



Rep. Robert Rita

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LRB099 06559 MLM 33194 a

1 AMENDMENT TO HOUSE BILL 1424

2 AMENDMENT NO. _____. Amend House Bill 1424 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing 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 Acts repealed on January 1, 2016.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8 Acts are repealed on January 1, 2016: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.

1 The Illinois Physical Therapy Act.

2 The Professional Geologist Licensing Act.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
4 96-1246, eff. 1-1-11.)

5 (5 ILCS 80/4.36 new)

6 Sec. 4.36. Act repealed on January 1, 2026. The following
7 Act is repealed on January 1, 2026:

8 The Barber, Cosmetology, Esthetics, Hair Braiding, and
9 Nail Technology Act of 1985.

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

18 (225 ILCS 410/1-4)

19 (Section scheduled to be repealed on January 1, 2016)

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

22 "Address of record" means the designated address recorded
23 by the Department in the applicant's application file or the

1 licensee's license file, as maintained by the Department's
2 licensure maintenance unit.

3 "Board" means the Barber, Cosmetology, Esthetics, Hair
4 Braiding, and Nail Technology Board.

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

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

10 "Licensed cosmetologist" means an individual licensed by
11 the Department to practice cosmetology, nail technology, hair
12 braiding, and esthetics as defined in this Act and whose
13 license is in good standing.

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

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

20 "Licensed barber teacher" means an individual licensed by
21 the Department to practice barbering as defined in this Act and
22 to provide instruction in the theory and practice of barbering
23 to students in an approved barber school.

24 "Licensed cosmetology 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 instruction in the theory and practice of
2 cosmetology, esthetics, hair braiding, and nail technology to
3 students in an approved cosmetology, esthetics, hair braiding,
4 or nail technology school.

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

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

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

20 "Licensed hair braiding teacher" means an individual
21 licensed by the Department to practice hair braiding and to
22 provide instruction in the theory and practice of hair braiding
23 to students in an approved cosmetology or hair braiding school.

24 "Licensed nail technology teacher" means an individual
25 licensed by the Department to practice nail technology and to
26 provide instruction in the theory and practice of nail

1 technology to students in an approved nail technology ~~school~~ or
2 cosmetology school.

3 "Enrollment" is the date upon which the student signs an
4 enrollment agreement or student contract.

5 "Enrollment agreement" or "student contract" is any
6 agreement, instrument, or contract however named, which
7 creates or evidences an obligation binding a student to
8 purchase a course of instruction from a school.

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

12 "Elapsed enrollment time" means the enrollment time
13 elapsed between the actual starting date and the date of the
14 student's last day of physical attendance in the school.

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

19 "Secretary" means the Secretary of the Department of
20 Financial and Professional Regulation.

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

25 (Source: P.A. 97-333, eff. 8-12-11; 97-777, eff. 7-13-12;
26 98-238, eff. 1-1-14; 98-911, eff. 1-1-15.)

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

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

3 Sec. 1-6. Administrative Procedure Act. The Illinois
4 Administrative Procedure Act is hereby expressly adopted and
5 incorporated herein as if all of the provisions of that Act
6 were included in this Act, except that the provision of
7 subsection (d) of Section 10-65 of the Illinois Administrative
8 Procedure Act that provides that at hearings the licensee has
9 the right to show compliance with all lawful requirements for
10 retention, continuation or renewal of the license is
11 specifically excluded. For the purpose of this Act the notice
12 required under Section 10-25 of the Administrative Procedure
13 Act is deemed sufficient when mailed to the address of record,
14 or, if not an applicant or licensee, to the last known address
15 of a party.

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

17 (225 ILCS 410/1-6.5 new)

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

23 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

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

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

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

25 (b) Notwithstanding any other provision of this Act, a
26 person licensed as a cosmetologist may hold himself or herself

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

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

1 esthetics teacher may hold himself or herself out as an
2 esthetician without being licensed as an esthetician and may
3 practice esthetics. A person licensed as a nail technician
4 teacher may practice nail technology and may hold himself or
5 herself out as a nail technologist without being licensed as a
6 nail technologist. A person licensed as a hair braiding teacher
7 may practice hair braiding and may hold himself or herself out
8 as a hair braider without being licensed as a hair braider.

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

12 (e) The expiration date, renewal period, and conditions for
13 renewal and restoration of each license shall be established by
14 rule.

15 (f) A license issued under the provisions of this Act as a
16 barber, barber teacher, cosmetologist, cosmetology teacher,
17 cosmetology clinic teacher, esthetician, esthetics teacher,
18 nail technician, nail technician teacher, hair braider, or hair
19 braiding teacher that has expired while the holder of the
20 license was engaged (1) in federal service on active duty with
21 the Army, Navy, Marine Corps, Air Force, or Coast Guard of the
22 United States of America, or any Women's Auxiliary thereof, or
23 the State Militia called into the service or training of the
24 United States of America or (2) in training or education under
25 the supervision of the United States preliminary to induction
26 into the military service, may be reinstated or restored

1 without payment of any lapsed renewal fees, reinstatement fee,
2 or restoration fee if within 2 years after the termination of
3 such service, training, or education other than by dishonorable
4 discharge, the holder furnishes the Department with an
5 affidavit to the effect that he or she has been so engaged and
6 that his or her service, training, or education has been so
7 terminated.

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

9 (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

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

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

24 Every registered shop shall display its certificate of
25 registration at the location of the shop. Each shop where

1 barber, cosmetology, esthetics, hair braiding, or nail
2 technology services are provided shall have a certificate of
3 registration.

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

5 (225 ILCS 410/1-11) (from Ch. 111, par. 1701-11)

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

7 Sec. 1-11. Exceptions to Act.

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

16 (b) Nothing in this Act shall be construed to apply to the
17 activities and services of registered nurses or licensed
18 practical nurses, as defined in the Nurse Practice Act, or to
19 personal care or health care services provided by individuals
20 in the performance of their duties as employed or authorized by
21 facilities or programs licensed or certified by State agencies.
22 As used in this subsection (b), "personal care" means
23 assistance with meals, dressing, movement, bathing, or other
24 personal needs or maintenance or general supervision and
25 oversight of the physical and mental well-being of an

1 individual who is incapable of maintaining a private,
2 independent residence or who is incapable of managing his or
3 her person whether or not a guardian has been appointed for
4 that individual. The definition of "personal care" as used in
5 this subsection (b) shall not otherwise be construed to negate
6 the requirements of this Act or its rules.

7 (c) Nothing in this Act shall be deemed to require
8 licensure of individuals employed by the motion picture, film,
9 television, stage play or related industry for the purpose of
10 providing cosmetology or esthetics services to actors of that
11 industry while engaged in the practice of cosmetology or
12 esthetics as a part of that person's employment.

