



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3545

by Rep. Mark Batinick

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal of the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 from January 1, 2016 to January 1, 2026. Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Makes changes in provisions regarding definitions; administrative procedure; licensure requirements; display of licensure; qualifications for licensure as a barber teacher; examination of barber license applicants; licensure as a cosmetologist; renewal of a cosmetology licensing; licensure of estheticians and renewal; investigations by the Department of Financial and Professional Regulation; ownership of schools; school rules and refunds; license renewal for nail technicians; suspension of licensure; practice without a license; investigations and hearings; attendance of witnesses; rehearings; hearing officers; certified copies of orders; and restoration of licenses. Adds provisions concerning licensure by endorsement; inactive statuses; licensed cosmetologists seeking licenses as barbers; licensed barbers, estheticians, and nail technicians seeking licenses as cosmetologists; sales of schools licensed under the Act; citations; and disposition by consent orders. Makes other changes. Effective immediately.

LRB099 07048 AMC 31506 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Regulatory Sunset Act is amended by changing
5 Sections 4.26 and 4.36 as follows:

6 (5 ILCS 80/4.26)

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 Acts repealed on January 1, 2016.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8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

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

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 The Illinois Physical Therapy Act.

18 The Professional Geologist Licensing Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
20 96-1246, eff. 1-1-11.)

21 (5 ILCS 80/4.36 new)

22 Sec. 4.36. Act repealed on January 1, 2026. The following

1 Act is repealed on January 1, 2026:

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

4 Section 10. The Barber, Cosmetology, Esthetics, Hair
5 Braiding, and Nail Technology Act of 1985 is amended by
6 changing Sections 1-4, 1-6, 1-7, 1-10, 1-11, 2-2, 2-3, 2-4,
7 2-7, 2-9, 3-2, 3-3, 3-4, 3-7, 3A-6, 3B-2, 3B-10, 3B-11, 3B-12,
8 3B-13, 3C-8, 3D-5, 3E-5, 4-2, 4-5, 4-7, 4-9, 4-10, 4-13, 4-14,
9 4-15, 4-16, and 4-17 and by adding Sections 1-6.5, 1-12, 2-10,
10 2-11, 3-9, 3-10, 3A-8, 3B-17, 3B-18, 3C-10, 3E-7, 4-18.5, and
11 4-25 as follows:

12 (225 ILCS 410/1-4)

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

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

16 "Address of record" means the designated address recorded
17 by the Department in the applicant's application file or the
18 licensee's license file, as maintained by the Department's
19 licensure maintenance unit.

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

22 "Department" means the Department of Financial and
23 Professional Regulation.

24 "Licensed barber" means an individual licensed by the

1 Department to practice barbering as defined in this Act and
2 whose license is in good standing.

3 "Licensed cosmetologist" means an individual licensed by
4 the Department to practice cosmetology, nail technology, hair
5 braiding, and esthetics as defined in this Act and whose
6 license is in good standing.

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

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

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

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

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

1 to provide clinical instruction in the practice of cosmetology,
2 esthetics, hair braiding, and nail technology in an approved
3 school of cosmetology, esthetics, hair braiding, or nail
4 technology.

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

10 "Licensed hair braider" means an ~~any~~ individual licensed by
11 the Department to practice hair braiding as defined in this Act
12 ~~Section 3E-1~~ and whose license is in good standing.

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

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

22 "Enrollment" is the date upon which the student signs an
23 enrollment agreement or student contract.

24 "Enrollment agreement" or "student contract" is any
25 agreement, instrument, or contract however named, which
26 creates or evidences an obligation binding a student to

1 purchase a course of instruction from a school.

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

5 "Elapsed enrollment time" means the enrollment time
6 elapsed between the actual starting date and the date of the
7 student's last day of physical attendance in the school.

8 "Mobile shop or salon" means a self-contained facility that
9 may be moved, towed, or transported from one location to
10 another and in which barbering, cosmetology, esthetics, hair
11 braiding, or nail technology is practiced.

12 "Secretary" means the Secretary of the Department of
13 Financial and Professional Regulation.

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

18 (Source: P.A. 97-333, eff. 8-12-11; 97-777, eff. 7-13-12;
19 98-238, eff. 1-1-14; 98-911, eff. 1-1-15.)

20 (225 ILCS 410/1-6) (from Ch. 111, par. 1701-6)

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

22 Sec. 1-6. Administrative Procedure Act. The Illinois
23 Administrative Procedure Act is hereby expressly adopted and
24 incorporated herein as if all of the provisions of that Act
25 were included in this Act, except that the provision of

1 subsection (d) of Section 10-65 of the Illinois Administrative
2 Procedure Act that provides that at hearings the licensee has
3 the right to show compliance with all lawful requirements for
4 retention, continuation or renewal of the license is
5 specifically excluded. For the purpose of this Act the notice
6 required under Section 10-25 of the Administrative Procedure
7 Act is deemed sufficient when mailed to the address of record,
8 or, if not an applicant or licensee, to the last known address
9 of a party.

10 (Source: P.A. 88-45.)

11 (225 ILCS 410/1-6.5 new)

12 Sec. 1-6.5. Address of record. It is the duty of the
13 applicant or licensee to inform the Department of any change of
14 address within 14 days after such change either through the
15 Department's website or by contacting the Department's
16 licensure maintenance unit.

17 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

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

19 Sec. 1-7. Licensure required; renewal; restoration.

20 (a) It is unlawful for any person to practice, or to hold
21 himself or herself out to be a cosmetologist, esthetician, nail
22 technician, hair braider, or barber without a license as a
23 cosmetologist, esthetician, nail technician, hair braider or
24 barber issued by the Department ~~of Financial and Professional~~

1 ~~Regulation~~ pursuant to the provisions of this Act and of the
2 Civil Administrative Code of Illinois. It is also unlawful for
3 any person, firm, partnership, limited liability company, or
4 corporation to own, operate, or conduct a cosmetology,
5 esthetics, nail technology, hair braiding ~~salon,~~ or barber
6 school without a license issued by the Department or to own or
7 operate a cosmetology, esthetics, nail technology, or hair
8 braiding salon, ~~or~~ barber shop, or other business subject to
9 the registration requirements of this Act without a certificate
10 of registration issued by the Department. It is further
11 unlawful for any person to teach in any cosmetology, esthetics,
12 nail technology, hair braiding, or barber college or school
13 approved by the Department or hold himself or herself out as a
14 cosmetology, esthetics, hair braiding, nail technology, or
15 barber teacher without a license as a teacher, issued by the
16 Department or as a cosmetology clinic teacher without a license
17 as a cosmetology clinic teacher issued by the Department.

18 (b) Notwithstanding any other provision of this Act, a
19 person licensed as a cosmetologist may hold himself or herself
20 out as an esthetician and may engage in the practice of
21 esthetics, as defined in this Act, without being licensed as an
22 esthetician. A person licensed as a cosmetology teacher may
23 teach esthetics or hold himself or herself out as an esthetics
24 teacher without being licensed as an esthetics teacher. A
25 person licensed as a cosmetologist may hold himself or herself
26 out as a nail technician and may engage in the practice of nail

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

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

1 as a hair braider without being licensed as a hair braider.

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

5 (e) The expiration date, renewal period, and conditions for
6 renewal and restoration of each license shall be established by
7 rule.

8 (f) A license issued under the provisions of this Act as a
9 barber, barber teacher, cosmetologist, cosmetology teacher,
10 cosmetology clinic teacher, esthetician, esthetics teacher,
11 nail technician, nail technician teacher, hair braider, or hair
12 braiding teacher that has expired while the holder of the
13 license was engaged (1) in federal service on active duty with
14 the Army, Navy, Marine Corps, Air Force, or Coast Guard of the
15 United States of America, or any Women's Auxiliary thereof, or
16 the State Militia called into the service or training of the
17 United States of America or (2) in training or education under
18 the supervision of the United States preliminary to induction
19 into the military service, may be reinstated or restored
20 without payment of any lapsed renewal fees, reinstatement fee,
21 or restoration fee if within 2 years after the termination of
22 such service, training, or education other than by dishonorable
23 discharge, the holder furnishes the Department with an
24 affidavit to the effect that he or she has been so engaged and
25 that his or her service, training, or education has been so
26 terminated.

