

1987 Senate Bill 481

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## 1987 Wisconsin Act 265

AN ACT to repeal 15.405 (14) and (15), 440.05 (3) (a) 9 to 12 and 15 to 17, chapter 457 and chapter 458; to amend 440.05 (intro.), 440.05 (3) (a) 13 and 14, 440.05 (8) and 942.04 (2); to repeal and recreate 440.05 (3) (a) 4 to 7; and to create 15.405 (17), 440.09 (2m), subchapter V of chapter 440 and chapter 454 of the statutes, relating to regulating barbers, cosmetologists, aestheticians, electrologists and manicurists, regulating schools of barbering or cosmetology, aesthetics, electrology and manicuring, abolishing the barbers examining board and the cosmetology examining board, creating the barbering and cosmetology examining board, granting rule-making authority and providing penalties.

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

SECTION 1. 15.405 (14) and (15) of the statutes are repealed.

SECTION 2. 15.405 (17) of the statutes is created to read:

15.405 (17) BARBERING AND COSMETOLOGY EXAMINING BOARD. (a) There is created a barbering and cosmetology examining board in the department of regulation and licensing. The barbering and cosmetology examining board shall consist of 11 members appointed for 4-year terms. Six members shall be licensed barbers or cosmetologists, 2 members shall be public members, one member shall be a representative of a private school of barbering or cosmetology, one member shall be a representative of a public school of barbering or cosmetology and one member shall be a licensed electrologist. Of the licensed barber or cosmetologist members, 3 shall be persons who, on the effective date of this paragraph .... [revisor inserts date], hold current master barber or shop manager licenses issued by the barbers examining board under ch. 457, 1985 stats., and 3 shall be persons who, on the effective date of this paragraph .... [revisor inserts date], hold current manager or operator licenses issued by the cosmetology examining board under ch. 458, 1985 stats. Except for the 2 members representing schools, no member may be connected with or have any financial interest in a barbering or cosmetology school. This paragraph does not apply after June 30, 1994.

(b) There is created a barbering and cosmetology examining board in the department of regulation and licensing. The barbering and cosmetology examining board shall consist of 9 members appointed for 4-year terms. Four members shall be licensed barbers or cosmetologists, 2 members shall be public members, one member shall be a representative of a private school of barbering or cosmetology, one member shall be a representative of a public school of barbering or cosmetology and one member shall be a licensed electrologist. Except for the 2 members representing schools, no member may be connected with or have

any financial interest in a barbering or cosmetology school. This paragraph applies after June 30, 1994.

SECTION 3. 440.05 (intro.) of the statutes is amended to read:

**440.05 Standard fees.** (intro.) The following standard fee schedule applies to all licenses, permits and certificates issued under chs. 440 to 459, except ~~s.~~ ss. 440.41 and 440.62 or unless otherwise specifically provided by statute:

SECTION 4. 440.05 (3) (a) 4 to 7 of the statutes are repealed and recreated to read:

- 440.05 (3) (a) 4. Barber or cosmetologist, \$40.
5. Aesthetician, \$40.
6. Manager under s. 454.06 (3), \$40.
7. Instructor under s. 440.63, \$40.

SECTION 5. 440.05 (3) (a) 9 to 12 and 15 to 17 of the statutes are repealed.

SECTION 6. 440.05 (3) (a) 13 and 14 of the statutes are amended to read:

- 440.05 (3) (a) 13. Electrologists, ~~\$38~~ \$40.
14. Manicurists, ~~\$38~~ \$40.

SECTION 7. 440.05 (8) of the statutes is amended to read:

440.05 (8) Initial or renewal license, permit, certificate or registration for funeral establishments, ~~schools, barber shops, beauty salons or cosmetologist, aesthetician, electrologist or manicurist establishments,~~ drug stores, corporations, partnerships, business firms and branch offices: \$50.

SECTION 8. 440.09 (2m) of the statutes is created to read:

440.09 (2m) Licenses under s. 440.62.

SECTION 9. Subchapter V of chapter 440 of the statutes is created to read:

CHAPTER 440  
SUBCHAPTER V  
BARBERING AND COSMETOLOGY  
SCHOOLS

**440.60 Definitions.** As used in this subchapter unless the context requires otherwise:

- (1) "Aesthetician" has the meaning specified in s. 454.01 (1).

(2) "Aesthetics" has the meaning specified in s. 454.01 (2).

(3) "Apprentice" has the meaning specified in s. 454.01 (3).

(4) "Barbering or cosmetology" has the meaning specified in s. 454.01 (5).

(5) "Barber or cosmetologist" has the meaning specified in s. 454.01 (6).

(6) "Electrologist" has the meaning specified in s. 454.01 (8).

(7) "Electrology" has the meaning specified in s. 454.01 (9).

(8) "Establishment" has the meaning specified in s. 454.01 (10).

(9) "Examining board" has the meaning specified in s. 454.01 (11).

(10) "Manager" has the meaning specified in s. 454.01 (12).

(11) "Manicuring" has the meaning specified in s. 454.01 (13).