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

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

18 (225 ILCS 410/1-12 new)

19 Sec. 1-12. Licensure by endorsement. The Department may,
20 without examination, grant a license under this Act to an
21 applicant who is licensed or registered for or authorized to
22 practice the same profession under the laws of another state or
23 jurisdiction of the United States or of a foreign country upon
24 filing of an application on forms provided by the Department,
25 paying the required fee, and meeting such requirements as are

1 established by rule. The Department may prescribe rules
2 governing recognition of education and legal practice in
3 another jurisdiction, requiring additional education, and
4 determining when an examination may be required.

5 (225 ILCS 410/2-2) (from Ch. 111, par. 1702-2)

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

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

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

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

16 c. Has graduated from a school of barbering or school
17 of cosmetology approved by the Department, having
18 completed a total of 1500 hours in the study of barbering
19 extending over a period of not less than 9 months nor more
20 than 3 years. A school of barbering may, at its discretion,
21 consistent with the rules of the Department, accept up to
22 1,000 ~~500~~ hours of cosmetology school training at a
23 recognized cosmetology school toward the 1500 hour course
24 requirement of barbering. Time spent in such study under
25 the laws of another state or territory of the United States

1 or of a foreign country or province shall be credited
2 toward the period of study required by the provisions of
3 this paragraph; and

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

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

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

9 (225 ILCS 410/2-3) (from Ch. 111, par. 1702-3)

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

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

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

16 b. Has a certificate of graduation from a school providing
17 secondary education, or the recognized equivalent of such a
18 certificate, or persons who are beyond the age of compulsory
19 school attendance; and

20 c. Has graduated from a cosmetology school approved by the
21 Department having completed a minimum of 1500 hours in the
22 study of cosmetology; and

23 d. Has graduated from a school of barbering or cosmetology
24 approved by the Department having completed a minimum of 100
25 ~~1000~~ additional hours in the study of barbering extending over

1 a period of no less than 6 months nor more than 2 years. Time
2 spent in such study under the laws of another state or
3 territory of the United States or of a foreign country or
4 province shall be credited toward the period of study required
5 by the provisions of this paragraph; and

6 e. Has passed an examination caused to be conducted by the
7 Department, or its designated testing service, to determine
8 fitness to receive a license as a barber; and

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

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

11 (225 ILCS 410/2-4) (from Ch. 111, par. 1702-4)

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

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

17 a. Is at least 18 years of age;

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

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

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

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

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

4 (3) completed the cosmetology teacher training as
5 specified in paragraph (4) of subsection (a) of Section
6 3-4 of this Act and completed a supplemental barbering
7 course as established by rule; and

8 e. Has passed an examination authorized by the
9 Department to determine fitness to receive a license as a
10 barber teacher or a cosmetology teacher; and

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

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

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

18 (225 ILCS 410/2-7) (from Ch. 111, par. 1702-7)

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

20 Sec. 2-7. Examination of applicants. The Department shall
21 hold examinations of applicants for licensure as barbers and
22 teachers of barbering at such times and places as it may
23 determine. Upon request, the examinations shall be
24 administered in Spanish.

25 Each applicant shall be given a written examination testing

1 both theoretical and practical knowledge of the following
2 subjects insofar as they are related and applicable to the
3 practice of barber science and art: (1) anatomy, (2)
4 physiology, (3) skin diseases, (4) hygiene and sanitation, (5)
5 barber history, (6) this Act and the rules for the
6 administration of this Act ~~barber law~~, (7) hair cutting and
7 styling, (8) shaving, shampooing, and permanent waving, (9)
8 massaging, (10) bleaching, tinting, and coloring, and (11)
9 implements.

10 The examination of applicants for licensure as a barber
11 teacher shall include: (a) practice of barbering and styling,
12 (b) theory of barbering, (c) methods of teaching, and (d)
13 school management.

14 If an applicant for licensure as a barber fails to pass 3
15 examinations conducted by the Department, the applicant shall,
16 before taking a subsequent examination, furnish evidence of not
17 less than 250 hours of additional study of barbering in an
18 approved school of barbering or cosmetology since the applicant
19 last took the examination. If an applicant for licensure as a
20 barber teacher fails to pass 3 examinations conducted by the
21 Department, the applicant shall, before taking a subsequent
22 examination, furnish evidence of not less than 80 hours of
23 additional study in teaching methodology and educational
24 psychology in an approved school of barbering or cosmetology
25 since the applicant last took the examination. An applicant who
26 fails to pass the fourth examination shall not again be

1 admitted to an examination unless: (i) in the case of an
2 applicant for licensure as a barber, the applicant again takes
3 and completes a program of 1,500 hours in the study of
4 barbering in an approved school of barbering or cosmetology
5 extending over a period that commences after the applicant
6 fails to pass the fourth examination and that is not less than
7 8 months nor more than 7 consecutive years in duration; or (ii)
8 in the case of an applicant for licensure as a barber teacher,
9 the applicant again takes and completes a program of 1,000
10 hours of teacher training in an approved school of barbering or
11 cosmetology, except that if the applicant had 2 years of
12 practical experience as a licensed barber within the 5 years
13 preceding the initial examination taken by the applicant, the
14 applicant must again take and complete a program of 500 hours
15 of teacher training in an approved school of barbering or
16 cosmetology. 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 standards by which
21 this determination shall be made.

22 This Act does not prohibit the practice as a barber or
23 barber teacher by one who has applied in writing to the
24 Department, in form and substance satisfactory to the
25 Department, for a license and has complied with all the
26 provisions of this Act in order to qualify for a license except

1 the passing of an examination, until: (a) the expiration of 6
2 months after the filing of such written application, or (b) the
3 decision of the Department that the applicant has failed to
4 pass an examination within 6 months or failed without an
5 approved excuse to take an examination conducted within 6
6 months by the Department, or (c) the withdrawal of the
7 application.

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

9 (225 ILCS 410/2-9)

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

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

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

20 (225 ILCS 410/2-10 new)

21 Sec. 2-10. Licensed cosmetologist seeking license as a
22 barber. A licensed cosmetologist who submits to the Department
23 an application for licensure as a barber must meet all
24 requirements of this Act for licensure as a barber, except that

1 such applicant shall be given credit for hours of instruction
2 completed for his or her cosmetologist license in subjects that
3 are common to both barbering and cosmetology and shall complete
4 an additional 100 hours of instruction in subjects not within
5 the scope of practice of a cosmetologist. The Department shall
6 provide for the implementation of this provision by rule.

7 (225 ILCS 410/2-11 new)

8 Sec. 2-11. Inactive status. Any barber or barber teacher
9 who notifies the Department in writing on forms prescribed by
10 the Department may elect to place his or her license on
11 inactive status and shall, subject to rules of the Department,
12 be excused from payment of renewal fees until he or she
13 notifies the Department in writing of his or her desire to
14 resume active status. Any barber or barber teacher requesting
15 restoration from inactive status shall be required to pay the
16 current renewal fee and to qualify for the restoration of his
17 or her license, subject to rules of the Department. Any barber
18 or barber teacher whose license is in inactive status shall not
19 practice in the State of Illinois.