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

2 (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

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

4 Sec. 1-10. Display. Every holder of a license shall display
5 it in a place in the holder's principal office, place of
6 business or place of employment. Whenever a licensed
7 cosmetologist, esthetician, nail technician, hair braider, or
8 barber practices cosmetology, esthetics, nail technology, hair
9 braiding, or barbering outside of or away from the
10 cosmetologist's, esthetician's, nail technician's, hair
11 braider's, or barber's principal office, place of business, or
12 place of employment, the cosmetologist, esthetician, nail
13 technician, hair braider, or barber shall provide any person so
14 requesting proof that he or she has a valid license issued
15 ~~deliver to each person served a certificate of identification~~
16 ~~in a form specified~~ by the Department.

17 Every registered shop shall display its certificate of
18 registration at the location of the shop. Each shop where
19 barber, cosmetology, esthetics, hair braiding, or nail
20 technology services are provided shall have a certificate of
21 registration.

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

23 (225 ILCS 410/1-11) (from Ch. 111, par. 1701-11)

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

1 Sec. 1-11. Exceptions to Act.

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

10 (b) Nothing in this Act shall be construed to apply to the
11 activities and services of registered nurses or licensed
12 practical nurses, as defined in the Nurse Practice Act, or to
13 personal care or health care services provided by individuals
14 in the performance of their duties as employed or authorized by
15 facilities or programs licensed or certified by State agencies.
16 As used in this subsection (b), "personal care" means
17 assistance with meals, dressing, movement, bathing, or other
18 personal needs or maintenance or general supervision and
19 oversight of the physical and mental well-being of an
20 individual who is incapable of maintaining a private,
21 independent residence or who is incapable of managing his or
22 her person whether or not a guardian has been appointed for
23 that individual. The definition of "personal care" as used in
24 this subsection (b) shall not otherwise be construed to negate
25 the requirements of this Act or its rules.

26 (c) Nothing in this Act shall be deemed to require

1 licensure of individuals employed by the motion picture, film,
2 television, stage play or related industry for the purpose of
3 providing cosmetology or esthetics services to actors of that
4 industry while engaged in the practice of cosmetology or
5 esthetics as a part of that person's employment.

6 (d) Nothing in this Act shall be deemed to require
7 licensure of an inmate of the Department of Corrections who
8 performs barbering or cosmetology with the approval of the
9 Department of Corrections during the person's incarceration.

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

11 (225 ILCS 410/1-12 new)

12 Sec. 1-12. Licensure by endorsement. The Department may,
13 without examination, grant a license under this Act to an
14 applicant who is licensed or registered for or authorized to
15 practice the same profession under the laws of another state or
16 jurisdiction of the United States or of a foreign country upon
17 filing of an application on forms provided by the Department,
18 paying the required fee, and meeting such requirements as are
19 established by rule. The Department may prescribe rules
20 governing recognition of education and legal practice in
21 another jurisdiction, requiring additional education, and
22 determining when an examination may be required.

23 (225 ILCS 410/2-2) (from Ch. 111, par. 1702-2)

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

1 Sec. 2-2. Licensure as a barber; qualifications. A person
2 is qualified to receive a license as a barber if that person
3 has applied in writing on forms prescribed by the Department,
4 has paid the required fees, and:

5 a. Is at least 16 years of age; and

6 b. Has a certificate of graduation from a school
7 providing secondary education, or the recognized
8 equivalent of such a certificate, or persons who are beyond
9 the age of compulsory school attendance; and

10 c. Has graduated from a school of barbering or school
11 of cosmetology approved by the Department, having
12 completed a total of 1500 hours in the study of barbering
13 extending over a period of not less than 9 months nor more
14 than 3 years. A school of barbering may, at its discretion,
15 consistent with the rules of the Department, accept up to
16 1,000 ~~500~~ hours of cosmetology school training at a
17 recognized cosmetology school toward the 1500 hour course
18 requirement of barbering. Time spent in such study under
19 the laws of another state or territory of the United States
20 or of a foreign country or province shall be credited
21 toward the period of study required by the provisions of
22 this paragraph; and

23 d. Has passed an examination caused to be conducted by
24 the Department or its designated testing service to
25 determine fitness to receive a license as a barber; and

26 e. Has met all other requirements of this Act.

1 (Source: P.A. 97-777, eff. 7-13-12.)

2 (225 ILCS 410/2-3) (from Ch. 111, par. 1702-3)

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

4 Sec. 2-3. Licensure as a barber by a cosmetology school
5 graduate. A person is qualified to receive a license as a
6 barber if that person has applied in writing on forms provided
7 by the Department, paid the required fees, and:

8 a. Is at least 16 years of age; and

9 b. Has a certificate of graduation from a school providing
10 secondary education, or the recognized equivalent of such a
11 certificate, or persons who are beyond the age of compulsory
12 school attendance; and

13 c. Has graduated from a cosmetology school approved by the
14 Department having completed a minimum of 1500 hours in the
15 study of cosmetology; and

16 d. Has graduated from a school of barbering or cosmetology
17 approved by the Department having completed a minimum of 100
18 ~~1000~~ additional hours in the study of barbering extending over
19 a period of no less than 6 months nor more than 2 years. Time
20 spent in such study under the laws of another state or
21 territory of the United States or of a foreign country or
22 province shall be credited toward the period of study required
23 by the provisions of this paragraph; and

24 e. Has passed an examination caused to be conducted by the
25 Department, or its designated testing service, to determine

1 fitness to receive a license as a barber; and

2 f. Has met any other requirements set forth in this Act.

3 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97.)

4 (225 ILCS 410/2-4) (from Ch. 111, par. 1702-4)

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

6 Sec. 2-4. Licensure as a barber teacher; qualifications. A
7 person is qualified to receive a license as a barber teacher if
8 that person files an application on forms provided by the
9 Department, pays the required fee, and:

10 a. Is at least 18 years of age;

11 b. Has graduated from high school or its equivalent;

12 c. Has a current license as a barber or cosmetologist;

13 d. Has graduated from a barber school or school of
14 cosmetology approved by the Department having:

15 (1) completed a total of 500 hours in barber
16 teacher training extending over a period of not less
17 than 3 months nor more than 2 years and has had 3 years
18 of practical experience as a licensed barber;

19 (2) completed a total of 1,000 hours of barber
20 teacher training extending over a period of not less
21 than 6 months nor more than 2 years; or

22 (3) completed the cosmetology teacher training as
23 specified in paragraph (4) of subsection (a) of Section
24 3-4 of this Act and completed a supplemental barbering
25 course as established by rule; and

1 e. Has passed an examination authorized by the
2 Department to determine fitness to receive a license as a
3 barber teacher or a cosmetology teacher; and

4 f. Has met any other requirements set forth in this
5 Act.

6 An applicant who is issued a license as a barber teacher
7 ~~Barber Teacher~~ is not required to maintain a barber license in
8 order to practice barbering as defined in this Act.

9 (Source: P.A. 97-777, eff. 7-13-12; 98-911, eff. 1-1-15;
10 revised 11-25-14.)

11 (225 ILCS 410/2-7) (from Ch. 111, par. 1702-7)

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

13 Sec. 2-7. Examination of applicants. The Department shall
14 hold examinations of applicants for licensure as barbers and
15 teachers of barbering at such times and places as it may
16 determine. Upon request, the examinations shall be
17 administered in Spanish.

18 Each applicant shall be given a written examination testing
19 both theoretical and practical knowledge of the following
20 subjects insofar as they are related and applicable to the
21 practice of barber science and art: (1) anatomy, (2)
22 physiology, (3) skin diseases, (4) hygiene and sanitation, (5)
23 barber history, (6) this Act and the rules for the
24 administration of this Act ~~barber law~~, (7) hair cutting and
25 styling, (8) shaving, shampooing, and permanent waving, (9)

1 massaging, (10) bleaching, tinting, and coloring, and (11)
2 implements.

