

FIRST REGULAR SESSION

HOUSE BILL NO. 590

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KOENIG (Sponsor), CURTMAN,
BRATTIN AND MARSHALL (Co-sponsors).

1638H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 328.020, 328.115, 329.030, 329.045, 329.070, and 329.080, RSMo, and to enact in lieu thereof six new sections relating to licensure requirements for certain professions, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 328.020, 328.115, 329.030, 329.045, 329.070, and 329.080, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 324.404, 328.020, 328.115, 329.030, 329.045, and 329.080, to read as follows:

324.404. Nothing in sections 324.400 to 324.409 shall require a person engaged in the practice of interior design to be registered in this state; except that, any person who is not registered to engage in the practice of interior design in this state shall not be permitted to hold himself or herself out as a registered interior designer or advertise as a registered interior designer. Any person who violates the provisions of this section is guilty of a class C misdemeanor.

328.020. [It shall be unlawful for any] **A** person [to] **may** practice the occupation of a barber in this state[, unless he or she shall have first obtained] **without** a license[, as provided in this chapter] ; **except that, any person not licensed as a barber in this state shall not be permitted to hold himself or herself out as a licensed barber or advertise as a licensed barber. Any person who violates the provisions of this section is guilty of a class C misdemeanor.**

328.115. 1. The owner of [every] **an** establishment in which the occupation of barbering is practiced [shall] **may** obtain a license for such establishment issued by the board [before

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 barbering is practiced therein] ; **except that, any establishment not licensed in this state shall**
4 **not hold itself out as a licensed barber establishment or advertise as a licensed barber**
5 **establishment, and any owner who violates this provision is guilty of a class C**
6 **misdemeanor.** A new license shall be obtained for a **licensed** barber establishment within
7 forty-five days when the establishment changes ownership or location. The state inspector shall
8 inspect the sanitary conditions required for licensure, established under subsection 2 of this
9 section, for an establishment that has changed ownership or location without requiring the owner
10 to close business or deviate in any way from the establishment's regular hours of operation.

11 2. The board shall issue a license for a establishment upon receipt of the license fee from
12 the applicant if the board finds that the establishment complies with the sanitary regulations
13 adopted pursuant to section 329.025. All barber establishments shall continue to comply with
14 the sanitary regulations. Failure of a barber establishment to comply with the sanitary
15 regulations shall be grounds for the board to file a complaint with the administrative hearing
16 commission to revoke, suspend, or censure the establishment's license or place the
17 establishment's license on probation.

18 3. The license for a barber establishment shall be renewable. The applicant for renewal
19 of the license shall on or before the renewal date submit the completed renewal application
20 accompanied by the required renewal fee. If the renewal application and fee are not submitted
21 within thirty days following the renewal date, a penalty fee plus the renewal fee shall be paid to
22 renew the license. If a new establishment opens any time during the licensing period and does
23 not register a license before opening, there shall be a delinquent fee in addition to the regular fee.
24 The license shall be kept posted in plain view within the barber establishment at all times.

 329.030. [It is unlawful for any] **A person in this state [to] may engage in the occupation**
2 **of cosmetology or [to] operate an establishment or school of cosmetology[, unless such person**
3 **has first obtained] without a license as provided by this chapter; except that, any person not**
4 **licensed to engage in the occupation of cosmetology in this state shall not be permitted to**
5 **hold himself or herself out as a licensed cosmetologist or advertise as a licensed**
6 **cosmetologist, and no establishment or school of cosmetology shall be held out as a licensed**
7 **establishment or school, or advertise as a licensed establishment or school. Any person**
8 **who violates the provisions of this section is guilty of a class C misdemeanor.**

 329.045. 1. Every establishment in which the occupation of cosmetology is practiced
2 [shall be required to] **may** obtain a license from the board. Every establishment [required to be]
3 **that is** licensed shall pay to the board an establishment fee for the first three licensed
4 cosmetologists esthetician and/or manicurists, and/or apprentices and an additional fee for each
5 additional licensee. The fee shall be due and payable on the renewal date and, if the fee remains
6 unpaid thereafter, there shall be a late fee in addition to the regular establishment fee or, if a new

7 establishment opens any time during the licensing period and does not register before opening,
8 there shall be a delinquent fee in addition to the regular establishment fee. The license shall be
9 kept posted in plain view within the establishment at all times.

