

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 Acts repealed on January 1, 2016.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8 Acts are repealed on January 1, 2016: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 Act repealed on January 1, 2026.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1 Act is repealed on January 1, 2026: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, 3-6, 3-7, 3A-6, 3B-2, 3B-10, 3B-11,
8 3B-12, 3B-13, 3C-8, 3D-5, 3E-5, 4-2, 4-5, 4-7, 4-9, 4-10, 4-13,
9 4-14, 4-15, 4-16, and 4-17 and by adding Sections 1-6.5, 1-12,
10 2-10, 2-11, 3-9, 3-10, 3A-8, 3B-17, 3B-18, 3C-10, 3E-7, 4-18.5,
11 and 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13 (Section scheduled to be repealed on January 1, 2016)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 and shall complete
21 an additional 100 hours of instruction in subjects not within
22 the scope of practice of a cosmetologist. The Department shall
23 provide for the implementation of this provision by rule.

1 (225 ILCS 410/2-11 new)

2 Sec. 2-11. Inactive status. Any barber or barber teacher
3 who notifies the Department in writing on forms prescribed by
4 the Department may elect to place his or her license on
5 inactive status and shall, subject to rules of the Department,
6 be excused from payment of renewal fees until he or she
7 notifies the Department in writing of his or her desire to
8 resume active status. Any barber or barber 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. Any barber
12 or barber teacher whose license is in inactive status shall not
13 practice in the State of Illinois.

14 (225 ILCS 410/3-2) (from Ch. 111, par. 1703-2)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 3-2. Licensure; qualifications.

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

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

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

25 c. Has graduated from a school of cosmetology approved

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

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

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

17 (2) (Blank).

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

19 (225 ILCS 410/3-3) (from Ch. 111, par. 1703-3)

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

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

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

1 b. Has a certificate of graduation from a school providing
2 secondary education, or the recognized equivalent of such a
3 certificate, or is beyond the age of compulsory school
4 attendance; and

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

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

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

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

19 (225 ILCS 410/3-4) (from Ch. 111, par. 1703-4)

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

21 Sec. 3-4. Licensure as cosmetology teacher or cosmetology
22 clinic teacher; qualifications.

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

1 and:

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

3 (2) has graduated from high school or its equivalent;

4 (3) has a current license as a cosmetologist;

5 (4) has either: (i) completed a program of 500 hours of
6 teacher training in a licensed school of cosmetology and
7 had 2 years of practical experience as a licensed
8 cosmetologist within 5 years preceding the examination; ~~or~~
9 (ii) completed a program of 1,000 hours of teacher training
10 in a licensed school of cosmetology; or (iii) completed the
11 barber teacher training as specified in subsection (d) of
12 Section 2-4 of this Act and completed a supplemental
13 cosmetology course as established by rule;

14 (5) has passed an examination authorized by the
15 Department to determine eligibility to receive a license as
16 a cosmetology teacher or barber teacher; and

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

18 An individual who receives a license as a cosmetology
19 teacher shall not be required to maintain an active cosmetology
20 license in order to practice cosmetology as defined in this
21 Act.

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

26 (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 (i) completed a program of 250 hours of clinic
4 teacher training in a licensed school of cosmetology or
5 (ii) within 5 years preceding the examination, has obtained
6 a minimum of 2 years of practical experience working at
7 least 30 full-time hours per week as a licensed
8 cosmetologist and has completed an instructor's institute
9 of 20 hours, as prescribed by the Department, prior to
10 submitting an application for examination;
- 11 (5) has passed an examination authorized by the
12 Department to determine eligibility to receive a license as
13 a cosmetology teacher; and
- 14 (6) has met any other requirements of this Act.