3 The examination of applicants for licensure as a barber
4 teacher shall include: (a) practice of barbering and styling,
5 (b) theory of barbering, (c) methods of teaching, and (d)
6 school management.

7 If an applicant for licensure as a barber fails to pass 3
8 examinations conducted by the Department, the applicant shall,
9 before taking a subsequent examination, furnish evidence of not
10 less than 250 hours of additional study of barbering in an
11 approved school of barbering or cosmetology since the applicant
12 last took the examination. If an applicant for licensure as a
13 barber teacher fails to pass 3 examinations conducted by the
14 Department, the applicant shall, before taking a subsequent
15 examination, furnish evidence of not less than 80 hours of
16 additional study in teaching methodology and educational
17 psychology in an approved school of barbering or cosmetology
18 since the applicant last took the examination. An applicant who
19 fails to pass the fourth examination shall not again be
20 admitted to an examination unless: (i) in the case of an
21 applicant for licensure as a barber, the applicant again takes
22 and completes a program of 1,500 hours in the study of
23 barbering in an approved school of barbering or cosmetology
24 extending over a period that commences after the applicant
25 fails to pass the fourth examination and that is not less than
26 8 months nor more than 7 consecutive years in duration; or (ii)

1 in the case of an applicant for licensure as a barber teacher,
2 the applicant again takes and completes a program of 1,000
3 hours of teacher training in an approved school of barbering or
4 cosmetology, except that if the applicant had 2 years of
5 practical experience as a licensed barber within the 5 years
6 preceding the initial examination taken by the applicant, the
7 applicant must again take and complete a program of 500 hours
8 of teacher training in an approved school of barbering or
9 cosmetology. The requirements for remedial training set forth
10 in this Section may be waived in whole or in part by the
11 Department upon proof to the Department that the applicant has
12 demonstrated competence to again sit for the examination. The
13 Department shall adopt rules establishing standards by which
14 this determination shall be made.

15 This Act does not prohibit the practice as a barber or
16 barber teacher by one who has applied in writing to the
17 Department, in form and substance satisfactory to the
18 Department, for a license and has complied with all the
19 provisions of this Act in order to qualify for a license except
20 the passing of an examination, until: (a) the expiration of 6
21 months after the filing of such written application, or (b) the
22 decision of the Department that the applicant has failed to
23 pass an examination within 6 months or failed without an
24 approved excuse to take an examination conducted within 6
25 months by the Department, or (c) the withdrawal of the
26 application.

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

2 (225 ILCS 410/2-9)

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

4 Sec. 2-9. Certification ~~Degree~~ in barbering at a
5 cosmetology school. A school of cosmetology may offer a
6 certificate ~~degree~~ in barbering, as defined by this Act,
7 provided that the school of cosmetology complies with
8 subsections (c), (d), and (e) of Section 2-2 of this Act;
9 utilizes barber teachers properly licensed under Section 2-4 of
10 this Act; and complies with Sections 2A-7 and 3B-10 of this
11 Act.

12 (Source: P.A. 97-777, eff. 7-13-12; 98-911, eff. 1-1-15.)

13 (225 ILCS 410/2-10 new)

14 Sec. 2-10. Licensed cosmetologist seeking license as a
15 barber. A licensed cosmetologist who submits to the Department
16 an application for licensure as a barber must meet all
17 requirements of this Act for licensure as a barber, except that
18 such applicant shall be given credit for hours of instruction
19 completed for his or her cosmetologist license in subjects that
20 are common to both barbering and cosmetology. The Department
21 shall provide for the implementation of this provision by rule.

22 (225 ILCS 410/2-11 new)

23 Sec. 2-11. Inactive status. Any barber or barber teacher

1 who notifies the Department in writing on forms prescribed by
2 the Department may elect to place his or her license on
3 inactive status and shall, subject to rules of the Department,
4 be excused from payment of renewal fees until he or she
5 notifies the Department in writing of his or her desire to
6 resume active status. Any barber or barber teacher requesting
7 restoration from inactive status shall be required to pay the
8 current renewal fee and to qualify for the restoration of his
9 or her license, subject to rules of the Department. Any barber
10 or barber teacher whose license is in inactive status shall not
11 practice in the State of Illinois.

12 (225 ILCS 410/3-2) (from Ch. 111, par. 1703-2)

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

14 Sec. 3-2. Licensure; qualifications.

15 (1) A person is qualified to receive a license as a
16 cosmetologist who has filed an application on forms provided by
17 the Department, pays the required fees, and:

18 a. Is at least 16 years of age; and

19 b. Is beyond the age of compulsory school attendance or
20 has received a certificate of graduation from a school
21 providing secondary education, or the recognized
22 equivalent of that certificate; and

23 c. Has graduated from a school of cosmetology approved
24 by the Department, having completed a program of 1,500 ~~1500~~
25 hours in the study of cosmetology extending over a period

1 of not less than 8 months nor more than 7 consecutive
2 years. A school of cosmetology may, at its discretion,
3 consistent with the rules of the Department, accept up to
4 1,000 ~~500~~ hours of barber school training at a recognized
5 barber school toward the 1,500 ~~1500~~ hour program
6 requirement of cosmetology. Time spent in such study under
7 the laws of another state or territory of the United States
8 or of a foreign country or province shall be credited
9 toward the period of study required by the provisions of
10 this paragraph; and

11 d. Has passed an examination authorized by the
12 Department to determine eligibility to receive a license as
13 a cosmetologist; and

14 e. Has met any other requirements of this Act.

15 (2) (Blank).

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

17 (225 ILCS 410/3-3) (from Ch. 111, par. 1703-3)

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

19 Sec. 3-3. Licensure as a cosmetologist by a barber school
20 graduate. A person is qualified to receive a license as a
21 cosmetologist if that person has filed an application on forms
22 provided by the Department, has paid the required fees, and:

23 a. Is at least 16 years of age; and

24 b. Has a certificate of graduation from a school providing
25 secondary education, or the recognized equivalent of such a

1 certificate, or is beyond the age of compulsory school
2 attendance; and

3 c. Has graduated from a school of barbering approved by the
4 Department having completed 1500 hours in the study of
5 barbering, and a minimum of 500 ~~1000~~ additional hours in the
6 study of cosmetology extending over a period of no less than 6
7 months nor more than 2 years. Time spent in such study under
8 the laws of another state or territory of the United States or
9 of a foreign country or province shall be credited toward the
10 period of study required by the provisions of this paragraph;
11 and

12 d. Has passed an examination authorized by the Department
13 to determine fitness to receive a license as a cosmetologist;
14 and

15 e. Has met any other requirements of this Act.

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

17 (225 ILCS 410/3-4) (from Ch. 111, par. 1703-4)

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

19 Sec. 3-4. Licensure as cosmetology teacher or cosmetology
20 clinic teacher; qualifications.

21 (a) A person is qualified to receive license as a
22 cosmetology teacher if that person has applied in writing on
23 forms provided by the Department, has paid the required fees,
24 and:

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

- 1 (2) has graduated from high school or its equivalent;
- 2 (3) has a current license as a cosmetologist;
- 3 (4) has either: (i) completed a program of 500 hours of
- 4 teacher training in a licensed school of cosmetology and
- 5 had 2 years of practical experience as a licensed
- 6 cosmetologist within 5 years preceding the examination; ~~or~~
- 7 (ii) completed a program of 1,000 hours of teacher training
- 8 in a licensed school of cosmetology; or (iii) completed the
- 9 barber teacher training as specified in subsection (d) of
- 10 Section 2-4 of this Act and completed a supplemental
- 11 cosmetology course as established by rule;
- 12 (5) has passed an examination authorized by the
- 13 Department to determine eligibility to receive a license as
- 14 a cosmetology teacher or barber teacher; and
- 15 (6) has met any other requirements of this Act.

