

[First Reprint]  
ASSEMBLY, No. 254

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen GARCIA and JONES

1 AN ACT concerning the consolidation of administration and oversight  
2 of private proprietary vocational schools and revising parts of the  
3 statutory law.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. (New section) The Legislature finds and declares that:

9 a. In order to meet anticipated demands of a future world-class  
10 workforce, more workers will require stronger employment, training  
11 and education skills. Proprietary vocational schools will continue to  
12 play a large role in New Jersey's postsecondary occupational education  
13 system as there are over 450 schools annually enrolling at least  
14 100,000 students. However, the quality and stability of proprietary  
15 vocational schools in New Jersey are uncertain because the  
16 monitoring, evaluation, and approval of these school programs are  
17 scattered among six State agencies. Consequently, there are no  
18 common standards among agencies for school monitoring, evaluation  
19 and approval, or education program accountability.

20 b. It is the objective of the State of New Jersey to ensure that all  
21 vocational or technical education students receive educational and  
22 financial protection in the event of business failure or sudden closure  
23 of a school. In furtherance of that goal, the New Jersey State  
24 Employment and Training Commission has recommended the  
25 centralized regulation of certain private trade schools by the State  
26 Department of Education.

27 c. Furthermore, the federal Carl <sup>1</sup>[E.]D.<sup>1</sup> Perkins Vocational and  
28 Applied Technology Education Act (20 U.S.C. §<sup>1</sup>[2300] 2301<sup>1</sup> et seq.)  
29 as amended by Pub.L.101-392, requires, among other things, the  
30 establishment of performance standards and measures for evaluation  
31 purposes for secondary and postsecondary vocational education

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AED committee amendments adopted March 25, 1996.

1 programs.

2

3 2. (New section) As used in sections 1 through 20 of this act:

4 "Commissioner" means the Commissioner of Education.

5 "Fund" means the Private Vocational School Student Tuition  
6 Protection Fund, established pursuant to section 5 of this act.

7 "Owner" means the person primarily responsible for the formation  
8 and continuation of operation of a qualifying school, including those  
9 individuals who are authorized to sign checks and required to file  
10 reports for the school pursuant to this act.

11 "Qualifying school" means:

12 a. A person, firm, corporation, private organization, or business  
13 entity doing business and maintaining facilities within the State which:

14 (1) offers or maintains a course of instruction or instructional  
15 program to prepare individuals for entry level employment or provides  
16 supplementary instruction in a recognized occupational area;

17 (2) offers occupational instruction through classroom, shop or  
18 laboratory experience, or correspondence, or both;

19 (3) offers the instruction to the general public or in conjunction  
20 with "Job Training Partnership Act" (JTPA) providers;

21 (4) charges tuition or other fees or costs for goods and services;  
22 and

23 (5) operates for profit or not for profit.

24 b. "Qualifying school" shall not mean:

25 (1) public and independent non-profit schools, colleges and  
26 universities licensed by the Commission on Higher Education;

27 (2) <sup>1</sup>casino training schools operating under the authority of the  
28 Casino Control Commission;

29 (3) <sup>1</sup>drivers' schools licensed by the Director of Motor Vehicles  
30 pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) <sup>1</sup>[unless the school  
31 provides instruction for the purpose of obtaining a commercial driver  
32 license pursuant to P.L.1990, c.103 (C.39:3-10.9 et seq.)]<sup>1</sup>;

33 <sup>1</sup>[(4)] (3) <sup>1</sup>schools offering courses of education in insurance  
34 approved by the Commissioner of Insurance pursuant to the provisions  
35 of P.L.1987, c.293 (C.17:22A-1 et seq.)

36 <sup>1</sup>[(5)] (4) <sup>1</sup>schools offering courses of education in real estate  
37 appraisal approved by the State Real Estate Appraiser Board pursuant  
38 to the provisions of P.L.1991, c.68 (C.45:14F-1 et seq.);

39 <sup>1</sup>[(6)] (5) <sup>1</sup>schools offering courses of education in real estate and  
40 related subjects approved by the New Jersey Real Estate Commission  
41 pursuant to the provisions of P.L.1966, c.227 (C.45:15-10.1 et seq.);

42 <sup>1</sup>[(7)] (6) <sup>1</sup>nonprofit schools owned, controlled, operated and  
43 conducted by bona fide religious, denominational or charitable  
44 organizations;

45 <sup>1</sup>[(8)] (7) <sup>1</sup>schools which charge no more than \$400 to any  
46 student for tuition, other fees or costs for goods in any calendar year.

1 Commencing January 1, <sup>1</sup>[1995] 1997<sup>1</sup> and annually thereafter, the  
2 State Board of Education shall adjust the amount set forth in this  
3 paragraph in direct proportion to the rise or fall of the Consumer Price  
4 Index for all urban consumers in the New York and Northwestern  
5 New Jersey and Philadelphia areas, as reported by the United States  
6 Department of Labor. The adjustment shall become effective on July  
7 1 in the year in which it is reported;

8 <sup>1</sup>[(9)] (8)<sup>1</sup> employers offering instruction to their employees on a  
9 no-cost or not for profit basis;

10 <sup>1</sup>[(10)] (9)<sup>1</sup> recognized trade, business or professional  
11 organizations offering instruction to their membership;

12 <sup>1</sup>[(11)] (10)<sup>1</sup> schools offering instruction that is avocational,  
13 cultural or recreational in nature;

14 <sup>1</sup>[(12)] (11)<sup>1</sup> instruction to four or fewer students per term; or

15 <sup>1</sup>[(13)] (12)<sup>1</sup> other schools, institutions and entities exempted by  
16 the commissioner pursuant to rules adopted by the State Board of  
17 Education.