(12) "Manicurist" has the meaning specified in s. 454.01 (14).

(13) "Practical instruction" means training through action or direct contact with a patron or model other than a mannequin.

(14) "School" means any facility, other than a specialty school, that offers instruction in barbering or cosmetology, aesthetics, electrology or manicuring.

(15) "Specialty school" means an establishment that offers instruction in aesthetics, electrology or manicuring.

(16) "Student" has the meaning specified in s. 454.01 (15).

(17) "Theoretical instruction" means training through the study of principles and methods.

(18) "Training hour" has the meaning specified in s. 454.01 (16).

**440.61 Applicability.** This subchapter does not apply to any of the following:

(1) Schools regulated or approved by the board of vocational, technical and adult education.

(2) Schools operated by the department of health and social services.

**440.62 School and specialty school licensure.** (1) LICENSE REQUIRED. (a) No person may operate a school unless the school holds a current license as a school of barbering or cosmetology, aesthetics, electrology or manicuring issued by the department.

(b) No person may operate a specialty school unless the specialty school holds a current license as a specialty school of aesthetics, electrology or manicuring issued by the department.

(c) No school may use the title "school of barbering or cosmetology" or any similar title unless the school holds a current school of barbering or cosmetology license issued by the department.

(d) No school may use the title "school of aesthetics" or any similar title unless the school holds a cur-

rent school of aesthetics license issued by the department.

(e) No school may use the title "school of electrology" or any similar title unless the school holds a current school of electrology license issued by the department.

(f) No school may use the title "school of manicuring" or any similar title unless the school holds a current school of manicuring license issued by the department.

(g) No specialty school may use the title "specialty school of aesthetics" or any similar title unless the specialty school holds a current specialty school of aesthetics license issued by the department.

(h) No specialty school may use the title "specialty school of electrology" or any similar title unless the specialty school holds a current specialty school of electrology license issued by the department.

(i) No specialty school may use the title "specialty school of manicuring" or any similar title unless the specialty school holds a current specialty school of manicuring license issued by the department.

(2) APPLICATIONS; LICENSE PERIOD; CHANGE OF OWNERSHIP. (a) An application for initial licensure or renewal or reinstatement of a license under this section shall be submitted to the department on a form provided by the department and shall be accompanied by the application fee specified by the department by rule. Each application shall be accompanied by a surety bond acceptable to the department in the minimum sum of \$25,000 for each location.

(b) The department may require additional information to be submitted to accompany or supplement an application if the department determines that the information is necessary to evaluate whether the school or specialty school meets the requirements in this subchapter.

(c) The department may require a school or specialty school to submit with an application a current balance sheet and income statement audited and certified by an independent auditor or certified public accountant. If the department receives a request to inspect a balance sheet, income statement or audit report, the department shall, before permitting an inspection, require the person requesting inspection to provide his or her full name and, if the person is representing another person, the full name and address of that person. Within 48 hours after permitting an inspection, the department shall mail to the person who submitted the balance sheet, income statement or audit report a notification that states the full name and address of the person who inspected the document and the full name and address of any person represented by the person who inspected the document. This paragraph does not apply to inspection requests made by state or federal officers, agents or employees which are necessary to the discharge of the duties of their respective offices.

(d) Any change of ownership shall be reported to the department by the new owner within 5 days after the change of ownership. A change of ownership shall be submitted to the department on a form provided by the department and shall be accompanied by the change of ownership fee specified by the department by rule.

(e) The department shall promulgate rules establishing all of the following:

1. The license periods and application fees for initial licenses and license renewals and reinstatements under par. (a).

2. The requirements for surety bonds under par. (a).

3. The change of ownership fee under par. (d).

(3) SCHOOL LICENSES. (a) *School of barbering or cosmetology license.* The department shall issue a school of barbering or cosmetology license to each school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in barbering or cosmetology of at least 1,800 training hours in not less than 10 months. The course of instruction may not exceed 8 training hours in any one day for any student or 48 hours in any one week for any student.

3. If the school offers a course of theoretical instruction for managers, requires as a prerequisite to completion of the course of instruction for managers the completion of at least 150 training hours.

4. If the school offers a course of theoretical instruction for apprentices, requires as a prerequisite to completion of the course of instruction for apprentices the completion of at least 288 training hours in not less than 9 weeks and not more than 2 years.

5. If the school offers a course of instruction in aesthetics, the course of instruction satisfies the requirements under par. (b) 2.

6. If the school offers a course of instruction in electrology, the course of instruction satisfies the requirements under par. (c) 2.

7. If the school offers a course of instruction in manicuring, the course of instruction satisfies the requirements under par. (d) 2.

8. Satisfies the requirements for schools of barbering or cosmetology established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(b) *School of aesthetics license.* The department shall issue a school of aesthetics license to each school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in aesthetics of at least 450 training hours in not less than 11 weeks and not more than 30 weeks.

3. Satisfies the requirements for schools of aesthetics established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(c) *School of electrology license.* The department shall issue a school of electrology license to each school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in electrology of at least 450 training hours in not less than 11 weeks and not more than 30 weeks.

