



1997 ASSEMBLY BILL 782

February 11, 1998 - Introduced by Representatives L. YOUNG, BOCK, R. YOUNG and RILEY, cosponsored by Senator MOORE. Referred to Committee on Consumer Affairs.

1 **AN ACT to amend** 440.635 (1), 440.635 (3), 454.04 (1) (a), (b), (c) and (d), 454.04
2 (2) (a), (b), (c) and (d), 454.06 (4) (b) 2., 454.06 (6) (b) 2., 454.145, 454.15 (2)
3 (intro.), 454.15 (2) (a) and 454.15 (3); and **to create** 440.63 (1) (a) 3., 440.63 (4)
4 and 454.06 (9m) of the statutes; **relating to:** training certificates for barbers,
5 cosmetologists, barbering or cosmetology instructors, aestheticians,
6 electrologists and manicurists and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not practice barbering or cosmetology, aesthetics (which includes certain activities related to skin care), electrology or manicuring unless he or she is issued a barber or cosmetologist, aesthetician, electrologist or manicurist license by the barbering and cosmetology examining board (board) in the department of regulation and licensing (DORL). To qualify for one of these licenses, a person must satisfy certain requirements, including passing an examination. A person who is scheduled to take the examination and has satisfied all of the other requirements for licensure may obtain a temporary permit that allows him or her to practice barbering or cosmetology, aesthetics, electrology or manicuring for up to 6 months.

Under this bill, a person who has failed to pass the examination after 2 successive attempts and who meets all the other requirements for licensure may obtain a training certificate from the board that allows him or her to practice barbering or cosmetology, aesthetics, electrology or manicuring. A training certificate is valid until the holder of the certificate passes the examination or for 18 months, whichever occurs first. A person who holds a training certificate may practice only under the supervision of other specified persons who have been issued licenses by the board. In addition, the holder of an aesthetician, electrologist or

manicurist training certificate may practice only in an establishment that is licensed by the board, must post his or her training certificate in the establishment and must disclose his or her training status before providing a service.

Also under current law, with certain exceptions, a person may not provide practical instruction in barbering or cosmetology in a school of barbering or cosmetology unless he or she is issued a barbering or cosmetology instructor certificate by DORL. To qualify for an instructor certificate, a person must satisfy certain requirements, including completing 150 hours of instructor training and passing an examination.

Under this bill, a person who is making satisfactory progress toward completing the instructor training hours and who meets all of the other requirements for an instructor certificate, except for passing the examination, may be issued a barbering or cosmetology instructor training certificate by DORL. An instructor training certificate is valid until the holder of the certificate is issued a barbering or cosmetology instructor certificate by DORL or for 18 months, whichever occurs first. In addition, a person who holds an instructor training certificate may provide practical instruction in barbering or cosmetology in a school of barbering or cosmetology, but only under the general supervision of a person who has been issued a barbering or cosmetology instructor certificate.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.63 (1) (a) 3. of the statutes is created to read:

2 440.63 (1) (a) 3. A person may provide practical instruction in barbering or
3 cosmetology in a school of barbering or cosmetology if the person holds a current
4 barbering or cosmetology instructor training certificate issued by the department.

5 **SECTION 2.** 440.63 (4) of the statutes is created to read:

6 440.63 (4) BARBERING OR COSMETOLOGY INSTRUCTOR TRAINING CERTIFICATE. (a)
7 The department shall issue a barbering or cosmetology instructor training certificate
8 to each person who submits an application that includes the fee specified in s. 440.05
9 (6), satisfies the requirement under sub. (3) (a) 2. and is making satisfactory progress
10 toward completing the requirement under sub. (3) (a) 3.

1 (b) No person who is issued a barbering or cosmetology instructor training
2 certificate under par. (a) may provide practical instruction in barbering or
3 cosmetology except under the general supervision of a person who holds a current
4 barbering or cosmetology instructor certificate issued by the department.

5 (c) A barbering or cosmetology instructor training certificate is valid until the
6 holder is issued a certificate under sub. (3) (a) or for 18 months, whichever occurs
7 first, and may not be renewed.

8 **SECTION 3.** 440.635 (1) of the statutes is amended to read:

9 440.635 (1) No person may provide practical instruction in a specialty school
10 of aesthetics unless the person holds a current manager license issued by the
11 examining board or a current barbering or cosmetology instructor, barbering or
12 cosmetology instructor training or aesthetics instructor certificate issued by the
13 department.