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

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

1 (225 ILCS 410/3-6) (from Ch. 111, par. 1703-6)

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

3 Sec. 3-6. Examination. The Department shall authorize
4 examinations of applicants for licensure as cosmetologists and
5 teachers of cosmetology at the times and places it may
6 determine. The Department may provide by rule for the
7 administration of the examination prior to the completion of
8 the applicant's program of training as required in Section 3-2,
9 3-3, or 3-4. If an applicant for licensure as a cosmetologist
10 fails to pass 3 examinations conducted by the Department, the
11 applicant shall, before taking a subsequent examination,
12 furnish evidence of not less than 250 hours of additional study
13 of cosmetology in an approved school of cosmetology since the
14 applicant last took the examination. If an applicant for
15 licensure as a cosmetology teacher fails to pass 3 examinations
16 conducted by the Department, the applicant shall, before taking
17 a subsequent examination, furnish evidence of not less than 80
18 hours of additional study in teaching methodology and
19 educational psychology in an approved school of cosmetology
20 since the applicant last took the examination. An applicant who
21 fails to pass the fourth examination shall not again be
22 admitted to an examination unless: (i) in the case of an
23 applicant for licensure as a cosmetologist, the applicant again
24 takes and completes a program of 1500 hours in the study of
25 cosmetology in an approved school of cosmetology extending over

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

1 and exposure minimization, knowledge of the anatomy of the
2 skin, scalp, hair, and nails as they relate to applicable
3 services under this Act and labor and compensation laws.

4 The examination of applicants for licensure as a
5 cosmetology, esthetics, or nail technology teacher may include
6 all of the elements of the exam for licensure as a
7 cosmetologist, esthetician, or nail technician and also
8 include teaching methodology, classroom management, record
9 keeping, and any other related subjects that the Department in
10 its discretion may deem necessary to insure competent
11 performance.

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

1 application.

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

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

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

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

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

22 The Department shall establish by rule a means for the
23 verification of completion of the continuing education
24 required by this Section. This verification may be accomplished
25 through audits of records maintained by registrants, by

1 requiring the filing of continuing education certificates with
2 the Department, or by other means established by the
3 Department.

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

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

24 (a) the licensee resides in a locality where it is
25 demonstrated that the absence of opportunities for such
26 education would interfere with the ability of the licensee

1 to provide service to the public;

2 (b) that to comply with the continuing education
3 requirements would cause a substantial financial hardship
4 on the licensee;

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

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

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

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

13 (225 ILCS 410/3-9 new)

14 Sec. 3-9. Licensed barber seeking license as
15 cosmetologist. A licensed barber who submits to the Department
16 an application for licensure as a cosmetologist must meet all
17 requirements of this Act for licensure as a cosmetologist,
18 except that such applicant shall be given credit for hours of
19 instruction completed for his or her barber license in subjects
20 that are common to both barbering and cosmetology and shall
21 complete an additional 500 hours of instruction in subjects not
22 within the scope of practice of a barber. The Department shall
23 provide for the implementation of this provision by rule.

24 (225 ILCS 410/3-10 new)

1 Sec. 3-10. Licensed esthetician or licensed nail
2 technician seeking license as a cosmetologist. A licensed
3 esthetician or licensed nail technician who submits to the
4 Department an application for licensure as a cosmetologist must
5 meet all requirements of this Act for licensure as a
6 cosmetologist except that such applicant shall be given credit
7 for hours of instruction completed for his or her esthetician
8 or nail technician license in subjects that are common to both
9 esthetics or nail technology and cosmetology. The Department
10 shall provide for the implementation of this provision by rule.

11 (225 ILCS 410/3A-6) (from Ch. 111, par. 1703A-6)

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

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

23 ~~A license that has expired or been placed on inactive~~
24 ~~status may be restored only by payment of the restoration fee~~
25 ~~and submitting evidence satisfactory to the Department of the~~

1 ~~current qualifications and fitness of the licensee including~~
2 ~~the completion of continuing education hours for the period~~
3 ~~following expiration.~~

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

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

24 (1) the licensee resides in a locality where it is
25 demonstrated that the absence of opportunities for such
26 education would interfere with the ability of the licensee

1 to provide service to the public;

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

5 (3) the licensee is serving in the United States Armed
6 Forces; or

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

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

9 (225 ILCS 410/3A-8 new)

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

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

25 Any esthetician or esthetician teacher whose license is in

1 inactive status shall not practice in the State of Illinois.

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

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

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

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

25 However, before proceeding to a hearing on the question of

1 whether a license shall be refused or revoked, the Department
2 may issue a letter granting the school in question 30 days to
3 correct the deficiency or deficiencies. The letter shall
4 enumerate the deficiencies and state the action on the part of
5 the school that will remediate the deficiency or deficiencies.
6 During the time designated to remedy deficiencies the
7 Department may order the school to cease and desist from all
8 marketing and student enrollment activities.