18

19 3. (New section) a. A qualifying school shall register with the  
20 commissioner and shall not operate unless it receives a certificate of  
21 approval issued by the commissioner under rules promulgated by the  
22 State Board of Education. A certificate of approval may be renewed  
23 annually and may be revoked or suspended at any time for good cause.

24 b. <sup>1</sup>[A qualifying school shall not receive a certificate of approval  
25 pursuant to subsection a. of this section unless the school receives at  
26 least 15% of its revenues from sources other than federal student aid  
27 programs] A casino gaming school shall not receive a certificate of  
28 approval pursuant to subsection a. of this section unless the school is  
29 licensed by the Casino Control Commission pursuant to subsection  
30 a. of section 92 of P.L.1977, c.110 (C.5:12-92).<sup>1</sup>

31

32 4. (New section) A qualifying school shall obtain a performance  
33 bond payable to the State Treasurer in an amount to be determined by  
34 the commissioner. The Department of Education may establish  
35 alternatives to a performance bond for those qualifying schools which  
36 are unable to obtain a performance bond. The alternatives may include  
37 an additional quarterly payment to the fund until a performance bond  
38 can be secured by the school. The proceeds of the performance bond  
39 may be used to pay approved refunds or to reimburse the fund for  
40 refunds or other payments made to or on behalf of a student.

41

42 5. (New section) A restricted, nonlapsing, revolving Private  
43 Vocational School Student Tuition Protection Fund, to be managed  
44 and invested by the State Treasurer, is hereby established in the  
45 Department of Treasury. The purpose of the fund shall be to provide  
46 for a system of equitable refunds in the event of the closure of a

1 qualifying school. The State Treasurer shall have full statutory powers  
2 of investment of the fund, except that any interest, income, and  
3 dividends derived from the investment of the fund shall be credited to  
4 the fund. The operating expenses of the fund shall be paid out of the  
5 monies in the fund.

6  
7 6. (New section) a. A qualifying school shall pay to the State  
8 Treasurer, to be deposited into the Private Vocational School Student  
9 Tuition Protection Fund, an amount equal to \$10 annually for each  
10 student enrolled at that school 1who pays in excess of \$400 in tuition  
11 during the calendar year<sup>1</sup>, in the manner set forth below. This charge  
12 shall not be considered a part of tuition.

13 (1) Within 90 days of the effective date of this act, a qualifying  
14 school shall make a payment for each student 1who pays in excess of  
15 \$400 in tuition during the calendar year<sup>1</sup> enrolled at that school as of  
16 the effective date of this act .

17 (2) For newly-enrolled students who start a program of instruction  
18 after the effective date of this act 1and whose tuition will be in excess  
19 of \$400 during the calendar year<sup>1</sup>, payments shall be made on a  
20 quarterly basis, on the dates of January 30, April 30, July 30 or  
21 October 30, for students enrolled within a three month period ending  
22 the month immediately preceding the applicable payment dates.

23 b. When the balance in the fund reaches \$2,000,000, and upon  
24 notification from the State Treasurer, all qualifying schools shall cease  
25 contributing to the fund. If the balance in the fund is reduced to an  
26 amount less than \$1,500,000 because of a school or program closure,  
27 the State Treasurer shall notify all qualifying schools, and they shall  
28 resume payment for all newly-enrolled students 1whose tuition will be  
29 in excess of \$400 during the calendary year<sup>1</sup> after the notification  
30 date, according to the schedule in paragraph 2 of subsection a. of this  
31 section until the balance in the fund is recapitalized at the amount of  
32 \$2,000,000.

33 c. Notwithstanding the provisions of subsection b. of this section,  
34 a qualifying school receiving an initial certificate of approval 1[or  
35 license]<sup>1</sup> after the effective date of this act, shall make the payments  
36 as required by this section for a period of four years.

37  
38 7. (New section) A qualifying school owner shall notify the  
39 commissioner at least 30 days in advance of the owner's intention to  
40 close a school or cease instructional activity at a school.  
41 Accompanying the notification shall be a plan detailing the procedure  
42 the owner shall follow to protect the educational and financial interests  
43 of students enrolled in the school.

44  
45 8. (New section) A qualifying school owner shall notify the  
46 commissioner in the event that the owner files a petition for

1 bankruptcy in accordance with federal law. Copies of the petition and  
2 all other relevant documents regarding the action shall be forwarded  
3 to the commissioner within five working days of the filing of the  
4 petition with the court.