20 (225 ILCS 410/3-2) (from Ch. 111, par. 1703-2)

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

22 Sec. 3-2. Licensure; qualifications.

23 (1) A person is qualified to receive a license as a
24 cosmetologist who has filed an application on forms provided by

1 the Department, pays the required fees, and:

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

3 b. Is beyond the age of compulsory school attendance or
4 has received a certificate of graduation from a school
5 providing secondary education, or the recognized
6 equivalent of that certificate; and

7 c. Has graduated from a school of cosmetology approved
8 by the Department, having completed a program of 1,500 ~~1500~~
9 hours in the study of cosmetology extending over a period
10 of not less than 8 months nor more than 7 consecutive
11 years. A school of cosmetology may, at its discretion,
12 consistent with the rules of the Department, accept up to
13 1,000 ~~500~~ hours of barber school training at a recognized
14 barber school toward the 1,500 ~~1500~~ hour program
15 requirement of cosmetology. Time spent in such study under
16 the laws of another state or territory of the United States
17 or of a foreign country or province shall be credited
18 toward the period of study required by the provisions of
19 this paragraph; and

20 d. Has passed an examination authorized by the
21 Department to determine eligibility to receive a license as
22 a cosmetologist; and

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

24 (2) (Blank).

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

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

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

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

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

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

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

21 d. Has passed an examination authorized by the Department
22 to determine fitness to receive a license as a cosmetologist;
23 and

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

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

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

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

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

5 (a) A person is qualified to receive license as a
6 cosmetology teacher if that person has applied in writing on
7 forms provided by the Department, has paid the required fees,
8 and:

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

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

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

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

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

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

25 An individual who receives a license as a cosmetology
26 teacher shall not be required to maintain an active cosmetology

1 license in order to practice cosmetology as defined in this
2 Act.

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

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

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

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

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

18 (5) has passed an examination authorized by the
19 Department to determine eligibility to receive a license as
20 a cosmetology teacher; and

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

22 The Department shall not issue any new cosmetology clinic
23 teacher licenses after January 1, 2009. Any person issued a
24 license as a cosmetology clinic teacher before January 1, 2009,
25 may renew the license after that date under this Act and that
26 person may continue to renew the license or have the license

1 restored during his or her lifetime, subject only to the
2 renewal or restoration requirements for the license under this
3 Act; however, such licensee and license shall remain subject to
4 the provisions of this Act, including, but not limited to,
5 provisions concerning renewal, restoration, fees, continuing
6 education, discipline, administration, and enforcement.

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

8 (225 ILCS 410/3-6) (from Ch. 111, par. 1703-6)

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

10 Sec. 3-6. Examination. The Department shall authorize
11 examinations of applicants for licensure as cosmetologists and
12 teachers of cosmetology at the times and places it may
13 determine. The Department may provide by rule for the
14 administration of the examination prior to the completion of
15 the applicant's program of training as required in Sections
16 3-2, 3-3, or 3-4. If an applicant for licensure as a
17 cosmetologist fails to pass 3 examinations conducted by the
18 Department, the applicant shall, before taking a subsequent
19 examination, furnish evidence of not less than 250 hours of
20 additional study of cosmetology in an approved school of
21 cosmetology since the applicant last took the examination. If
22 an applicant for licensure as a cosmetology teacher fails to
23 pass 3 examinations conducted by the Department, the applicant
24 shall, before taking a subsequent examination, furnish
25 evidence of not less than 80 hours of additional study in

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

1 demonstrated competence to again sit for the examination. The
2 Department shall adopt rules establishing the standards by
3 which this determination shall be made. Each cosmetology
4 applicant shall be given a written examination testing both
5 theoretical and practical knowledge, which shall include, but
6 not be limited to, questions that determine the applicant's
7 knowledge of product chemistry, sanitary rules, sanitary
8 procedures, chemical service procedures, hazardous chemicals
9 and exposure minimization, knowledge of the anatomy of the
10 skin, scalp, hair, and nails as they relate to applicable
11 services under this Act and labor and compensation laws.

12 The examination of applicants for licensure as a
13 cosmetology, esthetics, or nail technology teacher may include
14 all of the elements of the exam for licensure as a
15 cosmetologist, esthetician, or nail technician and also
16 include teaching methodology, classroom management, record
17 keeping, and any other related subjects that the Department in
18 its discretion may deem necessary to insure competent
19 performance.

20 This Act does not prohibit the practice of cosmetology by
21 one who has applied in writing to the Department, in form and
22 substance satisfactory to the Department, for a license as a
23 cosmetologist, or the teaching of cosmetology by one who has
24 applied in writing to the Department, in form and substance
25 satisfactory to the Department, for a license as a cosmetology
26 teacher or cosmetology clinic teacher, if the person has

1 complied with all the provisions of this Act in order to
2 qualify for a license, except the passing of an examination to
3 be eligible to receive a license, until: (a) the expiration of
4 6 months after the filing of the written application, (b) the
5 decision of the Department that the applicant has failed to
6 pass an examination within 6 months or failed without an
7 approved excuse to take an examination conducted within 6
8 months by the Department, or (c) the withdrawal of the
9 application.

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

11 (225 ILCS 410/3-7) (from Ch. 111, par. 1703-7)

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

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

24 ~~A license that has been expired for more than 5 years may~~
25 ~~be restored by payment of the restoration fee and submitting~~

1 ~~evidence satisfactory to the Department of the current~~
2 ~~qualifications and fitness of the licensee, which shall include~~
3 ~~completion of continuing education hours for the period~~
4 ~~subsequent to expiration.~~

5 The Department shall establish by rule a means for the
6 verification of completion of the continuing education
7 required by this Section. This verification may be accomplished
8 through audits of records maintained by registrants, by
9 requiring the filing of continuing education certificates with
10 the Department, or by other means established by the
11 Department.

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

1 ~~been so terminated.~~

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

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

10 (b) that to comply with the continuing education
11 requirements would cause a substantial financial hardship
12 on the licensee;

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

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

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

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

21 (225 ILCS 410/3-9 new)

22 Sec. 3-9. Licensed barber seeking license as
23 cosmetologist. A licensed barber who submits to the Department
24 an application for licensure as a cosmetologist must meet all
25 requirements of this Act for licensure as a cosmetologist,

1 except that such applicant shall be given credit for hours of
2 instruction completed for his or her barber license in subjects
3 that are common to both barbering and cosmetology and shall
4 complete an additional 500 hours of instruction in subjects not
5 within the scope of practice of a barber. The Department shall
6 provide for the implementation of this provision by rule.