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

10 (225 ILCS 410/3B-10)

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

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

24 1. The applicant must submit to the Department for
25 approval:

1 a. A floor plan, drawn to a scale specified on the
2 floor plan, showing every detail of the proposed
3 school; and

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

9 c. (Blank).

10 2. An application to own or operate a school shall
11 include the following:

12 a. If the owner is a corporation, a copy of the
13 Articles of Incorporation or, if the owner is a limited
14 liability company, a copy of the articles of
15 organization;

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

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

21 d. A copy of the official enrollment agreement or
22 student contract to be used by the school, which shall
23 be consistent with the requirements of this Act and
24 rules;

25 e. A listing of all teachers who will be in the
26 school's employ, including their teacher license

1 numbers;

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

3 g. The names, addresses, and current status of all
4 schools in which the applicant has previously owned any
5 interest, and a declaration as to whether any of these
6 schools were ever denied accreditation or licensing or
7 lost accreditation or licensing from any governmental
8 body or accrediting agency;

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

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

19 j. The required fee.

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

22 a. To conduct the school in accordance with this
23 Act and the standards, and rules from time to time
24 adopted under this Act and to meet standards and
25 requirements at least as stringent as those required by
26 Part H of the Federal Higher Education Act of 1965.

1 b. To permit the Department to inspect the school
2 or classes thereof from time to time with or without
3 notice; and to make available to the Department, at any
4 time when required to do so, information including
5 financial information pertaining to the activities of
6 the school required for the administration of this Act
7 and the standards and rules adopted under this Act;

8 c. To utilize only advertising and solicitation
9 which is free from misrepresentation, deception,
10 fraud, or other misleading or unfair trade practices;

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

18 e. To post in a conspicuous place a statement,
19 developed by the Department, of student's rights
20 provided under this Act.

21 4. The applicant shall establish to the satisfaction of
22 the Department that the owner possesses sufficient liquid
23 assets to meet the prospective expenses of the school for a
24 period of 3 months. In the discretion of the Department,
25 additional proof of financial ability may be required.

26 5. The applicant shall comply with all rules of the

1 Department determining the necessary curriculum and
2 equipment required for the conduct of the school.

3 6. The applicant must demonstrate employment of a
4 sufficient number of qualified teachers who are holders of
5 a current license issued by the Department.

6 7. A final inspection of the barber, cosmetology,
7 esthetics, hair braiding, or nail technology school shall
8 be made by the Department before the school may commence
9 classes.

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

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

15 (225 ILCS 410/3B-11)

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

17 Sec. 3B-11. Periodic review of barber, cosmetology,
18 esthetics, hair braiding, and nail technology schools. ~~The~~
19 ~~Department shall review at least biennially all~~ All approved
20 schools and courses of instruction are subject to review by the
21 Department. The ~~biennial~~ review shall include consideration of
22 a comparison between the graduation or completion rate for the
23 school and the graduation or completion rate for the schools
24 within that classification of schools. Consideration shall be
25 given to complaints and information forwarded to the Department

1 by the Federal Trade Commission, Better Business Bureaus, the
2 Illinois Attorney General's Office, a State's Attorney's
3 Office, other State or official approval agencies, local school
4 officials, and interested persons. The Department shall
5 investigate all complaints filed with the Department about a
6 school or its sales representatives.

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

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

15 (225 ILCS 410/3B-12)

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

17 Sec. 3B-12. Enrollment agreements.

18 (a) Enrollment agreements shall be used by barber,
19 cosmetology, esthetics, hair braiding, and nail technology
20 schools licensed to operate by the Department and shall include
21 the following written disclosures:

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

24 (2) The name and description of the course of
25 instruction, including the number of clock hours in each

1 course and an approximate number of weeks or months
2 required for completion;

3 (3) The scheduled starting date and calculated
4 completion date;

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

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

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

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

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

25 (9) The date of the student's signature and the date of
26 the student's admission;

1 (10) The name of the school employee or agent
2 responsible for procuring, soliciting, or enrolling the
3 student;

4 (11) A clear statement that the institution does not
5 guarantee employment and a statement describing the
6 school's placement assistance procedures;

7 (12) The graduation requirements of the school;

8 (13) The contents of the following notice, in at least
9 10 point bold type:

10 "NOTICE TO THE STUDENT"

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

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

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

26 (b) If the enrollment is negotiated orally in a language

1 other than English, then copies of the above disclosures shall
2 be tendered in the language in which the contract was
3 negotiated prior to executing the enrollment agreement.