3. Satisfies the requirements for schools of electrology established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(d) *School of manicuring license.* The department shall issue a school of manicuring license to each school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in manicuring of at least 300 training hours in not less than 7 weeks and not more than 20 weeks.

3. Satisfies the requirements for schools of manicuring established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(4) SPECIALTY SCHOOL LICENSES. (a) *Specialty school of aesthetics license.* The department shall issue a specialty school of aesthetics license to each specialty school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in aesthetics of at least 450 training hours in not less than 11 weeks and not more than 30 weeks.

3. Satisfies the requirements for specialty schools of aesthetics established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(b) *Specialty school of electrology license.* The department shall issue a specialty school of electrology license to each specialty school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in electrology of at least 450 training hours in not less than 11 weeks and not more than 30 weeks.

3. Satisfies the requirements for specialty schools of electrology established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(c) *Specialty school of manicuring license.* The department shall issue a specialty school of manicuring license to each specialty school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in manicuring of at least 300 training hours in not less than 7 weeks and not more than 20 weeks.

3. Satisfies the requirements for specialty schools of manicuring established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(5) REQUIREMENTS FOR COURSES OF INSTRUCTION.  
(a) No specialty school may offer theoretical instruction for managers or apprentices.

(b) The examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction and establishing minimum standards for courses of instruction and instructional materials and equipment at schools and specialty schools.

**440.63 Persons providing practical instruction in schools.** (1) INSTRUCTOR CERTIFICATION REQUIRED. (a) No person may provide practical instruction in barbering or cosmetology in a school of barbering or cosmetology unless the person holds a current barbering or cosmetology instructor certificate issued by the department, except as follows:

1. A person may provide practical instruction in aesthetics in a school of barbering or cosmetology if the person holds a current aesthetics instructor certificate issued by the department.

2. A person may provide practical instruction in manicuring in a school of barbering or cosmetology if the person holds a current manicuring instructor certificate issued by the department.

(b) No person may provide practical instruction in a school of aesthetics unless the person holds a current barbering or cosmetology instructor or aesthetics instructor certificate by the department.

(c) No person may provide practical instruction in electrology in a school of barbering or cosmetology or school of electrology unless the person holds a current electrology instructor certificate issued by the department.

(d) No person may provide practical instruction in a school of manicuring unless the person holds a current barbering or cosmetology instructor or manicuring instructor certificate issued by the department.

(2) APPLICATIONS; CERTIFICATION PERIOD. An application for initial certification or renewal or reinstatement of a certificate under this section shall be submitted to the department on a form provided by the department. An application for initial certification shall include the application fee specified in s. 440.05 (1). Certificates issued under this section expire on July 1 of odd-numbered years. Renewal applications shall be submitted biennially on a form provided by the department and shall include the renewal fee specified in s. 440.05 (3) (a) 7 and the penalty for late renewal under s. 440.05 (4) or (5) if the application is submitted late.

(3) INSTRUCTOR CERTIFICATIONS. (a) *Barbering or cosmetology instructor certification.* The department shall issue a barbering or cosmetology instructor certificate to each person who meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Completes 2,000 hours of practice as a licensed barber or cosmetologist or holds a current manager license issued by the examining board.

3. Completes 150 training hours of instructor training approved by the department.

4. Passes an examination conducted by the department to determine fitness as a barbering or cosmetology instructor.

(b) *Aesthetics instructor certification.* The department shall issue an aesthetics instructor certificate to each person who meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Completes 2,000 hours of practice as a licensed aesthetician and 150 training hours of instructor training approved by the department.

3. Passes an examination conducted by the department to determine fitness as an aesthetics instructor.

(c) *Electrology instructor certification.* The department shall issue an electrology instructor certificate to each person who meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Completes 2,000 hours of practice as a licensed electrologist and 150 training hours of instructor training approved by the department.

3. Passes an examination conducted by the department to determine fitness as an electrology instructor.

(d) *Manicuring instructor certification.* The department shall issue a manicuring instructor certificate to each person who meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Completes 2,000 hours of practice as a licensed manicurist and 150 training hours of instructor training approved by the department.

3. Passes an examination conducted by the department to determine fitness as a manicuring instructor.

**440.635 Persons providing practical instruction in specialty schools.** (1) No person may provide practical instruction in a specialty school of aesthetics unless the person holds a current manager license issued by the examining board or a current barbering or cosmetology instructor or aesthetics instructor certificate issued by the department.

(2) No person may provide practical instruction in a specialty school of electrology unless the person holds a current electrologist license and a current manager license issued by the examining board or an electrology instructor certificate issued by the department.

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

**440.64 Regulation of schools and specialty schools.**

(1) DUTIES OF DEPARTMENT. (a) The department shall investigate the adequacy of the courses of instruction and instructional materials and equipment at schools and specialty schools and review those courses of instruction, instructional materials and equipment for

compliance with minimum standards established by rules of the examining board.