7 (225 ILCS 410/3-10 new)

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

18 (225 ILCS 410/3A-6) (from Ch. 111, par. 1703A-6)

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

20 Sec. 3A-6. Licensure; renewal; continuing education;
21 examination; military service. The holder of a license issued
22 under this Article may renew such license during the month
23 preceding the expiration date thereof by paying the required
24 fee, giving evidence the Department may prescribe of completing

1 not less than 10 hours for estheticians, and not less than 20
2 hours of continuing education for esthetics teachers, within
3 the 2 years prior to renewal. The training shall be in
4 subjects, approved by the Department as prescribed by rule upon
5 recommendation of the Board.

6 ~~A license that has expired or been placed on inactive
7 status may be restored only by payment of the restoration fee
8 and submitting evidence satisfactory to the Department of the
9 current qualifications and fitness of the licensee including
10 the completion of continuing education hours for the period
11 following expiration.~~

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

1 ~~been so terminated.~~

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

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

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

13 (3) the licensee is serving in the United States Armed
14 Forces; or

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

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

17 (225 ILCS 410/3A-8 new)

18 Sec. 3A-8. Inactive status. Any esthetician or esthetician
19 teacher who notifies the Department in writing on forms
20 prescribed by the Department may elect to place his or her
21 license on inactive status and shall, subject to rules of the
22 Department, be excused from payment of renewal fees until he or
23 she notifies the Department in writing of his or her desire to
24 resume active status.

25 Any esthetician or esthetician teacher requesting

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

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

10 (225 ILCS 410/3B-2) (from Ch. 111, par. 1703B-2)

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

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

19 Any student or employee of a school approved by this Act
20 who believes he has been aggrieved by a violation of this Act
21 shall have the right to file a written complaint within one
22 year of the alleged violation. The Department shall acknowledge
23 receipt of such written complaint, commence an investigation of
24 the alleged violation, and forward to the Attorney General and
25 any appropriate State's Attorney's office copies of complaints

1 as required by Section 3B-3. The Department shall inform
2 ~~forward a copy of the formal complaint and order to the person~~
3 ~~who filed the complaint and to~~ the chief operating officer of
4 the school cited in the complaint of the nature or substance of
5 the complaint and afford the school an opportunity to either
6 resolve the complaint to the satisfaction of the complainant or
7 submit a written response to the Department.

8 However, before proceeding to a hearing on the question of
9 whether a license shall be refused or revoked, the Department
10 may issue a letter granting the school in question 30 days to
11 correct the deficiency or deficiencies. The letter shall
12 enumerate the deficiencies and state the action on the part of
13 the school that will remediate the deficiency or deficiencies.
14 During the time designated to remedy deficiencies the
15 Department may order the school to cease and desist from all
16 marketing and student enrollment activities.

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

18 (225 ILCS 410/3B-10)

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

20 Sec. 3B-10. Requisites for ownership or operation of
21 school. No person, firm, or corporation may own, operate, or
22 conduct a school of barbering, cosmetology, esthetics, hair
23 braiding, or nail technology for the purpose of teaching
24 barbering, cosmetology, esthetics, hair braiding, or nail
25 technology for compensation unless licensed by the Department.

1 A licensed school is a postsecondary educational institution
2 authorized by the Department to provide a postsecondary
3 education program in compliance with the requirements of this
4 Act. An applicant shall apply to the Department on forms
5 provided by the Department, pay the required fees, and comply
6 with the following requirements:

7 1. The applicant must submit to the Department for
8 approval:

9 a. A floor plan, drawn to a scale specified on the
10 floor plan, showing every detail of the proposed
11 school; and

12 b. A lease commitment or proof of ownership for the
13 location of the proposed school; a lease commitment
14 must provide for execution of the lease upon the
15 Department's approval of the school's application and
16 the lease must be for a period of at least one year.

17 c. (Blank).

18 2. An application to own or operate a school shall
19 include the following:

20 a. If the owner is a corporation, a copy of the
21 Articles of Incorporation or, if the owner is a limited
22 liability company, a copy of the articles of
23 organization;

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

26 c. If the applicant is an owner, a completed

1 financial statement showing the owner's ability to
2 operate the school for at least 3 months;

3 d. A copy of the official enrollment agreement or
4 student contract to be used by the school, which shall
5 be consistent with the requirements of this Act and
6 rules;

7 e. A listing of all teachers who will be in the
8 school's employ, including their teacher license
9 numbers;

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

11 g. The names, addresses, and current status of all
12 schools in which the applicant has previously owned any
13 interest, and a declaration as to whether any of these
14 schools were ever denied accreditation or licensing or
15 lost accreditation or licensing from any governmental
16 body or accrediting agency;

17 h. Each application for a certificate of approval
18 shall be signed and certified under oath by the
19 school's chief managing employee and also by its
20 individual owner or owners; if the applicant is a
21 partnership or a corporation, then the application
22 shall be signed and certified under oath by the
23 school's chief managing employee and also by each
24 member of the partnership or each officer of the
25 corporation, as the case may be;

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

1 j. The required fee.

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

4 a. To conduct the school in accordance with this
5 Act and the standards, and rules from time to time
6 adopted under this Act and to meet standards and
7 requirements at least as stringent as those required by
8 Part H of the Federal Higher Education Act of 1965.

9 b. To permit the Department to inspect the school
10 or classes thereof from time to time with or without
11 notice; and to make available to the Department, at any
12 time when required to do so, information including
13 financial information pertaining to the activities of
14 the school required for the administration of this Act
15 and the standards and rules adopted under this Act;

16 c. To utilize only advertising and solicitation
17 which is free from misrepresentation, deception,
18 fraud, or other misleading or unfair trade practices;

19 d. To screen applicants to the school prior to
20 enrollment pursuant to the requirements of the
21 school's regional or national accrediting agency, if
22 any, and to maintain any and all records of such
23 screening. If the course of instruction is offered in a
24 language other than English, the screening shall also
25 be performed in that language;

26 e. To post in a conspicuous place a statement,

1 developed by the Department, of student's rights
2 provided under this Act.

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

8 5. The applicant shall comply with all rules of the
9 Department determining the necessary curriculum and
10 equipment required for the conduct of the school.

11 6. The applicant must demonstrate employment of a
12 sufficient number of qualified teachers who are holders of
13 a current license issued by the Department.

14 7. A final inspection of the barber, cosmetology,
15 esthetics, hair braiding, or nail technology school shall
16 be made by the Department before the school may commence
17 classes.