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

7 (d) No enrollment agreement or student contract shall
8 contain a wage assignment provision or a confession of judgment
9 clause.

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

15 (f) Two copies of the enrollment agreement shall be signed
16 by the student. One copy shall be given to the student and the
17 school shall retain the other copy as part of the student's
18 permanent record.

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

20 (225 ILCS 410/3B-13)

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

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

25 (1) Schools shall, when a student gives written notice

1 of cancellation, provide a refund in the amount of at least
2 the following:

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

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

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

23 (d) When a student has completed 5% or more of the
24 course of instruction, the school may retain the
25 application and registration fee and the cost of any
26 books or materials which have been provided by the

1 school but shall refund a part of the tuition and other
2 instructional charges in accordance with the
3 requirements of the school's regional or national
4 accrediting agency, if any, or rules that the
5 Department shall promulgate for purposes of this
6 Section.

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

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

12 (4) Deposits or down payments shall become part of the
13 tuition.

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

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

25 (7) Except as otherwise provided by this Act, all
26 student refunds shall be made by the school within 45

1 calendar days after the date of notice of the student's
2 cancellation or the date that the school determines that
3 the student has officially or unofficially withdrawn.

4 (8) A student shall give notice of cancellation to the
5 school in writing. The unexplained absence of a student
6 from a school for more than 30 consecutive calendar days
7 shall constitute constructive notice of cancellation to
8 the school. For purposes of cancellation, the cancellation
9 date shall be the last day of attendance.

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

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

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

2 (225 ILCS 410/3B-17 new)

3 Sec. 3B-17. Sale of school. Any school licensed under this
4 Act that is subsequently sold to another party shall notify the
5 Department in writing of the sale at least 30 days in advance
6 of the effective date of the transfer of ownership. Upon filing
7 of this notice with the Department, the new owner may continue
8 to operate the school under the previously issued license
9 provided that the new owner submits an application for
10 licensure to the Department in accordance with the requirements
11 of this Act within 30 days after the effective date of the
12 transfer of ownership. The new owner may continue to operate
13 the school under the previous license after submitting such
14 application until the Department issues a new license or denies
15 issuance of a license, whichever occurs first. The Department
16 shall provide for administration of this Section by rule.

17 (225 ILCS 410/3B-18 new)

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

21 (225 ILCS 410/3C-8) (from Ch. 111, par. 1703C-8)

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

23 Sec. 3C-8. License renewal; expiration; continuing

1 education; persons in military service. The holder of a license
2 issued under this Article may renew that license during the
3 month preceding the expiration date of the license by paying
4 the required fee and giving evidence, as the Department may
5 prescribe, of completing not less than 10 hours of continuing
6 education for a nail technician and 20 hours of continuing
7 education for a nail technology teacher, within the 2 years
8 prior to renewal. The continuing education shall be in subjects
9 approved by the Department upon recommendation of the Barber,
10 Cosmetology, Esthetics, Hair Braiding, and Nail Technology
11 Board relating to the practice of nail technology, including,
12 but not limited to, review of sanitary procedures, review of
13 chemical service procedures, review of this Act, and review of
14 the Workers' Compensation Act. However, at least 10 of the
15 hours of continuing education required for a nail technology
16 teacher shall be in subjects relating to teaching methodology,
17 educational psychology, and classroom management or in other
18 subjects related to teaching.

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

25 ~~A license issued under this Article that has expired while~~
26 ~~the holder of the license was engaged (1) in federal service on~~

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

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

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

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

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

1 (d) the licensee is incapacitated due to illness.

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

3 (225 ILCS 410/3C-10 new)

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

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

19 Any nail technician or nail technology teacher whose
20 license is in inactive status shall not practice in the State
21 of Illinois.

22 (225 ILCS 410/3D-5)

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

24 Sec. 3D-5. Requisites for ownership or operation of

1 cosmetology, esthetics, hair braiding, and nail technology
2 salons and barber shops.