10 2. A new license shall be obtained for a cosmetology establishment within forty-five
11 days when the establishment changes ownership or location. The state inspector shall inspect
12 the sanitary conditions required for licensure for an establishment that has changed ownership
13 or location without requiring the owner to close business or deviate in any way from the
14 establishment's regular hours of operation.

329.080. 1. An instructor trainee **may, but shall not be required to be**, a licensed
2 cosmetologist, esthetician or manicurist [and shall] **or** hold a license as an instructor trainee in
3 cosmetology, esthetics or manicuring. An applicant for a license to practice as an instructor
4 trainee shall submit to the board the required fee and a written application on a form supplied
5 by the board upon request that the applicant is of good moral character, in good physical and
6 mental health, has successfully completed at least a four-year high school course of study or the
7 equivalent, and holds a Missouri license to practice as a cosmetologist, esthetician or manicurist.
8 Each application shall contain a statement that it is made under oath or affirmation and that its
9 representations are true and correct to the best knowledge and belief of the person signing the
10 application, subject to the penalties of making a false affidavit or declaration.

11 2. An applicant approved by the board shall be issued an instructor trainee license. The
12 license shall be issued for a definite period needed to complete training requirements to become
13 eligible for taking the examinations. An applicant shall be approved for an instructor trainee
14 license only for those classified occupations of cosmetology for which the applicant is licensed
15 at the time the instructor trainee application is submitted to the board.

16 3. The instructor trainee shall be required to complete six hundred hours of instructor
17 training within a Missouri licensed school of cosmetology consisting of a curriculum including
18 both theory and practical training to include the following:

19 (1) Two hundred hours to be devoted to basic principles of student teaching to include
20 teaching principles, lesson planning, curriculum planning and class outlines, teaching methods,
21 teaching aids, testing and evaluation;

22 (2) Fifty hours of psychology as applied to cosmetology, personality and teaching,
23 teacher evaluation, counseling, theories of learning, and speech;

24 (3) Fifty hours of business experience or management including classroom management,
25 record keeping, buying and inventorying supplies, and state law; and

26 (4) Three hundred hours of practice teaching in both theory and practical application.

27 4. For the purpose of meeting the minimum requirements for examination, training
28 completed within a school of cosmetology by an instructor trainee shall be recognized by the
29 board for a period of no more than five years from the date it is received.

30 5. The six hundred hours required pursuant to subsection 3 of this section may be
31 reduced as follows:

32 (1) Three years of experience as a practicing cosmetologist may be substituted for three
33 hundred hours of training. The three hundred hours will be partially reduced in proportion to
34 experience greater than six months but less than three; or

35 (2) Four and one-half college credit hours in teaching methodology, as defined by rule,
36 may be substituted for three hundred hours of training. Applicants requesting credit shall submit
37 to the board a certified transcript together with a course description certified by the
38 administrating education institution as being primarily directed to teaching methodology. The
39 three hundred hours will be partially reduced in proportion to college credit hours in teaching
40 methodology of less than four and one-half hours; or

41 (3) Applicants who apply from states where the requirements are not substantially equal
42 to those in force in Missouri at the time of application, may be eligible for the examination if
43 they provide:

44 (a) An affidavit verifying a current, valid instructor license in another state, territory of
45 the United States, District of Columbia, or foreign country, state or province; and

46 (b) Proof of full-time work experience of not less than one year as a cosmetology
47 instructor within the three-year period immediately preceding the application for examination.

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2 [329.070. 1. Apprentices or students shall be licensed with the board and
3 shall pay a student fee or an apprentice fee prior to beginning their course, and
4 shall be of good moral character and have an education equivalent to the
5 successful completion of the tenth grade.

6 2. An apprentice or student shall not be enrolled in a course of study that
7 shall exceed twelve hours per day or that is less than three hours per day. The
8 course of study shall be no more than seventy-two hours per week and no less
9 than fifteen hours per week.

10 3. Every person desiring to act as an apprentice in any of the classified
11 occupations within this chapter shall file with the board a written application on
a form supplied to the applicant, together with the required apprentice fee.]

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