5  
6 9. (New section) Whenever a qualifying school ceases to operate,  
7 becomes insolvent or otherwise ceases all instructional activity, the  
8 following shall apply:

9 a. Any student enrolled in the qualifying school who has paid  
10 tuition for a course or unit of instruction at that school, but is unable  
11 to complete the course or unit of instruction because of the insolvency  
12 or cessation of operation of the school, or was enrolled in the school  
13 within 90 days of the insolvency or cessation of operation of the  
14 school and is owed a tuition refund from the school, is eligible to apply  
15 to the Department of Education for a refund of any tuition which the  
16 school has not previously refunded to the student. The commissioner  
17 shall seek to notify all students eligible for a refund. The following  
18 payments shall be made from the Private Vocational School Student  
19 Tuition Protection Fund, to the extent monies in the fund are available.

20 (1) If an eligible student is transferring to another qualifying school  
21 to complete the contracted-for courses or instruction, the program  
22 expenses incurred by the receiving school shall be paid to that school  
23 on behalf of the student subject to the approval of the commissioner.

24 (2) If an eligible student is not transferring to another qualifying  
25 school, the amount of refund for which the student is eligible shall be  
26 determined by the Department of Education based on various factors,  
27 including, but not limited to, the percentage of contracted-for services  
28 received and the availability to the student of opportunities to  
29 complete the course or instruction at another school within a  
30 reasonable period of time. In no case shall the amount of refund paid  
31 exceed the amount of tuition paid by a student.

32 b. The Department of Education, in consultation with the Higher  
33 Education Assistance Authority and other appropriate loan guarantors,  
34 shall identify all students who have paid all or part of the tuition with  
35 student loans. Any refund to which the student is entitled shall be  
36 made directly to the Higher Education Assistance Authority or other  
37 appropriate loan guarantor, except that any refund amount which  
38 exceeds the amount due any lending institution shall be distributed  
39 directly to the student.

40 c. The Department of Education, in consultation with the Office of  
41 Student Assistance, shall identify all students who are pursuing an  
42 academic degree who have paid all or part of the tuition with State  
43 grant or scholarship funds. Any refund to which the student is entitled  
44 shall be made directly to the Office of Student Assistance, except that  
45 any refund amount which exceeds the amount of State grant or  
46 scholarship funds shall be distributed directly to the student.

1 d. The Department of Education shall pay claims approved  
2 pursuant to this section from the performance bond required pursuant  
3 to section 4 of this act whenever possible. When the bond is  
4 insufficient to pay all approved claims, the department shall direct the  
5 State Treasurer to issue a refund check drawn against the available  
6 funds in the Private Vocational School Student Tuition Protection  
7 Fund. If a student is a minor, payment shall be made to the student's  
8 parent or legal guardian. A student who receives a refund or on  
9 whose behalf a refund is paid pursuant to this section, or if the student  
10 is a minor, the parent or legal guardian of the student, shall assign all  
11 rights to the State of any action against the school or its owner for  
12 tuition amounts reimbursed. Upon the assignment, the State may take  
13 appropriate action against the school or its owner in order to  
14 reimburse the Private Vocational School Student Tuition Protection  
15 Fund for any expenses or claims that are paid from the fund and to  
16 reimburse any expenses the State incurs in undertaking the action.

17

18 10. (New section) A qualifying school shall maintain a permanent  
19 student record for each student enrolled which shall include, but not  
20 be limited to, name, social security number, and course completion  
21 information. A qualifying school shall submit a plan to the  
22 commissioner that describes the method by which a student or other  
23 legitimate requester may obtain a copy of the permanent record  
24 verifying attendance of a student at the school. The plan shall identify  
25 the organization or individual responsible for maintaining and  
26 responding to requests for records in the event that the school ceases  
27 operation or closes.

28

29 11. (New section) A qualifying school shall be open for  
30 monitoring and inspection to any officer designated by the  
31 commissioner. The Department of Education shall conduct at least  
32 biennially a full and complete examination of all facilities and methods  
33 of operating.

34

35 12. (New section) A phased-in schedule for consolidation of  
36 oversight and administration of qualifying schools which are currently  
37 monitored by other agencies shall be developed by the commissioner,  
38 with the exception of degree programs offered by qualifying schools  
39 licensed by the Commission on Higher Education, including the  
40 curricula, institutional organization, and administration of such schools  
41 offering degree programs.

42

43 13. (New section) The State Board of Education shall establish,  
44 upon consultation with the New Jersey State Employment and  
45 Training Commission <sup>1</sup> and the Office of Student Assistance <sup>1</sup>, suitable  
46 standards governing the proper conduct of qualifying schools and may

1 include recommendations concerning instruction, qualifications of  
2 instructors and supervisors, facilities, financial responsibilities,  
3 business practices, and any other matter essential to the maintenance  
4 of the adequacy of instruction and the business integrity of private  
5 vocational schools. <sup>1</sup>[Should Part H, Subpart I of Title IV of the  
6 "Higher Education Act of 1965," Pub.L.89-329 (20 U.S.C.§1001 et  
7 al.), as amended through 1992 be implemented, any standard  
8 established shall be subject to the approval or modification of New  
9 Jersey's State Postsecondary Review Entity (SPRE) as recognized by  
10 the United States Secretary of Education.]<sup>1</sup>

11

12 14. (New section) A qualifying school shall submit an annual  
13 report to the commissioner. The annual report shall include, but not  
14 be limited to, enrollment information, post-training placement  
15 information and tuition received. Failure to furnish the required report  
16 shall be just cause for the commissioner to amend, suspend or revoke  
17 the approval to operate as previously granted by whatever  
18 governmental entity, or to take other appropriate actions.