16 An individual who receives a license as a cosmetology

17 teacher shall not be required to maintain an active cosmetology

18 license in order to practice cosmetology as defined in this

19 Act.

20 (b) A person is qualified to receive a license as a

21 cosmetology clinic teacher if he or she has applied in writing

22 on forms provided by the Department, has paid the required

23 fees, and:

- 24 (1) is at least 18 years of age;
- 25 (2) has graduated from high school or its equivalent;
- 26 (3) has a current license as a cosmetologist;

1 (4) has (i) completed a program of 250 hours of clinic
2 teacher training in a licensed school of cosmetology or
3 (ii) within 5 years preceding the examination, has obtained
4 a minimum of 2 years of practical experience working at
5 least 30 full-time hours per week as a licensed
6 cosmetologist and has completed an instructor's institute
7 of 20 hours, as prescribed by the Department, prior to
8 submitting an application for examination;

9 (5) has passed an examination authorized by the
10 Department to determine eligibility to receive a license as
11 a cosmetology teacher; and

12 (6) has met any other requirements of this Act.

13 The Department shall not issue any new cosmetology clinic
14 teacher licenses after January 1, 2009. Any person issued a
15 license as a cosmetology clinic teacher before January 1, 2009,
16 may renew the license after that date under this Act and that
17 person may continue to renew the license or have the license
18 restored during his or her lifetime, subject only to the
19 renewal or restoration requirements for the license under this
20 Act; however, such licensee and license shall remain subject to
21 the provisions of this Act, including, but not limited to,
22 provisions concerning renewal, restoration, fees, continuing
23 education, discipline, administration, and enforcement.

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

25 (225 ILCS 410/3-7) (from Ch. 111, par. 1703-7)

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

2 Sec. 3-7. Licensure; renewal; continuing education~~+~~
3 ~~military service~~. The holder of a license issued under this
4 Article III may renew that license during the month preceding
5 the expiration date thereof by paying the required fee, giving
6 such evidence as the Department may prescribe of completing not
7 less than 14 hours of continuing education for a cosmetologist,
8 and 24 hours of continuing education for a cosmetology teacher
9 or cosmetology clinic teacher, within the 2 years prior to
10 renewal. The training shall be in subjects approved by the
11 Department as prescribed by rule upon recommendation of the
12 Board.

13 ~~A license that has been expired for more than 5 years may~~
14 ~~be restored by payment of the restoration fee and submitting~~
15 ~~evidence satisfactory to the Department of the current~~
16 ~~qualifications and fitness of the licensee, which shall include~~
17 ~~completion of continuing education hours for the period~~
18 ~~subsequent to expiration.~~

19 The Department shall establish by rule a means for the
20 verification of completion of the continuing education
21 required by this Section. This verification may be accomplished
22 through audits of records maintained by registrants, by
23 requiring the filing of continuing education certificates with
24 the Department, or by other means established by the
25 Department.

26 ~~A license issued under the provisions of this Act that has~~

1 ~~expired while the holder of the license was engaged (1) in~~
2 ~~federal service on active duty with the Army of the United~~
3 ~~States, the United States Navy, the Marine Corps, the Air~~
4 ~~Force, the Coast Guard, or any Women's Auxiliary thereof, or~~
5 ~~the State Militia called into the service or training of the~~
6 ~~United States of America, or (2) in training or education under~~
7 ~~the supervision of the United States preliminary to induction~~
8 ~~into the military service, may be reinstated or restored~~
9 ~~without the payment of any lapsed renewal fees, reinstatement~~
10 ~~fee, or restoration fee if within 2 years after the termination~~
11 ~~of such service, training, or education other than by~~
12 ~~dishonorable discharge, the holder furnishes the Department~~
13 ~~with an affidavit to the effect that he or she has been so~~
14 ~~engaged and that his or her service, training, or education has~~
15 ~~been so terminated.~~

16 The Department, in its discretion, may waive enforcement of
17 the continuing education requirement in this Section and shall
18 adopt rules defining the standards and criteria for that waiver
19 under the following circumstances:

20 (a) the licensee resides in a locality where it is
21 demonstrated that the absence of opportunities for such
22 education would interfere with the ability of the licensee
23 to provide service to the public;

24 (b) that to comply with the continuing education
25 requirements would cause a substantial financial hardship
26 on the licensee;

1 (c) that the licensee is serving in the United States
2 Armed Forces; or

3 (d) that the licensee is incapacitated due to illness.

4 ~~The continuing education requirements of this Section do~~
5 ~~not apply to a licensee who (i) is at least 62 years of age or~~
6 ~~(ii) has been licensed as a cosmetologist, cosmetology teacher,~~
7 ~~or cosmetology clinic teacher for at least 25 years.~~

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

9 (225 ILCS 410/3-9 new)

10 Sec. 3-9. Licensed barber seeking license as
11 cosmetologist. A licensed barber who submits to the Department
12 an application for licensure as a cosmetologist must meet all
13 requirements of this Act for licensure as a cosmetologist,
14 except that such applicant shall be given credit for hours of
15 instruction completed for his or her barber license in subjects
16 that are common to both barbering and cosmetology. The
17 Department shall provide for the implementation of this
18 provision by rule.

19 (225 ILCS 410/3-10 new)

20 Sec. 3-10. Licensed esthetician or licensed nail
21 technician seeking license as a cosmetologist. A licensed
22 esthetician or licensed nail technician who submits to the
23 Department an application for licensure as a cosmetologist must
24 meet all requirements of this Act for licensure as a

1 cosmetologist except that such applicant shall be given credit
2 for hours of instruction completed for his or her esthetician
3 or nail technician license in subjects that are common to both
4 esthetics or nail technology and cosmetology. The Department
5 shall provide for the implementation of this provision by rule.

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

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

8 Sec. 3A-6. Licensure; renewal; continuing education;
9 examination; military service. The holder of a license issued
10 under this Article may renew such license during the month
11 preceding the expiration date thereof by paying the required
12 fee, giving evidence the Department may prescribe of completing
13 not less than 10 hours for estheticians, and not less than 20
14 hours of continuing education for esthetics teachers, within
15 the 2 years prior to renewal. The training shall be in
16 subjects, approved by the Department as prescribed by rule upon
17 recommendation of the Board.

18 ~~A license that has expired or been placed on inactive~~
19 ~~status may be restored only by payment of the restoration fee~~
20 ~~and submitting evidence satisfactory to the Department of the~~
21 ~~current qualifications and fitness of the licensee including~~
22 ~~the completion of continuing education hours for the period~~
23 ~~following expiration.~~

24 ~~A license issued under the provisions of this Act that has~~
25 ~~expired while the holder of the license was engaged (1) in~~

1 ~~federal service on active duty with the Army of the United~~
2 ~~States, the United States Navy, the Marine Corps, the Air~~
3 ~~Force, the Coast Guard, or any Women's Auxiliary thereof, or~~
4 ~~the State Militia called into the service or training of the~~
5 ~~United States of America, or (2) in training or education under~~
6 ~~the supervision of the United States preliminary to induction~~
7 ~~into the military service, may be reinstated or restored~~
8 ~~without the payment of any lapsed renewal fees, reinstatement~~
9 ~~fee, or restoration fee if within 2 years after the termination~~
10 ~~of such service, training, or education other than by~~
11 ~~dishonorable discharge, the holder furnishes the Department~~
12 ~~with an affidavit to the effect that he or she has been so~~
13 ~~engaged and that his or her service, training, or education has~~
14 ~~been so terminated.~~

15 The Department, in its discretion, may waive enforcement of
16 the continuing education requirement in this Section, and shall
17 adopt rules defining the standards and criteria for such
18 waiver, under the following circumstances:

19 (1) the licensee resides in a locality where it is
20 demonstrated that the absence of opportunities for such
21 education would interfere with the ability of the licensee
22 to provide service to the public;

23 (2) the licensee's compliance with the continuing
24 education requirements would cause a substantial financial
25 hardship on the licensee;

26 (3) the licensee is serving in the United States Armed

1 Forces; or

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

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

4 (225 ILCS 410/3A-8 new)

5 Sec. 3A-8. Inactive status. Any esthetician or esthetician
6 teacher who notifies the Department in writing on forms
7 prescribed by the Department may elect to place his or her
8 license on inactive status and shall, subject to rules of the
9 Department, be excused from payment of renewal fees until he or
10 she notifies the Department in writing of his or her desire to
11 resume active status.