(b) The department shall promulgate rules:

1. Establishing standards and criteria to prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction.

2. Regulating the negotiability of promissory instruments received by schools and specialty schools in payment of tuition and other charges.

3. Establishing minimum standards for the refund of portions of tuition, fees and other charges if a student does not enter a course or course of instruction or withdraws or is discontinued from a course or course of instruction.

4. Requiring schools and specialty schools to furnish information to the department concerning their facilities, curricula, instructors, registration and enrollment policies, enrollment rosters, student training hours, contracts, financial records, tuition and other charges and fees, refund policies and policies concerning the negotiability of promissory instruments received in payment of tuition and other charges.

(2) AUDITORS AND INSPECTORS. (a) The department shall appoint auditors and inspectors under the classified service to audit and inspect schools and specialty schools.

(b) An auditor or inspector appointed under par. (a) may enter and audit or inspect any school or specialty school at any time during business hours.

(3) INVESTIGATIONS, HEARINGS, REPRIMANDS, DENIALS, LIMITATIONS, SUSPENSIONS AND REVOCATIONS. (a) Subject to the rules promulgated under s. 440.03 (1), the department may make investigations or conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

(b) Subject to the rules promulgated under s. 440.03 (1), the department may reprimand a licensee or certified instructor or deny, limit, suspend or revoke a license or certificate under this subchapter if it finds that the applicant, licensee or certified instructor has done any of the following:

1. Made a material misstatement in an application for licensure, certification or renewal.

2. Advertised in a manner which is false, deceptive or misleading.

3. Violated this subchapter or any rule promulgated under this subchapter.

(c) In addition to or in lieu of a reprimand or denial, limitation, suspension or revocation of a license or certificate under par. (b), the department may assess against a school, specialty school or instructor a forfeiture of not less than \$100 nor more than \$5,000 for each violation enumerated under par. (b).

SECTION 10. Chapter 454 of the statutes is created to read:

CHAPTER 454  
BARBERING AND COSMETOLOGY  
EXAMINING BOARD

**454.01 Definitions.** In this chapter:

(1) "Aesthetician" means a person who practices aesthetics.

(2) "Aesthetics" means, for compensation, caring for or beautifying the skin of the human body, including but not limited to cleaning, applying cosmetics, oils, lotions, clay, creams, antiseptics, powders or tonics to or massaging, stimulating, wrapping or exercising the skin of the human body.

(3) "Apprentice" means a person who is learning the practice of barbering or cosmetology under s. 454.10.

(5) "Barbering or cosmetology" means, for compensation, performing any one or a combination of the following practices:

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

(b) Massaging, cleansing, stimulating, manipulating, wrapping, exercising, beautifying or applying cosmetic preparations, antiseptics, powders, oils, tonics, clay or lotion to or performing other similar work upon the skin of any person.

(c) Manicuring.

(d) The removal of hair of any person, except by use of an electric needle.

(6) "Barber or cosmetologist" means a person who practices barbering or cosmetology.

(7) "Compensation" means direct or indirect payment, including the expectation of payment whether or not actually received.

(8) "Electrologist" means a person who practices electrology.

(9) "Electrology" means, for compensation, removing hair from the human body by use of an electric needle.

(10) "Establishment" means any place in which barbering or cosmetology, aesthetics, electrology or manicuring is performed.

(11) "Examining board" means the barbering and cosmetology examining board.

(12) "Manager" means a person who practices barbering or cosmetology and who is responsible for supervising and managing the operation of an establishment and ensuring that the establishment operates in compliance with this chapter and rules promulgated by the examining board.

(13) "Manicuring" means, for compensation, cleansing, cutting, shaping, beautifying or massaging limited to the hands, feet or nails of the human body.

(14) "Manicurist" means a person who practices manicuring.

(15) "Student" means a person who is not licensed to practice barbering or cosmetology and who is engaged in learning the practice of barbering or cosmetology, aesthetics, electrology or manicuring at a school licensed under s. 440.62 (3) or exempted under s. 440.61 or a specialty school licensed under s. 440.62 (4).

(16) "Training hour" means at least 50 minutes but not more than 60 minutes of instruction.

**454.02 Limitations and exceptions.** (1) Licenses to practice barbering or cosmetology do not confer the right to diagnose, prescribe for or treat diseases or conditions except as indicated in the definition of barbering or cosmetology in s. 454.01 (5) or under the direction of a licensed and practicing physician.

(2) Barbering or cosmetology, aesthetics, electrology and manicuring do not include any of the following:

(a) Services performed by a person licensed, certified or registered under the laws of this state as a physician, physician's assistant, podiatrist, physical therapist, nurse or funeral director if those services are within the scope of the license, certificate or registration.

(b) Personal care services performed in correctional institutions, hospitals and licensed nursing homes under the supervision of a person responsible for inmate or patient care.

(3) Barbering or cosmetology, aesthetics and manicuring do not include any of the following:

(a) Services performed by masseurs or masseuses.

(b) Applying cosmetics preparatory to a public performance.

(c) Aesthetics, if performed on the face to demonstrate a product without compensation from a patron other than the sale of the product.

