

CHAPTER 483

S.B. No. 127

An Act relating to licenses, fees, and exemptions involved in the regulation of the practice of cosmetology; amending Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as

amended (Article 8451a, Vernon's Texas Civil Statutes), by amending Subsections (b) of Sections 15, 17, 18, 19, and 20; Subsection (a) of Section 16; Subsection (e) of Section 21; Subsections (c), (e), and (f) of Section 33; and Section 39; and by adding Subsections (g) and (h) to Section 33.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (b), Section 15, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) A temporary license shall be issued on submission of an application form prescribed by the commission and payment of a \$35 [~~\$25~~] temporary license fee if the applicant meets the requirements of Subsection (a) of this section."

SECTION 2. Subsection (a), Section 16, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) A duplicate license or certificate shall be issued upon application on a form prescribed by the commission and on the payment of a \$25 [~~\$10~~] fee."

SECTION 3. Subsection (b), Section 17, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The applicant shall submit an application on a form prescribed by the commission and pay a \$100 [~~\$75~~] fee, plus the applicable license fee."

SECTION 4. Subsection (b), Section 18, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) A student permit shall be issued on submission of an application form prescribed by the commission and payment of a \$25 [~~\$10~~] fee which must accompany the application."

SECTION 5. Subsection (b), Section 19, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) An applicant for a beauty shop license must submit an application on a form prescribed by the commission. The application must contain proof of the particular requisites for a beauty shop as established by the commission and must be verified by the applicant. *With the application, the applicant must submit a \$35 inspection fee.*"

SECTION 6. Subsection (b), Section 20, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) An applicant for a specialty shop license must submit an application on a form prescribed by the commission. The application must contain proof of the particular requisites for a specialty shop as established by the commission and must be verified by the applicant. *With the application, the applicant must submit a \$35 inspection fee.*"

SECTION 7. Subsection (e), Section 21, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(e) Each application for a private beauty culture school license must be accompanied by payment of a \$500 license fee and a \$200 inspection fee. Each application for certification as a public secondary or public postsecondary beauty culture school must be accompanied by a \$200 inspection fee. The inspection fee is charged for each inspection trip required before approval of the license or certificate."

SECTION 8. Subsection (c), Section 33, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) A renewal license shall be issued on payment of the renewal fee as established by this Act if the licensee is not in violation of this Act at the time of renewal."

SECTION 9. Section 33, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended by amending Subsections (e) and (f) and adding Subsections (g) and (h) to read as follows:

"(e) A license that has been expired for less than 30 days [~~five years~~] may be renewed. A renewal license shall be issued on submission of a completed application form prescribed by the commission and payment of the renewal fee [~~established by this Act for each year the license was expired~~], plus a \$10 [~~\$5~~] delinquency fee.

"(f) *Except as provided by Subsection (h) of this section, a* [~~An applicant for renewal of a~~] license that has been expired for more than 30 days *but less than five years may be renewed. A renewal license shall be issued* [~~a license~~] on submission of an application, payment of the [~~examination~~] fee *established by this Act for each year the license has been expired,* [~~satisfactory completion of the examination;~~] and payment of a *delinquency* [~~\$35 reinstatement~~] fee. *Delinquency fees under this subsection are:*

- "(1) operator or specialty license \$25;
- "(2) instructor license \$50;
- "(3) manicurist license \$25; and
- "(4) beauty or specialty salon license \$35.

"(g) *An applicant for renewal of a license that has been expired for more than five years shall be issued a license on submission of an application, payment of the examination fee, satisfactory completion of the examination, and payment of a \$50 reinstatement fee.*

"(h) *A beauty culture school license that has been expired for more than 30 days may not be renewed. The establishment may apply for an original license under the current requirements and fees. The commission may not accept credit hours for examination after the 30th day of expiration of a beauty culture school license.*"

SECTION 10. Section 39, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 39. **EXEMPTIONS.** The following are exempt from the provisions of this Act:

- "(1) service in the case of an emergency;
- "(2) persons licensed in this state to practice medicine, surgery, dentistry, podiatry, osteopathy, chiropractic, or nursing, *and who are operating within the scope of their license* [~~nurses~~];
- "(3) a person engaged in the business of or receiving compensation for makeup applications only;
- "(4) a person who acts as a barber regulated by the law of this state if the person does not hold himself out as a cosmetologist;
- "(5) a person volunteering services or an employee performing regular duties at a licensed nursing or convalescent custodial or personal care home when recipients of the services are patients residing in the home; and
- "(6) a person who owns, operates, or manages a licensed nursing or convalescent custodial or personal care home which allows a person with an operator license to perform services for patients residing in the home on an occasional but not daily basis."

SECTION 11. An increase in fees made by this Act applies only to a fee that becomes due on or after the effective date of this Act. A fee that becomes due before the effective date of this Act is governed by the law in effect at the time the fee becomes due and the former law is continued in effect for this purpose.

SECTION 12. This Act takes effect September 1, 1985.

SECTION 13. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 5, 1985, by a viva-voce vote; passed the House on May 24, 1985, by a non-record vote.

Approved: June 12, 1985

Effective: September 1, 1985