12 Any esthetician or esthetician teacher requesting
13 restoration from inactive status shall be required to pay the
14 current renewal fee and to qualify for the restoration of his
15 or her license, subject to rules of the Department. A license
16 shall not be restored from inactive status unless the
17 esthetician or esthetician teacher requesting the restoration
18 completes the number of hours of continuing education required
19 for renewal of a license under Section 3A-6.

20 Any esthetician or esthetician teacher whose license is in
21 inactive status shall not practice in the State of Illinois.

22 (225 ILCS 410/3B-2) (from Ch. 111, par. 1703B-2)

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

24 Sec. 3B-2. Investigations by Department upon its own motion

1 or upon ~~verified~~ complaint; opportunity for corrections. The
2 Department may upon its own motion and shall upon the ~~verified~~
3 complaint in writing of any person setting forth facts which if
4 proved would constitute grounds for refusal or revocation under
5 this Act, investigate the actions of any applicant or any
6 person or persons holding or claiming to hold a license.

7 Any student or employee of a school approved by this Act
8 who believes he has been aggrieved by a violation of this Act
9 shall have the right to file a written complaint within one
10 year of the alleged violation. The Department shall acknowledge
11 receipt of such written complaint, commence an investigation of
12 the alleged violation, and forward to the Attorney General and
13 any appropriate State's Attorney's office copies of complaints
14 as required by Section 3B-3. The Department shall inform
15 ~~forward a copy of the formal complaint and order to the person~~
16 ~~who filed the complaint and to~~ the chief operating officer of
17 the school cited in the complaint of the nature or substance of
18 the complaint and afford the school an opportunity to either
19 resolve the complaint to the satisfaction of the complainant or
20 submit a written response to the Department.

21 However, before proceeding to a hearing on the question of
22 whether a license shall be refused or revoked, the Department
23 may issue a letter granting the school in question 30 days to
24 correct the deficiency or deficiencies. The letter shall
25 enumerate the deficiencies and state the action on the part of
26 the school that will remediate the deficiency or deficiencies.

1 During the time designated to remedy deficiencies the
2 Department may order the school to cease and desist from all
3 marketing and student enrollment activities.

4 (Source: P.A. 89-387, eff. 1-1-96; 89-626, eff. 8-9-96.)

5 (225 ILCS 410/3B-10)

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

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

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

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

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

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

4 c. (Blank).

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

7 a. If the owner is a corporation, a copy of the
8 Articles of Incorporation or, if the owner is a limited
9 liability company, a copy of the articles of
10 organization;

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 and
19 rules;

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

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

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

1 schools were ever denied accreditation or licensing or
2 lost accreditation or licensing from any governmental
3 body or accrediting agency;

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

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

14 j. The required fee.

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

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

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

1 the school required for the administration of this Act
2 and the standards and rules adopted under this Act;

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

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

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

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

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

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

1 7. A final inspection of the barber, cosmetology,
2 esthetics, hair braiding, or nail technology school shall
3 be made by the Department before the school may commence
4 classes.

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

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

10 (225 ILCS 410/3B-11)

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

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

1 with the Department about a school or its sales
2 representatives.

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

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

11 (225 ILCS 410/3B-12)

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

13 Sec. 3B-12. Enrollment agreements.

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

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

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

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

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

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

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

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

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

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

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

26 (11) A clear statement that the institution does not

1 guarantee employment and a statement describing the
2 school's placement assistance procedures;

3 (12) The graduation requirements of the school;

4 (13) The contents of the following notice, in at least
5 10 point bold type:

6 "NOTICE TO THE STUDENT"

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

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

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

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

26 (c) The school shall comply with all applicable

1 requirements of the Retail Installment Sales Act in its
2 enrollment agreement or student contracts.

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

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

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

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

16 (225 ILCS 410/3B-13)

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

18 Sec. 3B-13. Rules; refunds. Schools regulated under this
19 Section shall issue refunds based on the following schedule.
20 The refund policy shall provide that:

21 (1) Schools shall, when a student gives written notice
22 of cancellation, provide a refund in the amount of at least
23 the following:

24 (a) When notice of cancellation is given within 5
25 days after the date of enrollment, all application and

1 registration fees, tuition, and any other charges
2 shall be refunded to the student.

3 (b) When notice of cancellation is given after the
4 fifth day following enrollment but before the
5 completion of the student's first day of class
6 attendance, the school may retain no more than the
7 application and registration fee, plus the cost of any
8 books or materials which have been provided by the
9 school and retained by the student.

10 (c) When notice of cancellation is given after the
11 student's completion of the first day of class
12 attendance but prior to the student's completion of 5%
13 of the course of instruction, the school may retain the
14 application and registration fee and an amount not to
15 exceed 10% of the tuition and other instructional
16 charges or \$300, whichever is less, plus the cost of
17 any books or materials which have been provided by the
18 school.

19 (d) When a student has completed 5% or more of the
20 course of instruction, the school may retain the
21 application and registration fee and the cost of any
22 books or materials which have been provided by the
23 school but shall refund a part of the tuition and other
24 instructional charges in accordance with the
25 requirements of the school's regional or national
26 accrediting agency, if any, or rules that the

1 Department shall promulgate for purposes of this
2 Section.

3 (2) Applicants not accepted by the school shall receive
4 a refund of all tuition and fees paid.

5 (3) Application and registration fees shall be
6 chargeable at initial enrollment and shall not exceed \$100.
7 All fees must be disclosed in the student contract.

8 (4) Deposits or down payments shall become part of the
9 tuition.

10 (5) The school shall mail a written acknowledgement of
11 a student's cancellation or written withdrawal to the
12 student within 15 calendar days of the date of
13 notification. Written acknowledgement is not necessary if
14 a refund has been mailed to the student within the 15
15 calendar days.

16 (6) If the school cancels or discontinues a course, the
17 student shall be entitled to receive from the school such
18 refund or partial refund of the tuition, fees, and other
19 charges paid by the student or on behalf of the student as
20 is provided under rules promulgated by the Department.

21 (7) Except as otherwise provided by this Act, all
22 student refunds shall be made by the school within 45
23 calendar days after the date of notice of the student's
24 cancellation or the date that the school determines that
25 the student has officially or unofficially withdrawn.

26 (8) A student shall give notice of cancellation to the

1 school in writing. The unexplained absence of a student
2 from a school for more than 30 consecutive calendar days
3 shall constitute constructive notice of cancellation to
4 the school. For purposes of cancellation, the cancellation
5 date shall be the last day of attendance.

6 (9) A school may make refunds which exceed those
7 required by this Section.

8 (10) Each student and former student shall be entitled
9 to receive from the school that the student attends or
10 attended an official transcript of all hours completed by
11 the student at that school for which the applicable
12 tuition, fees, and other charges have been paid, together
13 with the grades earned by the student for those hours,
14 provided that a student who withdraws from or drops out of
15 a school, by written notice of cancellation or otherwise,
16 shall not be entitled to any transcript of completed hours
17 following the expiration of the 7-year period that began on
18 the student's first day of attendance at the school. A
19 reasonable fee, not exceeding \$2, may be charged by the
20 school for each transcript after the first free transcript
21 that the school is required to provide to a student or
22 former student under this Section.

23 (Source: P.A. 95-343, eff. 1-1-08; 96-506, eff. 8-14-09.)