**454.04 Practice.** (1) (a) Except as permitted under pars. (b) and (d), no person may engage in barbering or cosmetology unless the person has received training in the areas of service provided and holds a current barber or cosmetologist license, manager license or temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology course of instruction.

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

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

(d) No person may engage in manicuring unless the person has received training in the areas of service

provided and holds a current manicurist license, barber or cosmetologist license, manager license, temporary permit or training permit issued by the examining board or is an apprentice under s. 454.10 or a student in a manicuring or barbering or cosmetology course of instruction.

(2) (a) No person may use the title "barber cosmetologist", "barber", "cosmetologist" or "hairstylist" or any other similar title unless the person holds a current barber or cosmetologist license or manager license issued by the examining board.

(b) No person may use the title "aesthetician" or any other similar title unless the person holds a current aesthetician license, barber or cosmetologist license or manager license issued by the examining board.

(c) No person may use the title "electrologist" or any other similar title unless the person holds a current electrologist license issued by the examining board.

(d) No person may use the title "manicurist" or any other similar title unless the person holds a current manicurist license, barber or cosmetologist license or manager license issued by the examining board.

**454.06 Licensure.** (1) APPLICATION. All applications for licenses under this section shall be filed with the examining board. No initial license may be issued under this section unless all of the following conditions are satisfied:

(a) The applicant pays the fee specified in s. 440.05 (1), except as provided in s. 454.13 (1).

(b) Subject to ss. 111.321, 111.322 and 111.335, the applicant presents evidence satisfactory to the examining board that the applicant has not been convicted of a felony committed while engaged in the practice of barbering or cosmetology.

(c) The applicant has graduated from high school or has attained high school graduation equivalency as determined by the department of public instruction; is participating in a program approved by the examining board; or is at least 18 years old and meets the ability to benefit rule under 20 USC 1091 (d).

(2) BARBER OR COSMETOLOGIST LICENSE. The examining board shall issue a barber or cosmetologist license to any person who does all of the following:

(a) Satisfies the conditions in sub. (1).

(b) Graduates from a course of instruction of at least 1,800 training hours in not less than 10 months in a school of barbering or cosmetology licensed under s. 440.62 (3) (a) or exempted under s. 440.61 or has successfully completed an apprenticeship under s. 454.10.

(c) Passes an examination conducted by the examining board to determine fitness to practice barbering or cosmetology.

(3) MANAGER LICENSE. The examining board shall issue a manager license to any person who does all of the following:

(a) Holds a barber or cosmetologist license.

(b) Completes 4,000 hours of practice as a licensed barber or cosmetologist under the supervision of a licensed manager or completes 2,000 hours of practice as a licensed barber or cosmetologist and 150 training hours of theoretical instruction in a school of barbering or cosmetology licensed under s. 440.62 (3) (a) or exempted under s. 440.61.

(c) Pays the fee under s. 440.05 (1).

(d) Passes an examination conducted by the examining board to determine fitness to practice as a manager.

(4) **AESTHETICIAN LICENSE.** The examining board shall issue an aesthetician license to any person who does all of the following:

(a) Satisfies the conditions in sub. (1).

(b) Completes either of the following:

1. A course of instruction in aesthetics of at least 450 training hours in not less than 11 weeks and not more than 30 weeks, in a school of barbering or cosmetology or a school of aesthetics licensed under s. 440.62 (3) (a) or (b) or exempted under s. 440.61.

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

(c) Passes an examination conducted by the examining board to determine fitness to practice as an aesthetician.

(5) **ELECTROLOGIST LICENSE.** The examining board shall issue an electrologist license to any person who does all of the following:

(a) Satisfies the conditions in sub. (1).

(b) Completes either of the following:

1. A course of instruction in electrology of at least 450 training hours in not less than 11 weeks and not more than 30 weeks, in a school of barbering or cosmetology or a school of electrology licensed under s. 440.62 (3) (a) or (c) or exempted under s. 440.61.

2. At least 450 training hours of training in not less than 11 weeks and not more than 30 weeks under the supervision of an electrology instructor certified under s. 440.63 (3) (c), or a licensed electrologist who is also a licensed manager, in a licensed establishment that is also licensed as a specialty school of electrology under s. 440.62 (4) (b).

(c) Passes an examination conducted by the examining board to determine fitness to practice as an electrologist.

(6) **MANICURIST LICENSE.** The examining board shall issue a manicurist license to any person who does all of the following:

(a) Satisfies the conditions in sub. (1).

(b) Completes either of the following:

1. A course of instruction in manicuring of at least 300 training hours in not less than 7 weeks and not

more than 20 weeks, in a school of barbering or cosmetology or a school of manicuring licensed under s. 440.62 (3) (a) or (d) or exempted under s. 440.61.

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

(c) Passes an examination conducted by the examining board to determine fitness to practice as a manicurist.