19 The annual report shall be for the period of July 1 through June 30  
20 of the preceding year and shall be submitted in the format and on the  
21 forms provided by the commissioner. It shall be due no later than 30  
22 calendar days after the close of the reporting period.

23 Such other reports as may be required by the commissioner on a  
24 more frequent basis shall be submitted by a qualifying school as  
25 directed. A qualifying school shall submit the student's name and  
26 social security number for each newly enrolled student on a reporting  
27 basis to be established by the commissioner.

28

29 15. (New section) Objective performance standards and measures  
30 for evaluating qualifying schools shall be jointly developed and  
31 implemented by the State Board of Education and the New Jersey  
32 State Employment and Training Commission. <sup>1</sup>[ Should Part H,  
33 Subpart I of Title IV of the "Higher Education Act of 1965,"  
34 Pub.L.89-329 (20 U.S.C.§1001 et al.), as amended through 1992 be  
35 implemented, any standards and measures established shall be subject  
36 to the approval or modification of New Jersey's State Postsecondary  
37 Review Entity (SPRE) as recognized by the United States Secretary  
38 of Education. ]<sup>1</sup> Policymakers and consumers shall be provided with  
39 information concerning approved programs in a "Consumer Guide" to  
40 be published annually.

41

42 16. (New section) a. An annual fee schedule for qualifying  
43 schools shall be established based on variables which are cost-related  
44 and dedicated to fund the department's supervision and regulation of  
45 private proprietary vocational schools pursuant to an annual  
46 appropriation and an annual plan of expenditure prepared by the State

1 Board of Education and approved by the Director of the Office of  
2 Management and Budget, Department of the Treasury. The fees shall  
3 be based on an equitable distribution of actual costs to administer the  
4 program, which shall include monitoring, evaluating and approving  
5 institutions and programs. This shall not preclude a graduated fee  
6 schedule. The fees shall be maintained in a separate fund dedicated to  
7 the supervision of private proprietary schools. All fees shall be  
8 submitted to the department no later than 30 days after the beginning  
9 of each calendar year quarter, beginning pursuant to the phase-in  
10 schedule required under section 12 of this act.

11 b. Any State or federal funds which may become available for the  
12 implementation of this act <sup>1</sup>[, with the exception of funds to be  
13 administered by the State Postsecondary Review Entity (SPRE)  
14 pursuant to Part H, Subpart 1 of Title IV of the "Higher Education  
15 Act of 1965," Pub.L.89-329 (20 U.S.C.§1001 et al.), as amended  
16 through 1992,]<sup>1</sup> shall be appropriated to the Department of Education  
17 for the support of the Office of Private Vocational Schools and its  
18 regulation and oversight of qualifying schools pursuant to the  
19 provisions of this act.

20

21 17. (New section) Any costs incurred by the Department of  
22 Education for the retrieval, storage or processing of student academic  
23 and financial records as a result of a closure of a private vocational  
24 school may be charged against the supervisory fund established  
25 pursuant to section 16 of this act.

26

27 18. (New section) Following the close of each fiscal year, the  
28 commissioner shall advise the State Board of Education if the balance  
29 in the private proprietary school supervision fund for that fiscal year  
30 exceeded or was less than the amount required for the support of the  
31 department's supervisory activities taking into account projected  
32 revenues and expenditures for the subsequent fiscal year. Projected  
33 expenditures shall be proportionate to the number of schools. To the  
34 extent that a surplus or deficit is identified, the State Board of  
35 Education shall reduce or increase the fees.

36

37 <sup>1</sup>[19. (New section) a. A non-degree granting private proprietary  
38 school soliciting students in the State which does not maintain a  
39 facility in the State, but otherwise meets the criteria for a qualifying  
40 school, shall not conduct business in the State unless it receives a  
41 certificate of approval from the commissioner pursuant to regulations  
42 to be adopted by the State Board of Education. A certificate of  
43 approval may be renewed or suspended at any time for good cause.  
44 An approval fee for the certificate shall be established annually by the  
45 State Board of Education. The approval fee shall be maintained in the  
46 separate fund in the Department of Education dedicated to the

1 supervision of private proprietary schools established pursuant to  
2 section 16 of this act.

3 b. The State Board of Education shall prescribe standards  
4 governing the proper operation of private proprietary schools located  
5 outside the State in all matters necessary to ensure the adequacy of  
6 instruction and may require the schools, as a condition of approval, to  
7 furnish such information and reports as the commissioner determines  
8 are necessary.

