

1 AN ACT concerning regulation.

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

4 Section 5. The Barber, Cosmetology, Esthetics, and Nail  
5 Technology Act of 1985 is amended by changing Section 3B-13 as  
6 follows:

7 (225 ILCS 410/3B-13)

8 (Section scheduled to be repealed on January 1, 2016)

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

12 (1) Schools shall, when a student gives written notice  
13 of cancellation, provide a refund in the amount of at least  
14 the following:

15 (a) When notice of cancellation is given within 5  
16 days after the date of enrollment, all application and  
17 registration fees, tuition, and any other charges  
18 shall be refunded to the student.

19 (b) When notice of cancellation is given after the  
20 fifth day following enrollment but before the  
21 completion of the student's first day of class  
22 attendance, the school may retain no more than the  
23 application and registration fee, plus the cost of any

1 books or materials which have been provided by the  
2 school and retained by the student.

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

12 (d) When a student has completed 5% or more of the  
13 course of instruction, the school may retain the  
14 application and registration fee and the cost of any  
15 books or materials which have been provided by the  
16 school but shall refund a part of the tuition and other  
17 instructional charges in accordance with the  
18 requirements of the school's regional or national  
19 accrediting agency, if any, or ~~National Accrediting~~  
20 ~~Commission of Cosmetology Arts and Sciences~~ and rules  
21 that the Department shall promulgate for purposes of  
22 this Section.

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

25 (3) Application and registration fees shall be  
26 chargeable at initial enrollment and shall not exceed \$100.

1           (4) Deposits or down payments shall become part of the  
2 tuition.

3           (5) The school shall mail a written acknowledgement of  
4 a student's cancellation or written withdrawal to the  
5 student within 15 calendar days of the date of  
6 notification. Written acknowledgement is not necessary if  
7 a refund has been mailed to the student within the 15  
8 calendar days.

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

14           (7) Except as otherwise provided by this Act, all  
15 student refunds shall be made by the school within 45  
16 calendar days after the date of notice of the student's  
17 cancellation or the date that the school determines that  
18 the student has officially or unofficially withdrawn.

19           (8) A student shall give notice of cancellation to the  
20 school in writing. The unexplained absence of a student  
21 from a school for more than 30 consecutive calendar days  
22 shall constitute constructive notice of cancellation to  
23 the school. For purposes of cancellation, the cancellation  
24 date shall be the last day of attendance.

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

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

16          Notwithstanding any other rulemaking authority that may  
17          exist, neither the Governor nor any agency or agency head under  
18          the jurisdiction of the Governor has any authority to make or  
19          promulgate rules to implement or enforce the provisions of this  
20          amendatory Act of the 95th General Assembly. If, however, the  
21          Governor believes that rules are necessary to implement or  
22          enforce the provisions of this amendatory Act of the 95th  
23          General Assembly, the Governor may suggest rules to the General  
24          Assembly by filing them with the Clerk of the House and the  
25          Secretary of the Senate and by requesting that the General  
26          Assembly authorize such rulemaking by law, enact those

1 suggested rules into law, or take any other appropriate action  
2 in the General Assembly's discretion. Nothing contained in this  
3 amendatory Act of the 95th General Assembly shall be  
4 interpreted to grant rulemaking authority under any other  
5 Illinois statute where such authority is not otherwise  
6 explicitly given. For the purposes of this amendatory Act of  
7 the 95th General Assembly, "rules" is given the meaning  
8 contained in Section 1-70 of the Illinois Administrative  
9 Procedure Act, and "agency" and "agency head" are given the  
10 meanings contained in Sections 1-20 and 1-25 of the Illinois  
11 Administrative Procedure Act to the extent that such  
12 definitions apply to agencies or agency heads under the  
13 jurisdiction of the Governor.

14 (Source: P.A. 94-451, eff. 12-31-05; 95-343, eff. 1-1-08.)