(7) **POSTING OF LICENSE CERTIFICATES.** The examining board shall furnish a certificate to each licensee, certifying that the holder is licensed to practice barbering or cosmetology, aesthetics, electrology or manicuring or is a licensed manager. The licensee shall post the certificate in a conspicuous place in the licensed establishment.

(8) **EXPIRATION AND RENEWAL.** Licenses issued under subs. (2) to (6) expire on July 1 of the odd-numbered years. Renewal applications shall be submitted biennially on a form provided by the examining board and shall include the renewal fee specified in s. 440.05 (3) (a) and the penalty for late renewal under s. 440.05 (4) or (5) if the application is submitted late.

(9) **TRAINING PERMIT.** A person shall obtain a training permit from the examining board before beginning training under sub. (4) (b) 2, (5) (b) 2 or (6) (b) 2. The examining board shall issue a training permit to a person who satisfies the conditions in sub. (1) (b) and (c) and who pays a \$10 fee.

(10) **TEMPORARY PERMIT.** The examining board may issue a temporary permit to practice as a barber or cosmetologist without examination if the applicant meets all of the requirements of sub. (2) for licensure except passage of an examination and if the applicant is scheduled to take the examination for licensure. A temporary permit is valid for not more than 6 months and may not be renewed. The fee for a temporary permit is that specified in s. 440.05 (6).

**454.07 Examinations.** (1) The examining board shall, in accordance with s. 440.07 (2), conduct examinations for barber or cosmetologist, manager, aesthetician, electrologist and manicurist licenses not less than 8 times annually, at times and places determined by the examining board.

(2) Examinations of applicants for licenses issued under s. 454.06 (2) to (6) shall consist of written tests and practical demonstrations requiring applicants to demonstrate minimum competency in services and subjects substantially related to practice and public health and safety.

(3) A person is not eligible for examination for a license unless the person has completed the requirements for licensure under s. 454.06 except passing the examination.

(4) An applicant shall file an application for examination in the office of the examining board at least 3 weeks before the examination. If an applicant fails to file the application within the required time, the examining board may postpone the applicant's examination to the date of the next available regular examination. The examining board may require an applicant who fails to appear for or to complete an examination to reapply for examination. An applicant who fails an examination may request reexamination and shall pay a fee for reexamination, according to the procedures and fees established under s. 440.06.

**454.08 Establishment licenses.** (1) (a) The examining board may promulgate rules permitting the provision of personal care barbering or cosmetology, aesthetics, electrology or manicuring services outside of licensed establishments by barbers or cosmetologists, aestheticians, electrologists and manicurists to persons who are unable to leave their homes because of illness or disability or who are in hospitals, nursing homes, correctional institutions or other institutions.

(b) Except as permitted by rule promulgated under par. (a), no person may practice barbering or cosmetology, aesthetics, electrology or manicuring in an establishment unless the establishment is licensed to provide that practice under sub. (2).

(2) The examining board shall issue the following establishment licenses:

(a) A barber or cosmetologist establishment license which authorizes the practice of barbering or cosmetology, aesthetics, electrology and manicuring in the licensed establishment.

(b) An aesthetician establishment license which authorizes the practice of aesthetics in the licensed establishment.

(c) An electrologist establishment license which authorizes the practice of electrology in the licensed establishment.

(d) A manicurist establishment license which authorizes the practice of manicuring in the licensed establishment.

(3) The examining board shall issue an establishment license to any person who pays the fee specified in s. 440.05 (8) and who satisfies the requirements established by the examining board by rule, including proof of ownership of the business. Any change of ownership shall be reported to the examining board by the new owner within 5 days after the change of ownership.

(4) The examining board shall, by rule, establish minimum standards concerning the maintenance, equipment, plans and specifications for licensed establishments as they relate to the public health and safety. The examining board may not license an establishment under this section unless it meets the standards established by the examining board. A person proposing to open an establishment in a new location shall apply to the examining board for an inspection and approval of the establishment, submitting an

exact description and floor plan of the proposed location of the establishment on a form prescribed by the examining board.

(5) A person who is not licensed under s. 454.06 by the examining board may own or operate an establishment, but may not practice barbering or cosmetology, aesthetics, electrology or manicuring.

(6) A person who owns one or more barber or cosmetologist establishments shall employ at least one person as a manager who holds a manager license and works full time in the establishments.

(7) Commercial businesses and practices other than barbering or cosmetology may be operated within a licensed establishment, except that a business or practice which poses a sanitation or health hazard may not be conducted within a licensed establishment.

(8) The examining board shall furnish a certificate to the owner of a licensed establishment, certifying that the establishment is licensed by the examining board. The owner shall post the certificate in a conspicuous place in the establishment.

(9) Licenses issued under this section expire on July 1 of the odd-numbered years, and are not transferable. Renewal applications designating the particular establishment licensed shall be submitted biennially on a form provided by the examining board and shall include the renewal fee specified in s. 440.05 (8) and the penalty for late renewal under s. 440.05 (4) or (5) if the application is submitted late.

**454.10 Apprenticeship.** (1) All apprentices shall be indentured and shall be governed by s. 106.01, the apprenticeship rules of the department of industry, labor and human relations and the rules of the examining board.