9 c. A marketing representative or agent of a private proprietary  
10 school which does not maintain a facility in the State shall not solicit  
11 students or transact business in the State unless that individual has  
12 registered with the commissioner, pursuant to regulations adopted by  
13 the State Board of Education. An annual fee for registration shall be  
14 established by the State board and the registration fees collected shall  
15 be maintained in the separate fund dedicated to the supervision of  
16 private proprietary schools.]<sup>1</sup>

17

18 <sup>1</sup>[20.] 19.<sup>1</sup> (New section) a. A person, firm, corporation, private  
19 organization or other business or legal entity that operates or conducts  
20 a private proprietary vocational school and that violates any provision  
21 of this act shall be liable to a civil penalty of an amount to be  
22 determined for each offense, pursuant to a schedule to be established  
23 by the State Board of Education, which shall be collected pursuant to  
24 the provisions of "the penalty enforcement law," N.J.S.2A:58-1 et  
25 seq., except that any funds remitted to the State Treasurer pursuant to  
26 that act shall be deposited into the separate fund dedicated to the  
27 supervision of private proprietary schools established pursuant to  
28 section 16 of this act.

29 b. A person, firm, corporation, private organization or other  
30 business or legal entity that conducts or operates a private proprietary  
31 vocational school shall not make a false statement or misrepresentation  
32 knowingly, fail to disclose a material fact, attempt to defraud another  
33 person or governmental entity, willfully fail or refuse to withhold or  
34 transfer any contribution or other payment, to furnish any report or  
35 information, or to produce or permit the inspection or copying of  
36 records which may be required under this act, or which may be  
37 required by any rule or regulation promulgated pursuant to this act.  
38 A person or entity which takes such action shall be subject to the civil  
39 penalties provided for in this section, as well as any criminal penalties  
40 which may be imposed pursuant to law.

41

42 <sup>1</sup>[21. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read  
43 as follows:

44 2. No person shall engage in the business of conducting a drivers'  
45 school, except a private proprietary school offering instruction for the  
46 purpose of obtaining a commercial driver license pursuant to

1 P.L.1990, c.103 (C.39:3-10.9 et seq.), without being licensed therefor  
 2 by the Director of Motor Vehicles. Application therefor shall be in  
 3 writing and contain such information therein as he shall require. If the  
 4 application is approved, the applicant shall be granted a license upon  
 5 the payment of a fee of \$250.00; provided, however, no license fee  
 6 shall be charged for the issuance of a license to any board of  
 7 education, school board, public, private or parochial school, which  
 8 conducts a course in driver education, approved by the State  
 9 Department of Education. A license so issued shall be valid during the  
 10 calendar year. The annual fee for renewal shall be \$200. The director  
 11 shall issue a license certificate or license certificates to each licensee,  
 12 one of which shall be displayed in each place of business of the  
 13 licensee.

14 In case of the loss, mutilation or destruction of a certificate, the  
 15 director shall issue a duplicate upon proof of the facts and the payment  
 16 of a fee of \$5.

17 (cf: P.L.1994, c.60, s.29)]<sup>1</sup>

18

19 <sup>1</sup>[22. (New section) Upon the effective date of P.L. , c.  
 20 (C. ) (now pending before the Legislature as this bill), a private  
 21 proprietary school offering instruction for the purpose of obtaining a  
 22 commercial driver license pursuant to the provisions of P.L.1990,  
 23 c.103 (C.39:3-10.9 et seq.) shall be approved by the Commissioner of  
 24 the Department of Education pursuant to the provisions of P.L. ,  
 25 c. (C. ) and in accordance with the schedule developed pursuant  
 26 to section 12 of that act; except that the Director of the Division of  
 27 Motor Vehicles shall retain the authority to approve the school's  
 28 curriculum.]<sup>1</sup>

29

30 <sup>1</sup>[23.] 20.<sup>1</sup> Section 2 of P.L.1984, c.205 (C.45:5B-2) is amended  
 31 to read as follows:

32 2. The Legislature finds and declares that it is a valid public  
 33 purpose:

34 a. To establish a single board which shall administer, coordinate  
 35 and enforce this act and regulations promulgated pursuant to this act  
 36 relating to the practices of cosmetology, hairstyling, barbering and  
 37 beauty culture[], and the premises at which those services are rendered  
 38 [and the schools at which instruction in those practices may be  
 39 obtained];

40 b. To protect those persons of the general public who are direct  
 41 recipients of the services regulated by this act and registered students  
 42 receiving instruction at [licensed] approved schools of cosmetology  
 43 and hairstyling from unsafe, fraudulent and deceptive practices, as well  
 44 as practices which reduce competition and;

45 c. To maintain and ensure standards of competency and integrity  
 46 for the occupations of cosmetology and hairstyling[; and].

1 d. [To ensure that registered students at cosmetology and  
2 hairstyling schools receive thorough and reliable instruction.](Deleted  
3 by amendment, P.L. , c. ).  
4 (cf: P.L.1984, c.205, s.2)  
5

6 <sup>1</sup>[24.] 21.<sup>1</sup> Section 3 of P.L.1984, c.205 (C.55:5B-3) is amended  
7 to read as follows:

8 3. As used in this act:

9 a. "Barber" means any person who is licensed to engage in any of  
10 the practices encompassed in barbering.