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

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

23 (225 ILCS 410/3B-11)

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

25 Sec. 3B-11. Periodic review of barber, cosmetology,

1 esthetics, hair braiding, and nail technology schools. ~~The~~
2 ~~Department shall review at least biennially all~~ All approved
3 schools and courses of instruction are to subject to review by
4 the Department. The ~~biennial~~ review shall include
5 consideration of a comparison between the graduation or
6 completion rate for the school and the graduation or completion
7 rate for the schools within that classification of schools.
8 Consideration shall be given to complaints and information
9 forwarded to the Department by the Federal Trade Commission,
10 Better Business Bureaus, the Illinois Attorney General's
11 Office, a State's Attorney's Office, other State or official
12 approval agencies, local school officials, and interested
13 persons. The Department shall investigate all complaints filed
14 with the Department about a school or its sales
15 representatives.

16 A school shall retain the records, as defined by rule, of a
17 student who withdraws from or drops out of the school, by
18 written notice of cancellation or otherwise, for any period
19 longer than 7 years from the student's first day of attendance.
20 However, a school shall retain indefinitely the transcript of
21 each student who completes the program and graduates from the
22 school.

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

24 (225 ILCS 410/3B-12)

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

1 Sec. 3B-12. Enrollment agreements.

2 (a) Enrollment agreements shall be used by barber,
3 cosmetology, esthetics, hair braiding, and nail technology
4 schools licensed to operate by the Department and shall include
5 the following written disclosures:

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

8 (2) The name and description of the course of
9 instruction, including the number of clock hours in each
10 course and an approximate number of weeks or months
11 required for completion;

12 (3) The scheduled starting date and calculated
13 completion date;

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

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

20 (6) A clear and conspicuous caption, "BUYER'S RIGHT TO
21 CANCEL" under which it is explained that the student has
22 the right to cancel the initial enrollment agreement until
23 midnight of the fifth business day after the student has
24 been enrolled; and if notice of the right to cancel is not
25 given to any prospective student at the time the enrollment
26 agreement is signed, then the student has the right to

1 cancel the agreement at any time and receive a refund of
2 all monies paid to date within 10 days of cancellation;

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

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

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

10 (10) The name of the school employee or agent
11 responsible for procuring, soliciting, or enrolling the
12 student;

13 (11) A clear statement that the institution does not
14 guarantee employment and a statement describing the
15 school's placement assistance procedures;

16 (12) The graduation requirements of the school;

17 (13) The contents of the following notice, in at least
18 10 point bold type:

19 "NOTICE TO THE STUDENT"

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

23 (14) A statement either in the enrollment agreement or
24 separately provided and acknowledged by the student
25 indicating the number of students who did not complete the
26 course of instruction for which they enrolled for the past

1 calendar year as compared to the number of students who
2 enrolled in school during the school's past calendar year;

3 (15) The following clear and conspicuous caption:
4 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE
5 DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION", set
6 forth with the address and telephone number of the
7 Department's Complaint Intake Unit ~~Chicago and Springfield~~
8 ~~offices~~.

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

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

16 (d) No enrollment agreement or student contract shall
17 contain a wage assignment provision or a confession of judgment
18 clause.

19 (e) Any provision in an enrollment agreement or student
20 contract that purports to waive the student's right to assert
21 against the school, or any assignee, any claim or defense he or
22 she may have against the school arising under the contract
23 shall be void.

24 (f) Two copies of the enrollment agreement shall be signed
25 by the student. One copy shall be given to the student and the
26 school shall retain the other copy as part of the student's

1 permanent record.

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

3 (225 ILCS 410/3B-13)

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

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

8 (1) Schools shall, when a student gives written notice
9 of cancellation, provide a refund in the amount of at least
10 the following:

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

15 (b) When notice of cancellation is given after the
16 fifth day following enrollment but before the
17 completion of the student's first day of class
18 attendance, the school may retain no more than the
19 application and registration fee, plus the cost of any
20 books or materials which have been provided by the
21 school and retained by the student.

22 (c) When notice of cancellation is given after the
23 student's completion of the first day of class
24 attendance but prior to the student's completion of 5%
25 of the course of instruction, the school may retain the

1 application and registration fee and an amount not to
2 exceed 10% of the tuition and other instructional
3 charges or \$300, whichever is less, plus the cost of
4 any books or materials which have been provided by the
5 school.

6 (d) When a student has completed 5% or more of the
7 course of instruction, the school may retain the
8 application and registration fee and the cost of any
9 books or materials which have been provided by the
10 school but shall refund a part of the tuition and other
11 instructional charges in accordance with the
12 requirements of the school's regional or national
13 accrediting agency, if any, or rules that the
14 Department shall promulgate for purposes of this
15 Section.

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

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

21 (4) Deposits or down payments shall become part of the
22 tuition.

23 (5) The school shall mail a written acknowledgement of
24 a student's cancellation or written withdrawal to the
25 student within 15 calendar days of the date of
26 notification. Written acknowledgement is not necessary if

1 a refund has been mailed to the student within the 15
2 calendar days.

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

8 (7) Except as otherwise provided by this Act, all
9 student refunds shall be made by the school within 45
10 calendar days after the date of notice of the student's
11 cancellation or the date that the school determines that
12 the student has officially or unofficially withdrawn.

13 (8) A student shall give notice of cancellation to the
14 school in writing. The unexplained absence of a student
15 from a school for more than 30 consecutive calendar days
16 shall constitute constructive notice of cancellation to
17 the school. For purposes of cancellation, the cancellation
18 date shall be the last day of attendance.

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

21 (10) Each student and former student shall be entitled
22 to receive from the school that the student attends or
23 attended an official transcript of all hours completed by
24 the student at that school for which the applicable
25 tuition, fees, and other charges have been paid, together
26 with the grades earned by the student for those hours,

1 provided that a student who withdraws from or drops out of
2 a school, by written notice of cancellation or otherwise,
3 shall not be entitled to any transcript of completed hours
4 following the expiration of the 7-year period that began on
5 the student's first day of attendance at the school. A
6 reasonable fee, not exceeding \$2, may be charged by the
7 school for each transcript after the first free transcript
8 that the school is required to provide to a student or
9 former student under this Section.

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

11 (225 ILCS 410/3B-17 new)

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

1 (225 ILCS 410/3B-18 new)

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

5 (225 ILCS 410/3C-8) (from Ch. 111, par. 1703C-8)

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

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

1 subjects related to teaching.

2 ~~A license that has been expired or placed on inactive~~
3 ~~status may be restored only by payment of the restoration fee~~
4 ~~and submitting evidence satisfactory to the Department of the~~
5 ~~meeting of current qualifications and fitness of the licensee,~~
6 ~~including the completion of continuing education hours for the~~
7 ~~period subsequent to expiration.~~

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

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

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

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

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

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

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

12 (225 ILCS 410/3C-10 new)

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

20 Any nail technician or nail technology teacher requesting
21 restoration from inactive status shall be required to pay the
22 current renewal fee and to qualify for the restoration of his
23 or her license, subject to rules of the Department. A license
24 shall not be restored from inactive status unless the nail
25 technician or nail technology teacher requesting the

1 restoration completes the number of hours of continuing
2 education required for renewal of a license under Section 3C-8.