(2) Apprentices shall receive at least 3,712 hours of practical training and at least 288 training hours of instruction in theory in a school of barbering or cosmetology in order to complete the apprenticeship program and be eligible to take the examination for a barber or cosmetologist license. Apprentices shall receive training for a total of at least 32 hours per week. The training shall be completed in not less than 2 years and not more than 4 years.

(3) No apprentice may practice barbering or cosmetology except under the supervision of a licensed manager. Apprentices shall be trained in all branches of practical work and in all subjects required to be taught in schools of barbering or cosmetology as prescribed by the examining board by rule.

(4) A person who has successfully completed the requirements of sub. (2) may not continue to practice as an apprentice but may apply for a temporary permit under s. 454.06 (10).

**454.11 Restoration of licenses.** Any person who held a license as a barber or cosmetologist, manager, aesthetician, electrologist or manicurist and who failed to renew the license on or before the date of its expiration may renew the license as follows:



(1) If the application for renewal is filed within one year after the expiration of the applicant's last license, by payment of the fees specified in s. 440.05 (3) and (4) or (5).

(2) If the application for renewal is filed more than one year through 4 years after the expiration of the applicant's last license, by completion of 8 training hours of practical training approved by the examining board for each full year during which the applicant was not licensed and payment of the fees specified in s. 440.05 (3) and (5).

(3) If the application for renewal is filed more than 4 years after the expiration of the applicant's last license, by payment of the fee specified in s. 440.05 (1) and successful completion of the appropriate examination under s. 454.07.

**454.12 Continuing education.** The examining board may impose continuing education requirements on licensees either:

(1) As a part of the disciplinary process to ensure competency; or

(2) By rule, if necessary to preserve the public health, safety or welfare.

**454.13 Licensees of other jurisdictions.** (1) Upon application and payment of the fee specified in s. 440.05 (2), the examining board may issue a license to practice barbering or cosmetology, aesthetics, electrology or manicuring or to practice as a manager to an applicant who is licensed in another state or territory of the United States or in another country to perform services which are substantially the same as those performed by licensees in this state and to whom either of the following applies:

(a) The applicant has at least 4,000 hours of experience in licensed practice, has never been disciplined by the licensing authority of another jurisdiction and is not a party to a proceeding before the licensing agency in which it is alleged that the applicant was negligent in the licensed practice or violated the law relating to the licensed practice.

(b) The applicant meets the requirements established in a reciprocal agreement under sub. (2) between the examining board and the licensing authority in the state where the applicant is licensed.

(2) The examining board may enter into reciprocal agreements with officials of other states for licensing barbers or cosmetologists, aestheticians, electrologists, manicurists and managers and grant licenses to persons licensed in other states according to the terms of such an agreement.

**454.14 Inspections.** (1) The department shall appoint inspectors under the classified service to inspect licensed establishments.

(2) An inspector appointed under sub. (1) may enter and inspect any licensed establishment at any time during business hours.

**454.15 Disciplinary proceedings and actions.** (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations or con-

duct hearings to determine whether a person has violated this chapter or any rule promulgated under this chapter.

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

(a) Made a material misstatement in an application for license or permit or renewal.

(b) Failed to correct or take substantial steps approved by the examining board to correct a violation of any sanitary or other rule of the examining board within the time limit stated by the examining board in a notification of violation.

(c) Engaged in conduct in the practice of barbering or cosmetology, aesthetics, electrology or manicuring which evidences a lack of knowledge or ability to apply professional principles or skills.

(d) Subject to ss. 111.321, 111.322 and 111.335, been convicted of a felony committed while engaged in the practice of barbering or cosmetology, aesthetics, electrology or manicuring.

(e) Continued practice while knowingly having an infectious, contagious or communicable disease.

(f) Advertised in a manner which is false, deceptive or misleading.

(g) Advertised, practiced or attempted to practice under another's name or another's trade name.

(h) Subject to ss. 111.321, 111.322 and 111.34, been addicted to alcohol or other drugs to an extent related to the individual's ability to adequately undertake the job-related responsibilities of that individual's licensure.

(i) Violated this chapter or any rule promulgated under this chapter.

(3) The examining board may, in addition to or in lieu of a reprimand or revocation, limitation, suspension or denial of a license or permit, assess against a person who has done any of the things under sub. (2) (a) to (i) a forfeiture of not less than \$100 nor more than \$5,000 for each separate offense.

**454.16 Penalties.** Any person who violates this chapter or any rule promulgated under this chapter shall be fined not less than \$100 nor more than \$5,000 or imprisoned for not less than 10 days nor more than 90 days or both.

SECTION 11. Chapter 457 of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 12. Chapter 458 of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 13. 942.04 (2) of the statutes is amended to read:

942.04 (2) "Public place of accommodation or amusement" shall be interpreted broadly to include,

but not be limited to, places of business or recreation, hotels, motels, resorts, restaurants, taverns, ~~barber shops~~ barber or cosmetologist, aesthetician, electrologist or manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusement, goods or services are available either free or for a consideration except where provided by bona fide private, nonprofit organizations or institutions.