11 b. "Barbering" means any one or combination of the following  
12 practices when done on the human body for cosmetic purposes and not  
13 for the treatment of disease or physical or mental ailments and when  
14 done for payment either directly or indirectly or when done without  
15 payment for the general public:

16 (1) shaving or trimming of the beard, mustache or other facial hair;

17 (2) shampooing, cutting, arranging, relaxing or styling of the hair;

18 (3) singeing or dyeing of the hair;

19 (4) applying cosmetic preparations, antiseptics, tonics, lotions or  
20 creams to the hair, scalp, face or neck;

21 (5) massaging, cleansing or stimulating the face, neck or scalp with  
22 or without cosmetic preparations, either by hand, mechanical or  
23 electrical appliances; or

24 (6) cutting, fitting, coloring or styling of hairpieces or wigs, to the  
25 extent that the services are performed while the wig is being worn by  
26 a person.

27 c. "Beautician" means any person who is licensed to engage in any  
28 of the practices encompassed in beauty culture.

29 d. "Beauty culture" means any one or combination of the following  
30 practices when done on the human body for cosmetic purposes and not  
31 for the treatment of disease or physical or mental ailments and when  
32 done for payment either directly or indirectly or when done without  
33 payment for the general public:

34 (1) shampooing, cutting, arranging, dressing, relaxing, curling,  
35 permanent waving or styling of the hair;

36 (2) singeing, dyeing, tinting, coloring, bleaching of the hair;

37 (3) applying cosmetic preparations, antiseptics, tonics, lotions,  
38 creams or makeup to the hair, scalp, face, neck or upper part of the  
39 body;

40 (4) massaging, cleansing, or stimulating the face, scalp, neck or  
41 upper part of the body, with or without cosmetic preparations either  
42 by hand, mechanical or electrical appliances;

43 (5) removing superfluous hair from the face, neck, arms, legs or  
44 abdomen by the use of depilatories, waxing or tweezers, but not by the  
45 use of electrolysis;

46 (6) manicuring the fingernails, nail-sculpturing or pedicuring the

- 1 toenails; or
- 2 (7) cutting, fitting, coloring or styling of hairpieces or wigs to the  
3 extent that the services are performed while the wig is being worn by  
4 a person.
- 5 e. "Board" means New Jersey State Board of Cosmetology and  
6 Hairstyling.
- 7 f. "Board of Barber Examiners" means the State Board of Barber  
8 Examiners established pursuant to P.L.1938, c.197 (C.45:4-27 et  
9 seq.).
- 10 g. "Board of Beauty Culture Control" means the Board of Beauty  
11 Culture Control established pursuant to Chapter 4A of Title 45 of the  
12 Revised Statutes.
- 13 h. "Clinic" means a designated portion of a licensed school in  
14 which members of the general public may receive cosmetology or  
15 hairstyling services from registered students in exchange for a fee  
16 which shall be calculated to recoup only the cost of materials used in  
17 the performance of those services.
- 18 i. "Cosmetologist-hairstylist" means any person who is licensed to  
19 engage in the practices encompassed in cosmetology and hairstyling.
- 20 j. "Cosmetology and hairstyling" means any one or combination of  
21 the following practices when done on the human body for cosmetic  
22 purposes and not for the treatment of disease or physical or mental  
23 ailments and when done for payment either directly or indirectly or  
24 when done without payment for the general public:
- 25 (1) shaving or trimming of the beard, mustache or other facial hair;
- 26 (2) shampooing, cutting, arranging, dressing, relaxing, curling,  
27 permanent waving or styling of the hair;
- 28 (3) singeing, dyeing, tinting, coloring, bleaching of the hair;
- 29 (4) applying cosmetic preparations, antiseptics, tonics, lotions,  
30 creams or makeup to the hair, scalp, face or neck;
- 31 (5) massaging, cleansing or stimulating the face, neck or upper part  
32 of the body, with or without cosmetic preparations, either by hand,  
33 mechanical or electrical appliances;
- 34 (6) removing superfluous hair from the face, neck, arms, legs or  
35 abdomen by the use of depilatories, waxing or tweezers, but not by the  
36 use of electrolysis;
- 37 (7) manicuring the fingernails, nail-sculpturing or pedicuring the  
38 toenails;
- 39 (8) cutting, fitting, coloring or styling of hairpieces or wigs to the  
40 extent that the services are being performed while the wig is being  
41 worn by a person; or
- 42 (9) hairweaving to the extent that the procedure does not involve  
43 the replacement of human hair by means of the insertion of any natural  
44 or synthetic fiber hair into the scalp.
- 45 k. "Manicurist" means a person who holds a limited license to  
46 engage in only the practice of manicuring.

1       l. "Manicuring" means any one or combination of the following  
2 practices when done on the human body for cosmetic purposes and not  
3 for the treatment of disease or physical or mental ailments and when  
4 done for payment directly or indirectly or when done without payment  
5 for the general public:

- 6       (1) manicuring of the fingernails;
- 7       (2) pedicuring of the toenails;
- 8       (3) nail sculpturing ; or
- 9       (4) removing superfluous hair from the face, neck, arms, legs or  
10 abdomen by the use of depilatories, waxing or tweezers, but not by the  
11 use of electrolysis.

12       m. "Owner" means any person, corporation, firm or partnership  
13 who has a financial interest in a [school or] shop entitling him to  
14 participate in the promotion, management and proceeds thereof. It  
15 does not include a person whose connection with a [school or] shop  
16 entitles him only to reasonable salary or wages for services actually  
17 rendered.

18       n. "Practicing licensee" means any person who holds a license to  
19 practice barbering, beauty culture, cosmetology and hairstyling,  
20 manicuring or as a skin care specialist.