24 (225 ILCS 410/3B-17 new)

25 Sec. 3B-17. Sale of school. Any school licensed under this

1 Act that is subsequently sold to another party shall notify the
2 Department in writing of the sale at least 30 days in advance
3 of the effective date of the transfer of ownership. Upon filing
4 of this notice with the Department, the new owner may continue
5 to operate the school under the previously issued license
6 provided that the new owner submits an application for
7 licensure to the Department in accordance with the requirements
8 of this Act within 30 days after the effective date of the
9 transfer of ownership. The new owner may continue to operate
10 the school under the previous license after submitting such
11 application until the Department issues a new license or denies
12 issuance of a license, whichever occurs first. The Department
13 shall provide for administration of this Section by rule.

14 (225 ILCS 410/3B-18 new)

15 Sec. 3B-18. Internship. A school may offer an internship
16 program as part of its curriculum subject to the rules of the
17 Department.

18 (225 ILCS 410/3C-8) (from Ch. 111, par. 1703C-8)

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

20 Sec. 3C-8. License renewal; expiration; continuing
21 education; persons in military service. The holder of a license
22 issued under this Article may renew that license during the
23 month preceding the expiration date of the license by paying
24 the required fee and giving evidence, as the Department may

1 prescribe, of completing not less than 10 hours of continuing
2 education for a nail technician and 20 hours of continuing
3 education for a nail technology teacher, within the 2 years
4 prior to renewal. The continuing education shall be in subjects
5 approved by the Department upon recommendation of the Barber,
6 Cosmetology, Esthetics, Hair Braiding, and Nail Technology
7 Board relating to the practice of nail technology, including,
8 but not limited to, review of sanitary procedures, review of
9 chemical service procedures, review of this Act, and review of
10 the Workers' Compensation Act. However, at least 10 of the
11 hours of continuing education required for a nail technology
12 teacher shall be in subjects relating to teaching methodology,
13 educational psychology, and classroom management or in other
14 subjects related to teaching.

15 ~~A license that has been expired or placed on inactive~~
16 ~~status may be restored only by payment of the restoration fee~~
17 ~~and submitting evidence satisfactory to the Department of the~~
18 ~~meeting of current qualifications and fitness of the licensee,~~
19 ~~including the completion of continuing education hours for the~~
20 ~~period subsequent to expiration.~~

21 ~~A license issued under this Article that has expired while~~
22 ~~the holder of the license was engaged (1) in federal service on~~
23 ~~active duty with the Army of the United States, the United~~
24 ~~States Navy, the Marine Corps, the Air Force, the Coast Guard,~~
25 ~~or any Women's Auxiliary thereof, or the State Militia called~~
26 ~~into the service or training of the United States of America,~~

~~er (2) in training or education under the supervision of the United States preliminary to induction into the military service, may be reinstated or restored without the payment of any lapsed renewal fees, reinstatement fee or restoration fee if, within 2 years after the termination of the service, training, or education other than by dishonorable discharge, the holder furnishes the Department with an affidavit to the effect that the certificate holder has been so engaged and that the service, training, or education has been so terminated.~~

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

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

(b) the licensee's compliance with the continuing education requirements would cause a substantial financial hardship on the licensee;

(c) the licensee is serving in the United States Armed Forces; or

(d) the licensee is incapacitated due to illness.

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

(225 ILCS 410/3C-10 new)

1 Sec. 3C-10. Inactive status. Any nail technician or nail
2 technology teacher who notifies the Department in writing on
3 forms prescribed by the Department may elect to place his or
4 her license on inactive status and shall, subject to rules of
5 the Department, be excused from payment of renewal fees until
6 he or she notifies the Department in writing of his or her
7 desire to resume active status.

8 Any nail technician or nail technology teacher requesting
9 restoration from inactive status shall be required to pay the
10 current renewal fee and to qualify for the restoration of his
11 or her license, subject to rules of the Department. A license
12 shall not be restored from inactive status unless the nail
13 technician or nail technology teacher requesting the
14 restoration completes the number of hours of continuing
15 education required for renewal of a license under Section 3C-8.

16 Any nail technician or nail technology teacher whose
17 license is in inactive status shall not practice in the State
18 of Illinois.

19 (225 ILCS 410/3D-5)

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

21 Sec. 3D-5. Requisites for ownership or operation of
22 cosmetology, esthetics, hair braiding, and nail technology
23 salons and barber shops.

24 (a) No person, firm, partnership, limited liability
25 company, or corporation shall own or operate a cosmetology,

1 esthetics, hair braiding, or nail technology salon or barber
2 shop or employ, rent space to, or independently contract with
3 any licensee under this Act without applying on forms provided
4 by the Department for a certificate of registration.

5 (b) The application for a certificate of registration under
6 this Section shall set forth the name, address, and telephone
7 number of the proposed cosmetology, esthetics, hair braiding,
8 or nail technology salon or barber shop; the name, address, and
9 telephone number of the person, firm, partnership, or
10 corporation that is to own or operate the salon or shop; and,
11 if the salon or shop is to be owned or operated by an entity
12 other than an individual, the name, address, and telephone
13 number of the managing partner or the chief executive officer
14 of the corporation or other entity that owns or operates the
15 salon or shop.

16 (c) The Department shall be notified by the owner or
17 operator of a salon or shop that is moved to a new location. If
18 there is a change in the ownership or operation of a salon or
19 shop, the new owner or operator shall report that change to the
20 Department along with completion of any additional
21 requirements set forth by rule.

22 (d) If a person, firm, partnership, limited liability
23 company, or corporation owns or operates more than one shop or
24 salon, a separate certificate of registration must be obtained
25 for each salon or shop.

26 (e) A certificate of registration granted under this

1 Section may be revoked in accordance with the provisions of
2 Article IV and the holder of the certificate may be otherwise
3 disciplined by the Department in accordance with rules adopted
4 under this Act.

5 (f) The Department may promulgate rules to establish
6 additional requirements for owning or operating a salon or
7 shop.

8 (g) The requirement of a certificate of registration as set
9 forth in this Section shall also apply to any person, firm,
10 partnership, limited liability company, or corporation
11 providing barbering, cosmetology, esthetics, hair braiding, or
12 nail technology services at any location not owned or rented by
13 such person, firm, partnership, limited liability company, or
14 corporation for these purposes or from a mobile shop or salon.
15 Notwithstanding any provision of this Section, applicants for a
16 certificate of registration under this subsection (g) shall
17 report in its application the address and telephone number of
18 its office and shall not be required to report the location
19 where services are or will be rendered. Nothing in this
20 subsection (g) shall apply to a sole proprietor who has no
21 employees or contractors and is not operating a mobile shop or
22 salon.

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

24 (225 ILCS 410/3E-5)

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

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

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

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

16 (225 ILCS 410/3E-7 new)

17 Sec. 3E-7. Inactive status. Any hair braider or hair
18 braiding teacher who notifies the Department in writing on
19 forms prescribed by the Department may elect to place his or
20 her license on inactive status and shall, subject to rules of
21 the Department, be excused from payment of renewal fees until
22 he or she notifies the Department in writing of his or her
23 desire to resume active status.

24 Any hair braider or hair braiding teacher requesting
25 restoration from inactive status shall be required to pay the

1 current renewal fee and to qualify for the restoration of his
2 or her license, subject to rules of the Department. A license
3 shall not be restored from inactive status unless the hair
4 braider or hair braiding teacher requesting the restoration
5 completes the number of hours of continuing education required
6 for renewal of a license under Section 3E-5.

7 Any hair braider or hair braiding teacher whose license is
8 in inactive status shall not practice in the State of Illinois.

9 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

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

11 Sec. 4-2. The Barber, Cosmetology, Esthetics, Hair
12 Braiding, and Nail Technology Board. There is established
13 within the Department the Barber, Cosmetology, Esthetics, Hair
14 Braiding, and Nail Technology Board, composed of 11 persons,
15 which shall serve in an advisory capacity to the Secretary in
16 all matters related to the practice of barbering, cosmetology,
17 esthetics, hair braiding, and nail technology.