14 **SECTION 4.** 440.635 (3) of the statutes is amended to read:

15 440.635 (3) No person may provide practical instruction in a specialty school
16 of manicuring unless the person holds a current manager license issued by the
17 examining board or a current barbering or cosmetology instructor, barbering or
18 cosmetology instructor training or manicuring instructor certificate issued by the
19 department.

20 **SECTION 5.** 454.04 (1) (a), (b), (c) and (d) of the statutes are amended to read:

21 454.04 (1) (a) Except as permitted under pars. (b) and (d), no person may
22 engage in barbering or cosmetology unless the person has received training in the
23 areas of service provided and holds a current barber or cosmetologist license or
24 training certificate, manager license or temporary permit issued by the examining

1 board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology
2 course of instruction.

3 (b) No person may engage in aesthetics unless the person has received training
4 in the areas of service provided and holds a current aesthetician license or training
5 certificate, barber or cosmetologist license or training certificate, manager license,
6 temporary permit or training permit issued by the examining board or is an
7 apprentice under s. 454.10 or a student in an aesthetics or barbering or cosmetology
8 course of instruction.

9 (c) No person may engage in electrology unless the person holds a current
10 electrologist license or training certificate, temporary permit or training permit
11 issued by the examining board or is a student in an electrology course of instruction.

12 (d) No person may engage in manicuring unless the person has received
13 training in the areas of service provided and holds a current manicurist license or
14 training certificate, barber or cosmetologist license or training certificate, manager
15 license, temporary permit or training permit issued by the examining board or is an
16 apprentice under s. 454.10 or a student in a manicuring or barbering or cosmetology
17 course of instruction.

18 **SECTION 6.** 454.04 (2) (a), (b), (c) and (d) of the statutes are amended to read:

19 454.04 (2) (a) No person may use the title “barber cosmetologist”, “barber”,
20 “cosmetologist” or “hairstylist” or any other similar title unless the person holds a
21 current barber or cosmetologist license or training certificate or manager license
22 issued by the examining board.

23 (b) No person may use the title “aesthetician” or any other similar title unless
24 the person holds a current aesthetician license or training certificate, barber or

1 cosmetologist license or training certificate or manager license issued by the
2 examining board.

3 (c) No person may use the title “electrologist” or any other similar title unless
4 the person holds a current electrologist license or training certificate issued by the
5 examining board.

6 (d) No person may use the title “manicurist” or any other similar title unless
7 the person holds a current manicurist license or training certificate, barber or
8 cosmetologist license or training certificate or manager license issued by the
9 examining board.

10 **SECTION 7.** 454.06 (4) (b) 2. of the statutes is amended to read:

11 454.06 (4) (b) 2. At least 450 training hours of training in not less than 11 weeks
12 and not more than 30 weeks under the supervision of a barber or cosmetologist
13 instructor or aesthetics instructor certified under s. 440.63 (3) (a) or (b) or issued a
14 training certificate under s. 440.63 (4) (a) or a licensed manager, in a licensed
15 establishment that is also licensed as a specialty school of aesthetics under s. 440.62
16 (4) (a).

17 **SECTION 8.** 454.06 (6) (b) 2. of the statutes is amended to read:

18 454.06 (6) (b) 2. At least 300 training hours of training in not less than 7 weeks
19 and not more than 20 weeks under the supervision of a barber or cosmetologist
20 instructor or manicuring instructor certified under s. 440.63 (3) (a) or (d) or issued
21 a training certificate under s. 440.63 (4) (a) or a licensed manager, in a licensed
22 establishment that is also licensed as a specialty school of manicuring under s.
23 440.62 (4) (c).

24 **SECTION 9.** 454.06 (9m) of the statutes is created to read:

1 454.06 (9m) TRAINING CERTIFICATE. (a) *Barber or cosmetologist.* 1. The
2 examining board shall issue a barber or cosmetologist training certificate to a person
3 who does all of the following:

4 a. Pays the fee specified in s. 440.05 (6) and satisfies the requirements specified
5 in sub. (1) (b) and (c) and sub. (2) (b).

6 b. Has failed to pass the examination specified in sub. (2) (c) after 2 successive
7 attempts.

8 2. A barber or cosmetologist training certificate is valid until the holder is
9 issued a license under sub. (2) or for 18 months, whichever occurs first, and may not
10 be renewed.