21       o. "Registered student" means a person who is engaged in learning  
22 and acquiring a knowledge of any of the practices included in the  
23 definition of cosmetology and hairstyling under the direction and  
24 supervision of a person duly authorized under this act to teach  
25 cosmetology and hairstyling and who is enrolled in a program of  
26 instruction at [a licensed] an approved school of cosmetology and  
27 hairstyling, completion of which may render him eligible for licensure  
28 pursuant to this act but does not mean a person who is enrolled in a  
29 public school vocational program in cosmetology and hairstyling  
30 approved by the State Board of Education.

31       p. "Registration card" means a document issued by the board to a  
32 registered student upon receipt of documentation from [a licensed] an  
33 approved school of cosmetology and hairstyling that the student is  
34 enrolled.

35       q. "School" means [an establishment or place licensed by the board  
36 to be maintained for the purpose of teaching] a private proprietary  
37 school which is approved by the Commissioner of the Department of  
38 Education pursuant to the provisions of P.L. , c. (C. ) (now  
39 pending before the Legislature as this bill) to offer courses of  
40 education in cosmetology and hairstyling to registered students.

41       r. "Senior student" means a registered student who has successfully  
42 completed 600 hours of instruction in a cosmetology and hairstyling  
43 program, 100 hours of instruction in a manicuring program or 300  
44 hours of instruction in a skin care specialty program offered at [a  
45 licensed ] an approved school of cosmetology and hairstyling or a  
46 student enrolled in an approved vocational training program who has

1 completed 600 hours of instruction in a cosmetology and hair styling  
2 program, 100 hours of instruction in a manicuring program or 300  
3 hours of instruction in a skin care specialty program.

4 s. "Student permit" means a permit issued to a senior student which  
5 enables him to practice cosmetology and hairstyling in a school clinic  
6 or shop while a registered student at [a licensed] an approved school  
7 of cosmetology and hairstyling or enrolled in an approved vocational  
8 training program.

9 t. "Shop" means any fixed establishment or place where one or  
10 more persons engage in one or more of the practices included in the  
11 definition of cosmetology or hairstyling, barbering, beauty culture or  
12 manicuring.

13 u. "Teacher" means any person who is licensed by the board to  
14 give instruction or training in the theory or practice of cosmetology  
15 and hairstyling.

16 v. "Temporary permit" means a permit issued to applicants for  
17 licensure awaiting scheduling or results of an examination.

18 w. "Manicurist student permit" means a permit issued to a senior  
19 student in a manicuring program which enables him to practice  
20 manicuring in a school clinic or shop while a registered student at [ a  
21 licensed] an approved school of cosmetology and hairstyling or  
22 enrolled in an approved vocational program.

23 x. "Skin care specialist" means a person who holds a limited license  
24 to engage in only the practices included in the definition of skin care  
25 specialty.

26 y. "Skin care specialty" means any one or combination of the  
27 following practices when done on the human body for cosmetic  
28 purposes and not for the treatment of disease or physical or mental  
29 ailments and when performed for payment either directly or indirectly  
30 or when performed without payment for the general public:

31 (1) applying cosmetic preparations, antiseptics, tonics, lotions,  
32 creams or makeup to the scalp, face or neck;

33 (2) massaging, cleansing or stimulating the face, neck or upper part  
34 of the body, with or without cosmetic preparations, either by hand,  
35 mechanical or electrical appliances; or

36 (3) removing superfluous hair from the face, neck, arms, legs or  
37 abdomen by the use of depilatories, waxing or tweezers, but not by the  
38 use of electrolysis.

39 z. "Skin care specialty student permit" means a permit issued to a  
40 senior student in a skin care specialty program which enables him to  
41 practice skin care in a school clinic or shop while a registered student  
42 at [ a licensed] an approved school of cosmetology and hairstyling or  
43 enrolled in an approved vocational program.

44 (cf: P.L.1995, c.262, s.1)

1       <sup>1</sup>[25.] 22.<sup>1</sup> Section 4 of P.L.1984, c.205 (C.45:5B-4) is amended  
2 to read as follows:

3       4. There is created within the Division of Consumer Affairs in the  
4 Department of Law and Public Safety the New Jersey State Board of  
5 Cosmetology and Hairstyling. The board shall consist of 11 members  
6 who are residents of the State, three of whom shall be public members,  
7 two appointed pursuant to subsection b. of section 2 of P.L.1971, c.60  
8 (C.45:1-2.2) and one additional public member, and one of whom shall  
9 be a State executive department member appointed pursuant to  
10 subsection c. of section 2 of P.L.1971, c.60 (C.45:1-2.2). Of the  
11 remaining seven members, six shall hold practicing licenses issued by  
12 the board, by the Board of Barber Examiners or by the Board of  
13 Beauty Culture Control and shall have been engaged in the practice of  
14 beauty culture, barbering or cosmetology and hairstyling for at least  
15 five years prior to their appointments, but shall not have been engaged  
16 in the conduct of or teaching at [a licensed] an approved school of  
17 beauty culture or cosmetology and hairstyling. Three of the practicing  
18 members appointed to the initial board created by this act shall hold a  
19 license to practice barbering issued by the Board of Barber Examiners.  
20 Three of the practicing members appointed to the initial board created  
21 by this act shall hold a license issued by the Board of Beauty Culture  
22 Control. The remaining one member appointed [by] to the board  
23 created by this act shall hold a teacher's license issued by the Board of  
24 Beauty Culture Control or by the board and shall have been engaged  
25 in the teaching of beauty culture or cosmetology and hairstyling or  
26 shall have been involved in the conduct of a [licensed] school of  
27 beauty culture or school of cosmetology and hairstyling in this State  
28 for at least five years prior to their appointment.