18 The 11 members of the Board shall be appointed as follows:
19 6 licensed cosmetologists, all of whom hold a current license
20 as a cosmetologist or cosmetology teacher and, for appointments
21 made after the effective date of this amendatory Act of 1996,
22 at least 2 of whom shall be an owner of or a major stockholder
23 in a school of cosmetology, 2 of whom shall be representatives
24 of either a franchiser or an owner operating salons in 2 or
25 more locations within the State, one of whom shall be an

1 independent salon owner, and no one of the cosmetologist
2 members shall be a manufacturer, jobber, or stockholder in a
3 factory of cosmetology articles or an immediate family member
4 of any of the above; one of whom shall be a barber holding a
5 current license; one member who shall be a licensed esthetician
6 or esthetics teacher; one member who shall be a licensed nail
7 technician or nail technology teacher; one member who shall be
8 a licensed hair braider or hair braiding teacher; and one
9 public member who holds no licenses issued by the Department.
10 The Secretary shall give due consideration for membership to
11 recommendations by members of the professions and by their
12 professional organizations. Members shall serve 4 year terms
13 and until their successors are appointed and qualified. No
14 member shall be reappointed to the Board for more than 2 terms.
15 Appointments to fill vacancies shall be made in the same manner
16 as original appointments for the unexpired portion of the
17 vacated term. Members of the Board in office on the effective
18 date of this amendatory Act of 1996 shall continue to serve for
19 the duration of the terms to which they have been appointed,
20 but beginning on that effective date all appointments of
21 licensed cosmetologists and barbers to serve as members of the
22 Board shall be made in a manner that will effect at the
23 earliest possible date the changes made by this amendatory Act
24 of 1996 in the representative composition of the Board.

25 For the initial appointment of a member who shall be a hair
26 braider or hair braiding teacher to the Board, such individual

1 shall not be required to possess a license at the time of
2 appointment, but shall have at least 5 years active practice in
3 the field of hair braiding and shall obtain a license as a hair
4 braider or a hair braiding teacher within 18 months after
5 appointment to the Board.

6 Six members of the Board shall constitute a quorum. A
7 majority is required for Board decisions.

8 The Board shall elect a chairperson and a vice chairperson
9 annually.

10 Board members are not liable for their acts, omissions,
11 decisions, or other conduct in connection with their duties on
12 the Board, except those determined to be willful, wanton, or
13 intentional misconduct.

14 ~~Whenever the Secretary is satisfied that substantial~~
15 ~~justice has not been done in an examination, the Secretary may~~
16 ~~order a reexamination by the same or other examiners.~~

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

18 (225 ILCS 410/4-5) (from Ch. 111, par. 1704-5)

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

20 Sec. 4-5. Fees; time limitations.

21 (a) Except as provided in paragraph (b) below, the fees for
22 the administration and enforcement of this Act, including but
23 not limited to fees for original licensure, renewal, and
24 restoration shall be set by the Department by rule. The fees
25 shall not be refundable.

1 (b) Applicants for examination shall be required to pay,
2 either to the Department or the designated testing service, a
3 fee covering the cost of initial screening to determine
4 eligibility and providing the examination. Failure to appear
5 for the examination on the scheduled date at the time and place
6 specified, after the applicant's application for examination
7 has been received and acknowledged by the Department or the
8 designated testing service, shall result in the forfeiture of
9 the examination fee.

10 (c) If an applicant fails to pass an examination for
11 licensure under this Act within 3 years after filing his
12 application, the application shall be denied. However, such
13 applicant may thereafter make a new application for examination
14 accompanied by the required fee.

15 (d) An individual applying on the basis of endorsement or
16 restoration of licensure has 3 years from the date of
17 application to complete the application process. If the process
18 has not been completed in 3 years, the application shall be
19 denied, the fee forfeited. The applicant may reapply, but shall
20 meet the requirements in effect at the time of reapplication.

21 (e) An applicant has one year from the date of notification
22 of successful completion of the examination to apply to the
23 Department for a license. If an applicant fails to apply within
24 one year the applicant shall be required to take and pass the
25 examination again.

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

1 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

5 (1) The Department may refuse to issue or renew, and may
6 suspend, revoke, place on probation, reprimand or take any
7 other disciplinary or non-disciplinary action as the
8 Department may deem proper, including civil penalties not to
9 exceed \$500 for each violation, with regard to any license for
10 any one, or any combination, of the following causes:

11 a. Conviction of any crime under the laws of the United
12 States or any state or territory thereof that is (i) a
13 felony, (ii) a misdemeanor, an essential element of which
14 is dishonesty, or (iii) a crime which is related to the
15 practice of the profession.

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

18 c. Material misstatement in furnishing information to
19 the Department.

20 d. Making any misrepresentation for the purpose of
21 obtaining a license or violating any provision of this Act
22 or its rules.

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

25 f. Failing, within 60 days, to provide information in

1 response to a written request made by the Department.

2 g. Discipline by another state, territory, or country
3 if at least one of the grounds for the discipline is the
4 same as or substantially equivalent to those set forth in
5 this Act.

6 h. Practice in the barber, nail technology, esthetics,
7 hair braiding, or cosmetology profession, or an attempt to
8 practice in those professions, by fraudulent
9 misrepresentation.

10 i. Gross malpractice or gross incompetency.

11 j. Continued practice by a person knowingly having an
12 infectious or contagious disease.

13 k. Solicitation of professional services by using
14 false or misleading advertising.

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

18 m. Directly or indirectly giving to or receiving from
19 any person, firm, corporation, partnership or association
20 any fee, commission, rebate, or other form of compensation
21 for any professional services not actually or personally
22 rendered.

23 n. Violating any of the provisions of this Act or rules
24 adopted pursuant to this Act.

25 o. Willfully making or filing false records or reports
26 relating to a licensee's practice, including but not

1 limited to, false records filed with State agencies or
2 departments.

3 p. Habitual or excessive use or addiction to alcohol,
4 narcotics, stimulants, or any other chemical agent or drug
5 that results in the inability to practice with reasonable
6 judgment, skill or safety.

7 q. Engaging in dishonorable, unethical or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public as may be defined by rules of
10 the Department, or violating the rules of professional
11 conduct which may be adopted by the Department.

12 r. Permitting any person to use for any unlawful or
13 fraudulent purpose one's diploma or license or certificate
14 of registration as a cosmetologist, nail technician,
15 esthetician, hair braider, or barber or cosmetology, nail
16 technology, esthetics, hair braiding, or barber teacher or
17 salon or shop or cosmetology clinic teacher.

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

24 t. Operating a salon or shop without a valid
25 registration.

26 u. Failure to complete required continuing education

1 hours.

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

6 (a) the extent to which public confidence in the
7 cosmetology, nail technology, esthetics, hair braiding, or
8 barbering profession was, might have been, or may be,
9 injured;

10 (b) the degree of trust and dependence among the
11 involved parties;

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

14 (d) the intent or mental state of the licensee at the
15 time of the acts or omissions.

16 (3) The Department may ~~shall~~ reissue the license or
17 registration upon certification by the Board that the
18 disciplined licensee or registrant has complied with all of the
19 terms and conditions set forth in the final order or has been
20 sufficiently rehabilitated to warrant the public trust.

21 (4) The Department shall refuse to issue or renew or
22 suspend without hearing the license or certificate of
23 registration of any person who fails to file a return, or to
24 pay the tax, penalty or interest shown in a filed return, or to
25 pay any final assessment of tax, penalty or interest, as
26 required by any tax Act administered by the Illinois Department

1 of Revenue, until such time as the requirements of any such tax
2 Act are satisfied as determined by the Department of Revenue.

3 (5) The Department shall deny without hearing any
4 application for a license or renewal of a license under this
5 Act by a person who has defaulted on an educational loan
6 guaranteed by the Illinois Student Assistance Commission;
7 however, the Department may issue or renew a license if the
8 person in default has established a satisfactory repayment
9 record as determined by the Illinois Student Assistance
10 Commission.