11 3. No person holding a barber or cosmetologist training certificate may practice
12 barbering or cosmetology except under the supervision of a licensed manager.

13 (b) *Aesthetician.* 1. The examining board shall issue an aesthetician training
14 certificate to a person who does all of the following:

15 a. Pays the fee specified in s. 440.05 (6) and satisfies the requirements specified
16 in sub. (1) (b) and (c) and sub. (4) (b).

17 b. Has failed to pass the examination specified in sub. (4) (c) after 2 successive
18 attempts.

19 2. An aesthetician training certificate is valid until the holder is issued a license
20 under sub. (4) or for 18 months, whichever occurs first, and may not be renewed.

21 3. No person holding an aesthetician training certificate may practice
22 aesthetics except in a licensed establishment under the supervision of a barbering
23 or cosmetology instructor or aesthetics instructor certified under s. 440.63 (3) (a) or
24 (b) or a licensed manager.

1 (c) *Electrologist*. 1. The examining board shall issue an electrologist training
2 certificate to a person who does all of the following:

3 a. Pays the fee specified in s. 440.05 (6) and satisfies the requirements specified
4 in sub. (1) (b) and (c) and sub. (5) (b).

5 b. Has failed to pass the examination specified in sub. (5) (c) after 2 successive
6 attempts.

7 2. An electrologist training certificate is valid until the holder is issued a license
8 under sub. (5) or for 18 months, whichever occurs first, and may not be renewed.

9 3. No person holding an electrologist training certificate may practice
10 electrology except in a licensed establishment under the supervision of an electrology
11 instructor certified under s. 440.63 (3) (c), or a licensed electrologist who is also a
12 licensed manager.

13 (d) *Manicurist*. 1. The examining board shall issue a manicurist training
14 certificate to a person who does all of the following:

15 a. Pays the fee specified in s. 440.05 (6) and satisfies the requirements specified
16 in sub. (1) (b) and (c) and sub. (6) (b).

17 b. Has failed to pass the examination specified in sub. (6) (c) after 2 successive
18 attempts.

19 2. A manicurist training certificate is valid until the holder is issued a license
20 under sub. (6) or for 18 months, whichever occurs first, and may not be renewed.

21 3. No person holding a manicurist training certificate may practice manicuring
22 except in a licensed establishment under the supervision of a barbering or
23 cosmetology instructor or manicuring instructor certified under s. 440.63 (3) (a) or
24 (d) or a licensed manicurist.

1 (e) *Posting of certificates.* A person who is issued a training certificate under
2 this subsection shall post the certificate in a conspicuous place in the licensed
3 establishment in which the person practices barbering and cosmetology, aesthetics,
4 electrology or manicuring.

5 **SECTION 10.** 454.145 of the statutes is amended to read:

6 **454.145** (title) **Disclosure of training certificate or temporary permit**
7 **status.** A person practicing under a training certificate issued under s. 454.06 (9m)
8 or a temporary permit issued under s. 454.06 (10) shall, before performing a service
9 that he or she is authorized to perform by the ~~temporary~~ certificate or permit, inform
10 the person who is receiving the service that he or she is practicing under a training
11 certificate or temporary permit and that he or she has satisfied all requirements
12 except passage of an examination for a license for the applicable occupation.

13 **SECTION 11.** 454.15 (2) (intro.) of the statutes is amended to read:

14 454.15 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1) and this
15 chapter, the examining board may revoke, limit, suspend or refuse to issue or renew,
16 in accordance with the severity of the violation, a license, certificate or permit issued
17 under this chapter or reprimand the holder of a license, certificate or permit issued
18 under this chapter if it finds that the holder or applicant has done any of the
19 following:

20 **SECTION 12.** 454.15 (2) (a) of the statutes is amended to read:

21 454.15 (2) (a) Made a material misstatement in an application for license,
22 certificate or permit or renewal.

23 **SECTION 13.** 454.15 (3) of the statutes is amended to read:

24 454.15 (3) The examining board may, in addition to or in lieu of a reprimand
25 or revocation, limitation, suspension or denial of a license, certificate or permit,

1 assess against a person who has done any of the things under sub. (2) (a) to (i) a
2 forfeiture of not more than \$1,000 for each separate offense. Each day of continued
3 violation constitutes a separate offense.

4 (END)