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

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

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

26 (d) If a person, firm, partnership, limited liability

1 company, or corporation owns or operates more than one shop or
2 salon, a separate certificate of registration must be obtained
3 for each salon or shop.

4 (e) A certificate of registration granted under this
5 Section may be revoked in accordance with the provisions of
6 Article IV and the holder of the certificate may be otherwise
7 disciplined by the Department in accordance with rules adopted
8 under this Act.

9 (f) The Department may promulgate rules to establish
10 additional requirements for owning or operating a salon or
11 shop.

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

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

2 (225 ILCS 410/3E-5)

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

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

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

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

19 (225 ILCS 410/3E-7 new)

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

1 he or she notifies the Department in writing of his or her
2 desire to resume active status.

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

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

13 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

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

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

22 The 11 members of the Board shall be appointed as follows:
23 6 licensed cosmetologists, all of whom hold a current license
24 as a cosmetologist or cosmetology teacher and, for appointments
25 made after the effective date of this amendatory Act of 1996,

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

1 earliest possible date the changes made by this amendatory Act
2 of 1996 in the representative composition of the Board.

3 For the initial appointment of a member who shall be a hair
4 braider or hair braiding teacher to the Board, such individual
5 shall not be required to possess a license at the time of
6 appointment, but shall have at least 5 years active practice in
7 the field of hair braiding and shall obtain a license as a hair
8 braider or a hair braiding teacher within 18 months after
9 appointment to the Board.

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

12 The Board shall elect a chairperson and a vice chairperson
13 annually.

14 Board members are not liable for their acts, omissions,
15 decisions, or other conduct in connection with their duties on
16 the Board, except those determined to be willful, wanton, or
17 intentional misconduct.

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

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

22 (225 ILCS 410/4-5) (from Ch. 111, par. 1704-5)

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

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

25 (a) Except as provided in paragraph (b) below, the fees for

1 the administration and enforcement of this Act, including but
2 not limited to fees for original licensure, renewal, and
3 restoration shall be set by the Department by rule. The fees
4 shall not be refundable.

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

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

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

25 (e) An applicant has one year from the date of notification
26 of successful completion of the examination to apply to the

1 Department for a license. If an applicant fails to apply within
2 one year the applicant shall be required to take and pass the
3 examination again.

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

5 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

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

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

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

22 c. Material misstatement in furnishing information to
23 the Department.

24 d. Making any misrepresentation for the purpose of
25 obtaining a license or violating any provision of this Act

1 or its rules.

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

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

6 g. Discipline by another state, territory, or country
7 if at least one of the grounds for the discipline is the
8 same as or substantially equivalent to those set forth in
9 this Act.

10 h. Practice in the barber, nail technology, esthetics,
11 hair braiding, or cosmetology profession, or an attempt to
12 practice in those professions, by fraudulent
13 misrepresentation.

14 i. Gross malpractice or gross incompetency.

15 j. Continued practice by a person knowingly having an
16 infectious or contagious disease.

17 k. Solicitation of professional services by using
18 false or misleading advertising.

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

22 m. Directly or indirectly giving to or receiving from
23 any person, firm, corporation, partnership or association
24 any fee, commission, rebate, or other form of compensation
25 for any professional services not actually or personally
26 rendered.

1 n. Violating any of the provisions of this Act or rules
2 adopted pursuant to this Act.

3 o. Willfully making or filing false records or reports
4 relating to a licensee's practice, including but not
5 limited to, false records filed with State agencies or
6 departments.

7 p. Habitual or excessive use or addiction to alcohol,
8 narcotics, stimulants, or any other chemical agent or drug
9 that results in the inability to practice with reasonable
10 judgment, skill or safety.

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

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

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

1 in the Abused and Neglected Child Reporting Act.

2 t. Operating a salon or shop without a valid
3 registration.

4 u. Failure to complete required continuing education
5 hours.

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

10 (a) the extent to which public confidence in the
11 cosmetology, nail technology, esthetics, hair braiding, or
12 barbering profession was, might have been, or may be,
13 injured;

14 (b) the degree of trust and dependence among the
15 involved parties;

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

18 (d) the intent or mental state of the licensee at the
19 time of the acts or omissions.