3 Any nail technician or nail technology teacher whose
4 license is in inactive status shall not practice in the State
5 of Illinois.

6 (225 ILCS 410/3D-5)

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

8 Sec. 3D-5. Requisites for ownership or operation of
9 cosmetology, esthetics, hair braiding, and nail technology
10 salons and barber shops.

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

17 (b) The application for a certificate of registration under
18 this Section shall set forth the name, address, and telephone
19 number of the proposed cosmetology, esthetics, hair braiding,
20 or nail technology salon or barber shop; the name, address, and
21 telephone number of the person, firm, partnership, or
22 corporation that is to own or operate the salon or shop; and,
23 if the salon or shop is to be owned or operated by an entity
24 other than an individual, the name, address, and telephone
25 number of the managing partner or the chief executive officer

1 of the corporation or other entity that owns or operates the
2 salon or shop.

3 (c) The Department shall be notified by the owner or
4 operator of a salon or shop that is moved to a new location. If
5 there is a change in the ownership or operation of a salon or
6 shop, the new owner or operator shall report that change to the
7 Department along with completion of any additional
8 requirements set forth by rule.

9 (d) If a person, firm, partnership, limited liability
10 company, or corporation owns or operates more than one shop or
11 salon, a separate certificate of registration must be obtained
12 for each salon or shop.

13 (e) A certificate of registration granted under this
14 Section may be revoked in accordance with the provisions of
15 Article IV and the holder of the certificate may be otherwise
16 disciplined by the Department in accordance with rules adopted
17 under this Act.

18 (f) The Department may promulgate rules to establish
19 additional requirements for owning or operating a salon or
20 shop.

21 (g) The requirement of a certificate of registration as set
22 forth in this Section shall also apply to any person, firm,
23 partnership, limited liability company, or corporation
24 providing barbering, cosmetology, esthetics, hair braiding, or
25 nail technology services at any location not owned or rented by
26 such person, firm, partnership, limited liability company, or

1 corporation for these purposes or from a mobile shop or salon.
2 Notwithstanding any provision of this Section, applicants for a
3 certificate of registration under this subsection (g) shall
4 report in its application the address and telephone number of
5 its office and shall not be required to report the location
6 where services are or will be rendered. Nothing in this
7 subsection (g) shall apply to a sole proprietor who has no
8 employees or contractors and is not operating a mobile shop or
9 salon.

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

11 (225 ILCS 410/3E-5)

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

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

18 ~~A license that has been expired for more than 5 years may~~
19 ~~be restored by payment of the restoration fee and submitting~~
20 ~~evidence satisfactory to the Department of the current~~
21 ~~qualifications and fitness of the licensee, which shall include~~
22 ~~completion of continuing education hours for the period~~
23 ~~subsequent to expiration. The Department may establish~~
24 ~~additional rules for the administration of this Section and~~
25 ~~other requirements for the renewal of a hair braider or hair~~

1 ~~braiding teacher license issued under this Act.~~

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

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

4 Sec. 3E-7. Inactive status. Any hair braider or hair
5 braiding 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 hair braider or hair braiding 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 hair
16 braider or hair braiding teacher requesting the restoration
17 completes the number of hours of continuing education required
18 for renewal of a license under Section 3E-5.

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

21 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

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

23 Sec. 4-2. The Barber, Cosmetology, Esthetics, Hair
24 Braiding, and Nail Technology Board. There is established

1 within the Department the Barber, Cosmetology, Esthetics, Hair
2 Braiding, and Nail Technology Board, composed of 11 persons,
3 which shall serve in an advisory capacity to the Secretary in
4 all matters related to the practice of barbering, cosmetology,
5 esthetics, hair braiding, and nail technology.

6 The 11 members of the Board shall be appointed as follows:
7 6 licensed cosmetologists, all of whom hold a current license
8 as a cosmetologist or cosmetology teacher and, for appointments
9 made after the effective date of this amendatory Act of 1996,
10 at least 2 of whom shall be an owner of or a major stockholder
11 in a school of cosmetology, 2 of whom shall be representatives
12 of either a franchiser or an owner operating salons in 2 or
13 more locations within the State, one of whom shall be an
14 independent salon owner, and no one of the cosmetologist
15 members shall be a manufacturer, jobber, or stockholder in a
16 factory of cosmetology articles or an immediate family member
17 of any of the above; one of whom shall be a barber holding a
18 current license; one member who shall be a licensed esthetician
19 or esthetics teacher; one member who shall be a licensed nail
20 technician or nail technology teacher; one member who shall be
21 a licensed hair braider or hair braiding teacher; and one
22 public member who holds no licenses issued by the Department.
23 The Secretary shall give due consideration for membership to
24 recommendations by members of the professions and by their
25 professional organizations. Members shall serve 4 year terms
26 and until their successors are appointed and qualified. No

1 member shall be reappointed to the Board for more than 2 terms.
2 Appointments to fill vacancies shall be made in the same manner
3 as original appointments for the unexpired portion of the
4 vacated term. Members of the Board in office on the effective
5 date of this amendatory Act of 1996 shall continue to serve for
6 the duration of the terms to which they have been appointed,
7 but beginning on that effective date all appointments of
8 licensed cosmetologists and barbers to serve as members of the
9 Board shall be made in a manner that will effect at the
10 earliest possible date the changes made by this amendatory Act
11 of 1996 in the representative composition of the Board.

12 For the initial appointment of a member who shall be a hair
13 braider or hair braiding teacher to the Board, such individual
14 shall not be required to possess a license at the time of
15 appointment, but shall have at least 5 years active practice in
16 the field of hair braiding and shall obtain a license as a hair
17 braider or a hair braiding teacher within 18 months after
18 appointment to the Board.

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

21 The Board shall elect a chairperson and a vice chairperson
22 annually.

23 Board members are not liable for their acts, omissions,
24 decisions, or other conduct in connection with their duties on
25 the Board, except those determined to be willful, wanton, or
26 intentional misconduct.

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

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

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

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

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

8 (a) Except as provided in paragraph (b) below, the fees for
9 the administration and enforcement of this Act, including but
10 not limited to fees for original licensure, renewal, and
11 restoration shall be set by the Department by rule. The fees
12 shall not be refundable.

13 (b) Applicants for examination shall be required to pay,
14 either to the Department or the designated testing service, a
15 fee covering the cost of initial screening to determine
16 eligibility and providing the examination. Failure to appear
17 for the examination on the scheduled date at the time and place
18 specified, after the applicant's application for examination
19 has been received and acknowledged by the Department or the
20 designated testing service, shall result in the forfeiture of
21 the examination fee.

22 (c) If an applicant fails to pass an examination for
23 licensure under this Act within 3 years after filing his
24 application, the application shall be denied. However, such
25 applicant may thereafter make a new application for examination

1 accompanied by the required fee.

