 since the applicant last took the examination. An applicant who

1 fails to pass the fourth examination shall not again be  
2 admitted to an examination unless: (i) in the case of an  
3 applicant for licensure as a cosmetologist, the applicant again  
4 takes and completes a program of 1500 hours in the study of  
5 cosmetology in an approved school of cosmetology extending over  
6 a period that commences after the applicant fails to pass the  
7 fourth examination and that is not less than 8 months nor more  
8 than 7 consecutive years in duration; (ii) in the case of an  
9 applicant for licensure as a cosmetology teacher, the applicant  
10 again takes and completes a program of 1000 hours of teacher  
11 training in an approved school of cosmetology, except that if  
12 the applicant had 2 years of practical experience as a licensed  
13 cosmetologist within the 5 years preceding the initial  
14 examination taken by the applicant, the applicant must again  
15 take and complete a program of 500 hours of teacher training in  
16 an approved school of cosmetology, esthetics, or nail  
17 technology; or (iii) in the case of an applicant for licensure  
18 as a cosmetology clinic teacher, the applicant again takes and  
19 completes a program of 250 hours of clinic teacher training in  
20 a licensed school of cosmetology or an instructor's institute  
21 of 20 hours. The requirements for remedial training set forth  
22 in this Section may be waived in whole or in part by the  
23 Department upon proof to the Department that the applicant has  
24 demonstrated competence to again sit for the examination. The  
25 Department shall adopt rules establishing the standards by  
26 which this determination shall be made. Each cosmetology

1 applicant shall be given a written examination testing both  
2 theoretical and practical knowledge, which shall include, but  
3 not be limited to, questions that determine the applicant's  
4 knowledge of product chemistry, sanitary rules, sanitary  
5 procedures, chemical service procedures, hazardous chemicals  
6 and exposure minimization, knowledge of the anatomy of the  
7 skin, scalp, hair, and nails as they relate to applicable  
8 services under this Act and labor and compensation laws.

9 The examination of applicants for licensure as a  
10 cosmetology, esthetics, or nail technology teacher may include  
11 all of the elements of the exam for licensure as a  
12 cosmetologist, esthetician, or nail technician and also  
13 include teaching methodology, classroom management, record  
14 keeping, and any other related subjects that the Department in  
15 its discretion may deem necessary to insure competent  
16 performance. The Department shall, upon the request of an  
17 applicant, provide for the administration of any written  
18 examination in the Chinese, Korean, Spanish, or Vietnamese  
19 languages. Prior to making written examinations in Chinese,  
20 Korean, Spanish, and Vietnamese available to applicants, the  
21 Department shall adopt rules to ensure that the examinations  
22 are properly translated and that the examinations are  
23 consistent in terms of knowledge tested and difficulty. The  
24 Department is not required to administer a written examination  
25 in Chinese, Korean, Spanish, or Vietnamese if it determines  
26 that knowledge of the English language is a necessary

1 qualification for the license that the applicant is seeking.

2       This Act does not prohibit the practice of cosmetology by  
3 one who has applied in writing to the Department, in form and  
4 substance satisfactory to the Department, for a license as a  
5 cosmetologist, or the teaching of cosmetology by one who has  
6 applied in writing to the Department, in form and substance  
7 satisfactory to the Department, for a license as a cosmetology  
8 teacher or cosmetology clinic teacher, if the person has  
9 complied with all the provisions of this Act in order to  
10 qualify for a license, except the passing of an examination to  
11 be eligible to receive a license, until: (a) the expiration of  
12 6 months after the filing of the written application, (b) the  
13 decision of the Department that the applicant has failed to  
14 pass an examination within 6 months or failed without an  
15 approved excuse to take an examination conducted within 6  
16 months by the Department, or (c) the withdrawal of the  
17 application.

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