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

25 (4) The Department shall refuse to issue or renew or
26 suspend without hearing the license or certificate of

1 registration of any person who fails to file a return, or to
2 pay the tax, penalty or interest shown in a filed return, or to
3 pay any final assessment of tax, penalty or interest, as
4 required by any tax Act administered by the Illinois Department
5 of Revenue, until such time as the requirements of any such tax
6 Act are satisfied as determined by the Department of Revenue.

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

15 (6) All fines imposed under this Section shall be paid
16 within 60 days after the effective date of the order imposing
17 the fine or in accordance with the terms set forth in the order
18 imposing the fine.

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

20 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

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

22 Sec. 4-9. Practice without a license or after suspension or
23 revocation thereof.

24 (a) If any person violates the provisions of this Act, the
25 Secretary may, in the name of the People of the State of

1 Illinois, through the Attorney General of the State of
2 Illinois, petition, for an order enjoining such violation or
3 for an order enforcing compliance with this Act. Upon the
4 filing of a verified petition in such court, the court may
5 issue a temporary restraining order, without notice or bond,
6 and may preliminarily and permanently enjoin such violation,
7 and if it is established that such person has violated or is
8 violating the injunction, the Court may punish the offender for
9 contempt of court. Proceedings under this Section shall be in
10 addition to, and not in lieu of, all other remedies and
11 penalties provided by this Act.

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

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

1 provide a period of 7 days from the date of the rule to file an
2 answer to the satisfaction of the Department. Failure to answer
3 to the satisfaction of the Department shall cause an order to
4 cease and desist to be issued immediately.

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

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

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

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

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

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

21 (225 ILCS 410/4-13) (from Ch. 111, par. 1704-13)

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

23 Sec. 4-13. Attendance of witnesses and production of
24 documents. Any circuit court or any judge thereof, upon the
25 application of the accused person or ~~complainant~~ or of the

1 Department, may by order duly entered, require the attendance
2 of witnesses and the production of relevant books and papers
3 before the Department in any hearing relative to the
4 application for or refusal, recall, suspension or revocation of
5 license, and the court or judge may compel obedience to its or
6 his order by proceedings for contempt.

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

8 (225 ILCS 410/4-14) (from Ch. 111, par. 1704-14)

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

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

1 rehearing the Secretary shall have the right to take the action
2 recommended by the Board. Upon the suspension or revocation of
3 his or her license a licensee shall be required to surrender
4 his or her license to the Department, and upon his or her
5 failure or refusal so to do, the Department shall have the
6 right to seize the same.

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

8 (225 ILCS 410/4-15) (from Ch. 111, par. 1704-15)

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

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

1 ~~evidence~~, then he or she may issue an order in contravention of
2 the Board's report.

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

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

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

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

12 1. the signature is the genuine signature of the
13 Secretary;

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

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

17 Such proof may be rebutted.

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

19 (225 ILCS 410/4-17) (from Ch. 111, par. 1704-17)

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

21 Sec. 4-17. Restoration of license. At any time after the
22 successful completion of a term of suspension or revocation of
23 a license, the Department may restore it to the licensee, upon
24 the written recommendation of the Board, unless the Board

1 determines after an investigation and a hearing that
2 restoration is not in the public interest.

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

4 (225 ILCS 410/4-18.5 new)

5 Sec. 4-18.5. Citations.

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

1 Department shall afford the cited person a hearing conducted in
2 the same manner as a hearing provided in this Act for any
3 violation of this Act and shall determine whether the cited
4 person committed the violation as charged and whether the fine
5 as levied is warranted. No fine shall be increased but may be
6 reduced. If the violation is found, any fine shall be due and
7 payable within 30 days of the order of the Secretary. Failure
8 to comply with any final order may subject the licensee or
9 unlicensed person to further discipline or other action by the
10 Department or a referral to the State's Attorney.

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

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

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

20 (225 ILCS 410/4-25 new)

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

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

10 Section 15. The Barber, Cosmetology, Esthetics, Hair
11 Braiding, and Nail Technology Act of 1985 is amended by
12 repealing Sections 1-9, 2-4a, 3-8, 3A-7, 3C-9, 3E-4, 4-4a,
13 4-18, and 4-23.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.