

2001 ASSEMBLY BILL 224

March 20, 2001 – Introduced by Representatives LADWIG, LOEFFELHOLZ, DUFF, GRONEMUS, OWENS, SERATTI, J. LEHMAN, TOWNSEND, JESKEWITZ, KREIBICH, ALBERS, PETTIS, STONE and SYKORA, cosponsored by Senator PLACHE. Referred to Committee on Labor and Workforce Development.

1 **AN ACT to amend** 440.05 (intro.), 440.08 (2) (a) (intro.), 454.01 (5) (a), 454.15 (2)
2 (intro.), 454.15 (2) (a) and 454.15 (3); **to repeal and recreate** 454.06 (title); and
3 **to create** 454.01 (14m), 454.06 (11) and 454.15 (2) (cm) of the statutes; **relating**
4 **to:** providing shampooing services in barber or cosmetologist establishments.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not engage in barbering or cosmetology unless he or she is granted a barber or cosmetologist license by the barbering and cosmetology examining board (board). “Barbering or cosmetology” is defined to include doing certain things with hair, including shampooing. The exceptions apply to persons who are issued temporary permits by the board and to barbering or cosmetology students or apprentices. Current law also prohibits, with certain exceptions, a person from practicing barbering or cosmetology in an establishment unless the establishment is licensed by the board.

This bill changes the definition of “barbering or cosmetology” so that it does not include shampooing. In addition, the bill creates a shampoo certificate that the board is required to issue to a person who has completed at least 16 hours of training in shampooing in a program approved by the board. Under the bill, a person may not provide shampooing services in a licensed establishment unless the person holds a shampoo certificate, barber or cosmetologist license, or temporary permit, or is a barbering or cosmetology student or apprentice. In addition, the bill requires the board to charge a one-time \$20 fee for a shampoo certificate, which is not subject to periodic renewal.

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Finally, the bill allows the board to take disciplinary action, including revoking or suspending a license, against a person who knowingly employs a person to provide shampooing services in a licensed establishment who does not satisfy the bill's requirements. Also, the board may take disciplinary action or assess a forfeiture of no more than \$1,000 against a person who holds a shampoo certificate if that person engages in certain prohibited conduct, including making a material misstatement in an application for the 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.** 440.05 (intro.) of the statutes is amended to read:

2 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
3 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 442.06, 444.03,
4 444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18, 454.06 (11) (a), and 459.46:

5 **SECTION 2.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

6 440.08 **(2)** (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
7 442.06, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18, 454.06 (11)
8 (a), and 459.46, the renewal dates and renewal fees for credentials are as follows:

9 **SECTION 3.** 454.01 (5) (a) of the statutes is amended to read:

10 454.01 **(5)** (a) Arranging, styling, dressing, shampooing, cleansing, curling,
11 dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing,
12 singeing, or performing similar work upon the hair or beard of any person by any
13 means.

14 **SECTION 4.** 454.01 (14m) of the statutes is created to read:

15 454.01 **(14m)** “Shampoo certificate” means a certificate issued under s. 454.06
16 (11) (a).

17 **SECTION 5.** 454.06 (title) of the statutes is repealed and recreated to read:

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1 **454.06** (title) **Licenses, permits, and certificates.**

2 **SECTION 6.** 454.06 (11) of the statutes is created to read:

3 454.06 **(11)** SHAMPOO CERTIFICATE. (a) The examining board shall grant a
4 shampoo certificate to a person who submits evidence satisfactory to the examining
5 board that he or she has completed at least 16 hours of training in shampooing in a
6 program approved by the examining board and pays a fee of \$20. A certificate
7 granted under this paragraph is not subject to periodic renewal.

8 (b) No person may provide shampooing services in an establishment licensed
9 under s. 454.08 (2) unless the person holds a shampoo certificate, barber or
10 cosmetologist license, manager license, or temporary permit issued by the examining
11 board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology
12 course of instruction.

13 **SECTION 7.** 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 ~~or~~, permit, or certificate
17 issued under this chapter or reprimand the holder of a license ~~or~~, permit, or
18 certificate issued under this chapter if it finds that the holder or applicant has done
19 any of the following:

20 **SECTION 8.** 454.15 (2) (a) of the statutes is amended to read:

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

23 **SECTION 9.** 454.15 (2) (cm) of the statutes is created to read:

24 454.15 **(2)** (cm) Knowingly employed a person to provide shampooing services
25 in an establishment licensed under s. 454.08 (2) who does not hold a shampoo

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1 certificate, barber or cosmetologist license, manager license, or temporary license
2 issued by the examining board or is not an apprentice under s. 454.10 or a student
3 in a barbering or cosmetology course of instruction.

4 **SECTION 10.** 454.15 (3) of the statutes is amended to read:

5 454.15 (3) The examining board may, in addition to or in lieu of a reprimand
6 or revocation, limitation, suspension or denial of a license ~~or~~ permit, or certificate,
7 assess against a person who has done any of the things under sub. (2) (a) to (i) a
8 forfeiture of not more than \$1,000 for each separate offense. Each day of continued
9 violation constitutes a separate offense.

10 **SECTION 11. Effective date.**

11 (1) This act takes effect on the first day of the 4th month beginning after
12 publication.

13 (END)