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

8 (e) An applicant has one year from the date of notification
9 of successful completion of the examination to apply to the
10 Department for a license. If an applicant fails to apply within
11 one year the applicant shall be required to take and pass the
12 examination again.

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

14 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

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

24 a. Conviction of any crime under the laws of the United
25 States or any state or territory thereof that is (i) a

1 felony, (ii) a misdemeanor, an essential element of which
2 is dishonesty, or (iii) a crime which is related to the
3 practice of the profession.

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

6 c. Material misstatement in furnishing information to
7 the Department.

8 d. Making any misrepresentation for the purpose of
9 obtaining a license or violating any provision of this Act
10 or its rules.

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

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

15 g. Discipline by another state, territory, or country
16 if at least one of the grounds for the discipline is the
17 same as or substantially equivalent to those set forth in
18 this Act.

19 h. Practice in the barber, nail technology, esthetics,
20 hair braiding, or cosmetology profession, or an attempt to
21 practice in those professions, by fraudulent
22 misrepresentation.

23 i. Gross malpractice or gross incompetency.

24 j. Continued practice by a person knowingly having an
25 infectious or contagious disease.

26 k. Solicitation of professional services by using

1 false or misleading advertising.

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

5 m. Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership or association
7 any fee, commission, rebate, or other form of compensation
8 for any professional services not actually or personally
9 rendered.

10 n. Violating any of the provisions of this Act or rules
11 adopted pursuant to this Act.

12 o. Willfully making or filing false records or reports
13 relating to a licensee's practice, including but not
14 limited to, false records filed with State agencies or
15 departments.

16 p. Habitual or excessive use or addiction to alcohol,
17 narcotics, stimulants, or any other chemical agent or drug
18 that results in the inability to practice with reasonable
19 judgment, skill or safety.

20 q. Engaging in dishonorable, unethical or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public as may be defined by rules of
23 the Department, or violating the rules of professional
24 conduct which may be adopted by the Department.

25 r. Permitting any person to use for any unlawful or
26 fraudulent purpose one's diploma or license or certificate

1 of registration as a cosmetologist, nail technician,
2 esthetician, hair braider, or barber or cosmetology, nail
3 technology, esthetics, hair braiding, or barber teacher or
4 salon or shop or cosmetology clinic teacher.

5 s. Being named as a perpetrator in an indicated report
6 by the Department of Children and Family Services under the
7 Abused and Neglected Child Reporting Act and upon proof by
8 clear and convincing evidence that the licensee has caused
9 a child to be an abused child or neglected child as defined
10 in the Abused and Neglected Child Reporting Act.

11 t. Operating a salon or shop without a valid
12 registration.

13 u. Failure to complete required continuing education
14 hours.

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

19 (a) the extent to which public confidence in the
20 cosmetology, nail technology, esthetics, hair braiding, or
21 barbering profession was, might have been, or may be,
22 injured;

23 (b) the degree of trust and dependence among the
24 involved parties;

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

1 (d) the intent or mental state of the licensee at the
2 time of the acts or omissions.

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

8 (4) The Department shall refuse to issue or renew or
9 suspend without hearing the license or certificate of
10 registration of any person who fails to file a return, or to
11 pay the tax, penalty or interest shown in a filed return, or to
12 pay any final assessment of tax, penalty or interest, as
13 required by any tax Act administered by the Illinois Department
14 of Revenue, until such time as the requirements of any such tax
15 Act are satisfied as determined by the Department of Revenue.

16 (5) The Department shall deny without hearing any
17 application for a license or renewal of a license under this
18 Act by a person who has defaulted on an educational loan
19 guaranteed by the Illinois Student Assistance Commission;
20 however, the Department may issue or renew a license if the
21 person in default has established a satisfactory repayment
22 record as determined by the Illinois Student Assistance
23 Commission.

24 (6) All fines imposed under this Section shall be paid
25 within 60 days after the effective date of the order imposing
26 the fine or in accordance with the terms set forth in the order

1 imposing the fine.

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

3 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

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

5 Sec. 4-9. Practice without a license or after suspension or
6 revocation thereof.

7 (a) If any person violates the provisions of this Act, the
8 Secretary may, in the name of the People of the State of
9 Illinois, through the Attorney General of the State of
10 Illinois, petition, for an order enjoining such violation or
11 for an order enforcing compliance with this Act. Upon the
12 filing of a verified petition in such court, the court may
13 issue a temporary restraining order, without notice or bond,
14 and may preliminarily and permanently enjoin such violation,
15 and if it is established that such person has violated or is
16 violating the injunction, the Court may punish the offender for
17 contempt of court. Proceedings under this Section shall be in
18 addition to, and not in lieu of, all other remedies and
19 penalties provided by this Act.

20 (b) If any person shall practice as a barber,
21 cosmetologist, nail technician, hair braider, or esthetician,
22 or teacher thereof or cosmetology clinic teacher or hold
23 himself or herself out as such without being licensed under the
24 provisions of this Act, any licensee, any interested party, or
25 any person injured thereby may, in addition to the Secretary,

1 petition for relief as provided in subsection (a) of this
2 Section.

3 (c) Whenever in the opinion of the Department any person,
4 firm, corporation, or other legal entity has violated ~~violates~~
5 any provision of Sections 1-7 or 3D-5 of this Act, the
6 Department may issue a rule to show cause why an order to cease
7 and desist should not be entered against that person, firm,
8 corporation, or legal entity ~~him~~. The rule shall clearly set
9 forth the grounds relied upon by the Department and shall
10 provide a period of 7 days from the date of the rule to file an
11 answer to the satisfaction of the Department. Failure to answer
12 to the satisfaction of the Department shall cause an order to
13 cease and desist to be issued immediately.

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

15 (225 ILCS 410/4-10) (from Ch. 111, par. 1704-10)

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

17 Sec. 4-10. Refusal, suspension and revocation of licenses;
18 investigations and hearing. The Department may upon its own
19 motion and shall, upon the verified complaint in writing of any
20 person setting forth the facts which if proven would constitute
21 grounds for disciplinary action as set forth in Section 4-7,
22 investigate the actions of any person holding or claiming to
23 hold a license. The Department shall, at least 30 days prior to
24 the date set for the hearing, notify in writing the applicant
25 or the holder of that license of any charges made and shall

1 afford the accused person an opportunity to be heard in person
2 or by counsel in reference thereto. The Department shall direct
3 the applicant or licensee to file a written answer to the Board
4 under oath within 20 days after the service of the notice and
5 inform the applicant or licensee that failure to file an answer
6 will result in default being taken against the applicant or
7 licensee and that the license may be suspended, revoked, placed
8 on probationary status, or other disciplinary action may be
9 taken, including limiting the scope, nature or extent of
10 practice, as the Secretary may deem proper. The written notice
11 may be served by the delivery of the notice personally to the
12 accused person, or by mailing the notice by registered or
13 certified mail to the address of record ~~place of business last~~
14 ~~specified by the accused person in his last notification to the~~
15 ~~Department~~. In case the person fails to file an answer after
16 receiving notice, his or her license or certificate may, in the
17 discretion of the Department be suspended, revoked, or placed
18 on probationary status, or the Department, may take whatever
19 disciplinary action deemed proper, including limiting the
20 scope, nature, or extent of the person's practice or the
21 imposition of a fine, without a hearing, if the act or acts
22 charged constitute sufficient grounds for such action under
23 this Act. At the time and place fixed in the notice, the Board
24 shall proceed to hearing of the charges and the accused person
25 shall be accorded ample opportunity to present in person or by
26 counsel, any statements, testimony, evidence and arguments as

1 may be pertinent to the charges or their defense. The Board may
2 continue a hearing from time to time.