11 (6) All fines imposed under this Section shall be paid
12 within 60 days after the effective date of the order imposing
13 the fine or in accordance with the terms set forth in the order
14 imposing the fine.

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

16 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

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

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

20 (a) If any person violates the provisions of this Act, the
21 Secretary may, in the name of the People of the State of
22 Illinois, through the Attorney General of the State of
23 Illinois, petition, for an order enjoining such violation or
24 for an order enforcing compliance with this Act. Upon the
25 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 clinic teacher or hold
11 himself or herself out as such without being licensed under the
12 provisions of this Act, any licensee, any interested party, or
13 any person injured thereby may, in addition to the Secretary,
14 petition for relief as provided in subsection (a) of this
15 Section.

16 (c) Whenever in the opinion of the Department any person,
17 firm, corporation, or other legal entity has violated ~~violates~~
18 any provision of Sections 1-7 or 3D-5 of this Act, the
19 Department may issue a rule to show cause why an order to cease
20 and desist should not be entered against that person, firm,
21 corporation, or legal entity ~~him~~. The rule shall clearly set
22 forth the grounds relied upon by the Department and shall
23 provide a period of 7 days from the date of the rule to file an
24 answer to the satisfaction of the Department. Failure to answer
25 to the satisfaction of the Department shall cause an order to
26 cease and desist to be issued immediately.

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

2 (225 ILCS 410/4-10) (from Ch. 111, par. 1704-10)

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

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

1 ~~specified by the accused person in his last notification to the~~
2 ~~Department.~~ In case the person fails to file an answer after
3 receiving notice, his or her license or certificate may, in the
4 discretion of the Department be suspended, revoked, or placed
5 on probationary status, or the Department, may take whatever
6 disciplinary action deemed proper, including limiting the
7 scope, nature, or extent of the person's practice or the
8 imposition of a fine, without a hearing, if the act or acts
9 charged constitute sufficient grounds for such action under
10 this Act. At the time and place fixed in the notice, the Board
11 shall proceed to hearing of the charges and the accused person
12 shall be accorded ample opportunity to present in person or by
13 counsel, any statements, testimony, evidence and arguments as
14 may be pertinent to the charges or their defense. The Board may
15 continue a hearing from time to time.

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

17 (225 ILCS 410/4-13) (from Ch. 111, par. 1704-13)

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

19 Sec. 4-13. Attendance of witnesses and production of
20 documents. Any circuit court or any judge thereof, upon the
21 application of the accused person or ~~complainant or~~ of the
22 Department, may by order duly entered, require the attendance
23 of witnesses and the production of relevant books and papers
24 before the Department in any hearing relative to the
25 application for or refusal, recall, suspension or revocation of

1 license, and the court or judge may compel obedience to its or
2 his order by proceedings for contempt.

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

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

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

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

1 failure or refusal so to do, the Department shall have the
2 right to seize the same.

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

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

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

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

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

1 (225 ILCS 410/4-16) (from Ch. 111, par. 1704-16)

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

3 Sec. 4-16. Order or certified copy; prima facie proof. An
4 order of revocation or suspension or placing a license on
5 probationary status or other disciplinary action as the
6 Department may consider proper or a certified copy thereof,
7 over the seal of the Department and purporting to be signed by
8 the Secretary, shall be prima facie proof that:

9 1. the signature is the genuine signature of the
10 Secretary;

11 2. the Secretary is duly appointed and qualified; and

12 3. the Board and the members thereof are qualified to
13 act.

14 Such proof may be rebutted.

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

16 (225 ILCS 410/4-17) (from Ch. 111, par. 1704-17)

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

18 Sec. 4-17. Restoration of license. At any time after the
19 successful completion of a term of suspension or revocation of
20 a license, the Department may restore it to the licensee, upon
21 the written recommendation of the Board, unless the Board
22 determines after an investigation and a hearing that
23 restoration is not in the public interest.

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

1 (225 ILCS 410/4-18.5 new)

2 Sec. 4-18.5. Citations.

3 (a) The Department may adopt rules to permit the issuance
4 of citations for unlicensed practice, practice on an expired
5 license, failure to register a salon or shop, operating a salon
6 or shop on an expired registration, aiding and abetting
7 unlicensed practice, failure to display a license as required
8 by this Act, or any violation of sanitary rules. The citation
9 shall be issued to the licensee or other person alleged to have
10 committed one or more of the preceding violations and shall
11 contain the licensee's or other person's name and address, the
12 licensee's license number, if any, a brief factual statement,
13 the Sections of this Act or the rules allegedly violated, and
14 the penalty imposed, which shall not exceed \$500. The citation
15 must clearly state that if the cited person wishes to dispute
16 the citation, he or she may request in writing, within 30 days
17 after the citation is served, a hearing before the Department.
18 If the cited person does not request a hearing within 30 days
19 after the citation is served, then the citation shall become a
20 final order and shall constitute discipline and any fine
21 imposed is due and payable. If the cited person requests a
22 hearing within 30 days after the citation is served, the
23 Department shall afford the cited person a hearing conducted in
24 the same manner as a hearing provided in this Act for any
25 violation of this Act and shall determine whether the cited
26 person committed the violation as charged whether the fine as

1 levied is warranted. No fine shall be increased but may be
2 reduced. If the violation is found, any fine shall be due and
3 payable within 30 days of the order of the Secretary.

4 (b) A citation must be issued within 6 months after the
5 reporting of a violation that is the basis for the citation.

6 (c) Service of a citation shall be made by personal service
7 or certified mail to the licensee at the licensee's address of
8 record or to an unlicensed person at his or her last known
9 address.

10 (d) Nothing in this Section shall prohibit or limit the
11 Department from taking further action pursuant to this Act and
12 rules for additional, repeated, or continuing violations.

13 (225 ILCS 410/4-25 new)

14 Sec. 4-25. Disposition by consent order. At any point in
15 any investigation or disciplinary proceeding provided for in
16 this Act, both parties may agree to a negotiated consent order.
17 The consent order shall be final upon signature of the
18 Secretary.

19 (225 ILCS 410/1-9 rep.)

20 (225 ILCS 410/2-4a rep.)

21 (225 ILCS 410/3-8 rep.)

22 (225 ILCS 410/3A-7 rep.)

23 (225 ILCS 410/3C-9 rep.)

24 (225 ILCS 410/3E-4 rep.)

1 (225 ILCS 410/4-4a rep.)

2 (225 ILCS 410/4-18 rep.)

3 (225 ILCS 410/4-23 rep.)

4 Section 15. The Barber, Cosmetology, Esthetics, Hair
5 Braiding, and Nail Technology Act of 1985 is amended by
6 repealing Sections 1-9, 2-4a, 3-8, 3A-7, 3C-9, 3E-4, 4-4a,
7 4-18, and 4-23.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.

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3	5 ILCS 80/4.26	
4	5 ILCS 80/4.36 new	
5	225 ILCS 410/1-4	
6	225 ILCS 410/1-6	from Ch. 111, par. 1701-6
7	225 ILCS 410/1-6.5 new	
8	225 ILCS 410/1-7	from Ch. 111, par. 1701-7
9	225 ILCS 410/1-10	from Ch. 111, par. 1701-10
10	225 ILCS 410/1-11	from Ch. 111, par. 1701-11
11	225 ILCS 410/1-12 new	
12	225 ILCS 410/2-2	from Ch. 111, par. 1702-2
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16	225 ILCS 410/2-9	
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18	225 ILCS 410/2-11 new	
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25	225 ILCS 410/4-25 new	
26	225 ILCS 410/1-9 rep.	

- 1 225 ILCS 410/2-4a rep.
- 2 225 ILCS 410/3-8 rep.
- 3 225 ILCS 410/3A-7 rep.
- 4 225 ILCS 410/3C-9 rep.
- 5 225 ILCS 410/3E-4 rep.
- 6 225 ILCS 410/4-4a rep.
- 7 225 ILCS 410/4-18 rep.
- 8 225 ILCS 410/4-23 rep.