**SECTION 14. Nonstatutory provisions; transition.**

(1) INITIAL APPOINTMENTS TO BARBERING AND COSMETOLOGY EXAMINING BOARD. (a) Notwithstanding section 15.405 (17) (a) of the statutes, as created by this act, of the initial members of the barbering and cosmetology examining board 3 shall be appointed for terms ending July 1, 1992, 3 shall be appointed for terms ending July 1, 1991, 3 shall be appointed for terms ending July 1, 1990 and 2 shall be appointed for terms ending July 1, 1989.

(b) Of the initial members of the barbering and cosmetology examining board, 2 of the licensed barber or cosmetologist members shall be persons who, on the effective date of this paragraph, hold current master barber or shop manager licenses issued by the barbers examining board, 2 of the licensed barber or cosmetologist members shall be persons who, on the effective date of this paragraph, hold current manager's or operator's licenses issued by the cosmetology examining board and 2 of the licensed barber or cosmetologist members shall be persons who, on the effective date of this paragraph, hold both a current master barber or shop manager license issued by the barbers examining board and a current manager's or operator's license issued by the cosmetology examining board.

(2) CURRENT APPRENTICES. A person serving an apprenticeship in barbering or cosmetology on the effective date of this subsection shall complete his or her contract under section 106.01 of the statutes and shall, upon completion of the apprenticeship, be eligible for the examination under section 454.06 (2) (c) of the statutes, as created by this act.

(3) RULES. (a) The barbering and cosmetology examining board may repeal administrative rules of the barber's examining board and the cosmetology examining board. The rules of the barber's examining board and the cosmetology examining board in effect immediately before the effective date of this subsection remain in effect until repealed by the barbering and cosmetology examining board or until the first day of the 24th month beginning after the effective date of this paragraph, whichever is earlier.

(b) The barbering and cosmetology examining board may commence rule making prior to the effective date of chapter 454 of the statutes, as created by this act, but the rules may not take effect prior to the effective date of that chapter.

(4) LICENSURE OF EXISTING LICENSEES UPON CREATION OF THE EXAMINING BOARD. (a) Any person who,

on the effective date of this paragraph, holds a current master barber license issued by the barbers examining board under chapter 457, 1985 stats., or a current operator's license issued by the cosmetology examining board under chapter 458, 1985 stats., is automatically licensed as a barber or cosmetologist under section 454.06 (2) of the statutes, as created by this act, without any additional examination or fee.

(b) Any person who, on the effective date of this paragraph, holds a current shop manager license issued by the barbers examining board under chapter 457, 1985 stats., or a current manager's license issued by the cosmetology examining board under chapter 458, 1985 stats., is automatically licensed as a shop or salon manager under section 454.06 (3) of the statutes, as created by this act, without any additional examination or fee.

(c) Any person who, on the effective date of this paragraph, holds a current electrologist license issued by the cosmetology examining board under chapter 458, 1985 stats., is automatically licensed as an electrologist under section 454.06 (5) of the statutes, as created by this act, without any additional examination or fee.

(d) Any person who, on the effective date of this paragraph, holds a current manicurist license issued by the cosmetology examining board under chapter 458, 1985 stats., is automatically licensed as a manicurist under section 454.06 (6) of the statutes, as created by this act, without any additional examination or fee.

(e) Any place which, on the effective date of this paragraph, is licensed as a barber shop by the barber examining board, under chapter 457, 1985 stats., or as a beauty salon by the cosmetology examining board, under chapter 458, 1985 stats., is automatically licensed as a barber or cosmetology establishment under section 454.08 (2) (a) of the statutes, as created by this act, without any additional inspection or fee.

(f) Any place which, on the effective date of this paragraph, is licensed as an electrolysis salon by the cosmetology examining board under chapter 458, 1985 stats., is automatically licensed as an electrologist establishment under section 454.08 (2) (c) of the statutes, as created by this act, without any additional inspection or fee.

(5) ELIGIBILITY FOR EXAMINATION. (a) Any person who, on the effective date of this paragraph, satisfies the conditions under section 457.11 (1) (a) and (b) or 458.08 (1) and (4) (a), 1985 stats., is automatically eligible to take the examination under section 454.06 (2) (c) of the statutes, as created by this act.

(b) Any person who, on the effective date of this paragraph, satisfies the conditions under section 458.08 (6m) (a) to (d), 1985 stats., is automatically eligible to take the examination under section 454.06 (5) (c) of the statutes, as created by this act.

(c) Any person who, on the effective date of this paragraph, satisfies the conditions under section

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458.08 (7), 1985 stats., except for passage of the examination, is automatically eligible to take the examination under section 454.06 (6) (c) of the statutes, as created by this act.

**SECTION 15. Effective dates.** This act takes effect on the first day of the 7th month beginning after publication, except as follows:

(1) The treatment of section 15.405 (17) of the statutes and SECTION 14 (1) and (3) (b) of this act take effect on the day after publication.

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