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

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

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

6 Sec. 4-13. Attendance of witnesses and production of
7 documents. Any circuit court or any judge thereof, upon the
8 application of the accused person or ~~complainant or~~ of the
9 Department, may by order duly entered, require the attendance
10 of witnesses and the production of relevant books and papers
11 before the Department in any hearing relative to the
12 application for or refusal, recall, suspension or revocation of
13 license, and the court or judge may compel obedience to its or
14 his order by proceedings for contempt.

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

16 (225 ILCS 410/4-14) (from Ch. 111, par. 1704-14)

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

18 Sec. 4-14. Report of Board; rehearing. The Board shall
19 present to the Secretary its written report of its findings and
20 recommendations. A copy of such report shall be served upon the
21 accused person, either personally or by registered mail as
22 provided in this Section for the service of the notice
23 ~~citation~~. Within 20 days after such service, said accused
24 person may present to the Department his or her motion in

1 writing for rehearing, which written motion shall specify the
2 particular grounds therefor. If said accused person shall order
3 and pay for a transcript of the record as provided in this
4 Section, the time elapsing thereafter and before such
5 transcript is ready for delivery to him or her shall not be
6 counted as part of such 20 days. Whenever the Secretary is
7 satisfied that substantial justice has not been done, he or she
8 may order a re-hearing by the same or a special committee. At
9 the expiration of the time specified for filing a motion or a
10 rehearing the Secretary shall have the right to take the action
11 recommended by the Board. Upon the suspension or revocation of
12 his or her license a licensee shall be required to surrender
13 his or her license to the Department, and upon his or her
14 failure or refusal so to do, the Department shall have the
15 right to seize the same.

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

17 (225 ILCS 410/4-15) (from Ch. 111, par. 1704-15)

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

19 Sec. 4-15. Hearing officer. Notwithstanding the
20 provisions of Section 4-10, the Secretary shall have the
21 authority to appoint any attorney duly licensed to practice law
22 in the State of Illinois to serve as the hearing officer in any
23 action for refusal to issue or renew, or discipline of a
24 license. The hearing officer shall have full authority to
25 conduct the hearing. The hearing officer shall report his or

1 her findings and recommendations to the Board and the
2 Secretary. The Board shall have 60 days from receipt of the
3 report to review the report of the hearing officer and present
4 their findings of fact, conclusions of law, and recommendations
5 to the Secretary. If the Board fails to present its report
6 within the 60 day period, then the Secretary shall issue an
7 order based on the report of the hearing officer. If the
8 Secretary disagrees in any regard with ~~determines that~~ the
9 Board's report ~~is contrary to the manifest weight of the~~
10 ~~evidence~~, then he or she may issue an order in contravention of
11 the Board's report.

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

13 (225 ILCS 410/4-16) (from Ch. 111, par. 1704-16)

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

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

21 1. the signature is the genuine signature of the
22 Secretary;

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

24 3. the Board and the members thereof are qualified to
25 act.

1 Such proof may be rebutted.

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

3 (225 ILCS 410/4-17) (from Ch. 111, par. 1704-17)

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

5 Sec. 4-17. Restoration of license. At any time after the
6 successful completion of a term of suspension or revocation of
7 a license, the Department may restore it to the licensee, upon
8 the written recommendation of the Board, unless the Board
9 determines after an investigation and a hearing that
10 restoration is not in the public interest.

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

12 (225 ILCS 410/4-18.5 new)

13 Sec. 4-18.5. Citations.

14 (a) The Department shall adopt rules to permit the issuance
15 of citations for unlicensed practice, practice on an expired
16 license, failure to register a salon or shop, operating a salon
17 or shop on an expired registration, aiding and abetting
18 unlicensed practice, failure to display a license as required
19 by this Act, or any violation of sanitary rules. The citation
20 shall be issued to the licensee or other person alleged to have
21 committed one or more of the preceding violations and shall
22 contain the licensee's or other person's name and address, the
23 licensee's license number, if any, a brief factual statement,
24 the Sections of this Act or the rules allegedly violated, and

1 the penalty imposed, which shall not exceed \$500. The citation
2 must clearly state that if the cited person wishes to dispute
3 the citation, he or she may request in writing, within 30 days
4 after the citation is served, a hearing before the Department.
5 If the cited person does not request a hearing within 30 days
6 after the citation is served, then the citation shall become a
7 final order and shall constitute discipline and any fine
8 imposed is due and payable. If the cited person requests a
9 hearing within 30 days after the citation is served, the
10 Department shall afford the cited person a hearing conducted in
11 the same manner as a hearing provided in this Act for any
12 violation of this Act and shall determine whether the cited
13 person committed the violation as charged whether the fine as
14 levied is warranted. No fine shall be increased but may be
15 reduced. If the violation is found, any fine shall be due and
16 payable within 30 days of the order of the Secretary. Failure
17 to comply with any final order may subject the licensee or
18 unlicensed person to further discipline or other action by the
19 Department or a referral to the State's Attorney.

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

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

26 (d) Nothing in this Section shall prohibit or limit the

1 Department from taking further action pursuant to this Act and
2 rules for additional, repeated, or continuing violations.

3 (225 ILCS 410/4-25 new)

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

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

10 (225 ILCS 410/2-4a rep.)

11 (225 ILCS 410/3-8 rep.)

12 (225 ILCS 410/3A-7 rep.)

13 (225 ILCS 410/3C-9 rep.)

14 (225 ILCS 410/3E-4 rep.)

15 (225 ILCS 410/4-4a rep.)

16 (225 ILCS 410/4-18 rep.)

17 (225 ILCS 410/4-23 rep.)

18 Section 15. The Barber, Cosmetology, Esthetics, Hair
19 Braiding, and Nail Technology Act of 1985 is amended by
20 repealing Sections 1-9, 2-4a, 3-8, 3A-7, 3C-9, 3E-4, 4-4a,
21 4-18, and 4-23.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."