

Amendment No. CA39

First Conference Committee Amendment to Senate Bill No. 333 Second Reprint (BDR 54-764)

Proposed by: First Conference Committee

Amendment Box:

Resolves Conflicts with: N/A

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 333 R2 (§ 1).

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

“**Section 1.** Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall grant a license as a student instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his education;

(b) Is enrolled in a program to prepare student instructors in a school of cosmetology if:

(1) The program is certified by the Board; and

(2) The program requires that the student instructor is supervised by an instructor who is licensed;

(c) Is licensed pursuant to this chapter;

(d) Applies for a license as a student instructor on a form provided by the Board;

RRY

Date: 6/5/2005

S.B. No. 333—Revises provisions governing practice of cosmetology and related professions.



(e) Submits two current photographs of himself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than \$25 or more than \$40 for the issuance of a license as a student instructor.

3. A person issued a license as a student instructor pursuant to this section:

(a) Must be supervised by an instructor who is licensed; and

(b) May act as an instructor for compensation and work experience credit while accumulating the number of hours of training required for an instructor's license.

4. A license as a student instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or after full-time employment as a student instructor for 1 year, whichever occurs later. The Board may grant an extension of not more than 45 days to those student instructor licensees who have applied to the Board for examination as instructors and are awaiting examination.”.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 9 and 10 and adding new sections designated sections 4 through 8, following sec. 2, to read as follows:

“Sec. 4. NRS 644.195 is hereby amended to read as follows:

644.195 1. Each instructor must:

(a) Be licensed as a cosmetologist pursuant to this chapter.

(b) Have successfully completed the 12th grade in school or its equivalent.

(c) Have 1 year of experience as a cosmetologist ~~or~~ *or as a licensed student instructor.*

(d) Have completed 1,000 hours of training as an instructor or 500 hours of training as a provisional instructor in a school of cosmetology.

(e) Except as otherwise provided in subsection 2, take one or more courses in advanced techniques for teaching or training, approved by the Board, whose combined duration is at least 30 hours during each 2-year period.

2. The provisions of paragraph (e) of subsection 1 do not apply to an instructor who is initially licensed not more than 6 months before the renewal date of the license. An instructor who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in paragraph (e) whose combined duration is at least 15 hours during each 2-year period.

3. Each instructor shall pay an initial fee for a license of not less than \$40 and not more than \$60.

Sec. 5. NRS 644.1955 is hereby amended to read as follows:

644.1955 1. The Board shall admit to examination for a license as an instructor of aestheticians any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of 800 hours of training as an instructor or 400 hours of training as a provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as an aesthetician pursuant to this chapter; and
- (f) Has practiced as a full-time licensed aesthetician *or as a licensed student instructor* for 1 year.

2. Except as otherwise provided in subsection 3, an instructor of aestheticians shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor of aestheticians who is initially licensed not more than 6 months before the renewal date of the license. An instructor of aestheticians who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.

Sec. 6. NRS 644.197 is hereby amended to read as follows:

644.197 1. The Board shall admit to examination for a license as an instructor in manicuring any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of 500 hours of training as an instructor or 250 hours of training as a provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as a manicurist pursuant to this chapter; and
- (f) Has practiced as a full-time licensed manicurist *or as a licensed student instructor* for 1 year.

2. Except as otherwise provided in subsection 3, an instructor in manicuring shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor in manicuring who is initially licensed not more than 6 months before the renewal date of the license. An instructor in manicuring who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.

Sec. 7. NRS 644.212 is hereby amended to read as follows:

644.212 An application for the issuance of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, *and section 1 of this act* must include the social security number of the applicant.

Sec. 8. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, manicurist, ~~provisional instructor,~~ demonstrator of cosmetics and instructor expires on July 1 of the next succeeding odd-numbered year.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses issued for less than 1 1/2 years.”.

Amend sec. 4, pages 3 and 4, by deleting lines 23 through 45 on page 3 and lines 1 through 25 on page 4, and inserting:

“Sec. 10. NRS 644.383 is hereby amended to read as follows:

644.383 1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety . *If the license for the school was issued:*

(a) On or before June 30, 2005, the bond must be in the amount of \$10,000 ~~£~~ ; *or*

(b) On or after July 1, 2005, except as otherwise provided in subsections 6 and 7, the bond must be in the amount determined by the Board pursuant to subsections 2 to 5, inclusive.

2. The amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 is the total of the amounts of the bonds for all of the programs offered by the school, except that:

(a) The total amount determined pursuant to subsections 3, 4 and 5 must be rounded down to the nearest \$5,000; and

(b) The amount of the bond required for the school must not be less than \$10,000 or more than \$400,000.

3. Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for the program multiplied by the number of students who will enroll in the program each year.

4. If the length of a program at a school of cosmetology is less than 1 year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.

5. Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 must be reduced to 12 percent of the total of the amounts calculated pursuant to subsections 3 and 4 if the school participates in:

(a) Any program of student assistance pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et. seq.; or

(b) Any other program administered by the United States Department of Education through which students at the school receive loans.

6. If a school of cosmetology has been licensed for not less than 5 years, the Board shall set the amount of the bond required pursuant to paragraph (b) of subsection 1 for the school:

(a) In the amount of \$10,000, if the Board did not receive any valid complaints against the school during the immediately preceding 5 years;

(b) In an amount not less than \$10,000 and not more than the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that each such complaint was a complaint of a minor violation of the provisions of this chapter or of any regulations adopted pursuant to this chapter; and

(c) In the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that any such complaint was a complaint of a major violation of the provisions of this chapter or any regulations adopted pursuant thereto.

7. The bond required for a school of cosmetology must be in the amount of \$10,000 if the school:

(a) Is initially licensed on or before June 30, 2005;

(b) Has been continuously licensed since June 30, 2005; and

(c) Is relocated and obtains a license for the new location on or after July 1, 2005.

8. The bond must be in the form approved by the Board and must be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any contracts, verbal or written, made by the school to furnish instruction to any person. The bond must be to the State of Nevada in favor of every person who pays or deposits

money with the school as payment for instruction. A bond continues in effect until notice of termination is given by registered or certified mail to the Board and every bond must set forth this fact.

~~{3-}~~ **9.** A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond.

10. The Board shall adopt regulations defining the terms "minor violation" and "major violation" for the purposes of subsection 6."

Amend the bill as a whole by renumbering sections 5 through 8 as sections 11 through 14.

Amend sec. 8, page 6, by deleting line 8 and inserting:

"Sec. 14. 1. This act becomes effective on July 1, 2005.

2. Section 7 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
are repealed by the Congress of the United States."

Amend the title of the bill, first line, after "professions;" by inserting:

“providing for the licensure of student instructors;”.