29 (cf: P.L.1984, c.205, s.4)

30

31       <sup>1</sup>[26.] 23.<sup>1</sup> Section 6 of P.L.1984, c.205 (C.45:5B-6) is amended  
32 to read as follows:

33       6. The board shall:

34       a. Review the qualifications of applicants for licensure;

35       b. Devise examinations for licensure which include practical and  
36 written portions;

37       c. Administer and grade examinations or employ competent  
38 examiners to administer and grade examinations but in no case shall  
39 the board permit a person having any affiliation with [a licensed] an  
40 approved school to examine or grade an applicant who has been a  
41 registered student at the school with which the examiner has an  
42 affiliation;

43       d. Issue and renew licenses of any cosmetologist-hairstylist,  
44 beautician, barber, manicurist, skin care specialist, teacher, or shop[,  
45 or school];

46       e. Issue student permits to senior students, manicuring students

- 1 and skin care specialty students, which permits shall remain valid  
2 during the period that the student is registered at [ licensed] an  
3 approved school or enrolled in an approved vocational training  
4 program;
- 5 f. Issue temporary permits to applicants for licensure who are  
6 awaiting scheduling for or results from an examination;
- 7 g. Issue registration cards to registered students;
- 8 h. Suspend, revoke or fail to renew a license and exercise  
9 investigative powers pursuant to the provisions of P.L.1978, c.73  
10 (C.45:1-14 et seq.);
- 11 i. Appoint and employ an executive director and an assistant  
12 executive director subject to the approval of the Attorney General, and  
13 other employees as necessary to carry out the provisions of this act;
- 14 j. Determine the duties that the executive director and the assistant  
15 executive director shall perform;
- 16 k. File with the Attorney General a petition to remove any  
17 executive director or assistant executive director for cause, which  
18 petition shall be acted upon by the Attorney General in a manner which  
19 he deems appropriate;
- 20 l. Establish fees for initial licensure, permits, renewals and  
21 restoration of licenses as well as for duplication of lost licenses  
22 pursuant to section 2 of P.L.1974, c.46 (C.45:1-3.2);
- 23 m. Maintain records of all practicing licensees and all licensed  
24 teachers. Records shall include the latest work address of each  
25 licensee, as provided on applications for licensure and renewals  
26 thereof;
- 27 n. Maintain a record of all registered students and all persons  
28 holding student permits , manicuring student permits and skin care  
29 specialty student permits;
- 30 o. Maintain a record of all shops licensed by the board to offer one  
31 or more of the services encompassed within the definition of  
32 cosmetology and hairstyling;
- 33 p. Maintain a record of all schools [licensed by the board]  
34 approved by the Commissioner of the Department of Education  
35 pursuant to the provisions of P.L. , c. (C. ) (now pending before  
36 the Legislature as this bill) to offer courses of instruction or training  
37 in the practice and theory of cosmetology and hairstyling to registered  
38 students, which courses shall be approved by the board for the  
39 awarding of credit for licensure;
- 40 q. Make available for public inspection all records required to be  
41 kept pursuant to this section;
- 42 r. Promulgate regulations governing the practice and teaching of  
43 cosmetology and hairstyling as are necessary to implement this act and  
44 to insure that cosmetology and hairstyling services and instruction in  
45 those services are being offered both in a manner which is sanitary and  
46 safe and in a manner which is not intended to deceive or mislead the

1 general public;

2 s. Promulgate regulations governing the conduct of shops [and  
3 schools] as are necessary to implement this act and to assure that  
4 cosmetology and hairstyling services and [instruction in those services]  
5 are being offered both in a manner that is sanitary and safe, and in a  
6 manner not intended to deceive or mislead the general public[,  
7 students of the schools, or organizations awarding financial aid to the  
8 students] and to clarify or define any term used in the act and to define  
9 any activity included in hairstyling and cosmetology and beauty  
10 culture;

11 t. Review curricula offered by [licensed] approved schools in  
12 courses of instruction offered to registered students and approve those  
13 curricula which offer comprehensive training in cosmetology and  
14 hairstyling;

15 u. Direct the conduct of inspections or investigations of all licensed  
16 shops [and schools]; and

17 v. Direct the conduct of inspections or investigations of any  
18 premises from which the board may have reason to believe that  
19 cosmetology and hairstyling services are being offered[, or that  
20 courses of instruction are being offered to registered students].

21 (cf: P.L.1995, c.82, s.2)

22

23 <sup>1</sup>[27.] 24.<sup>1</sup> Section 8 of P.L.1984, c.205 (45:5B-8) is amended to  
24 read as follows:

25 8. No person shall offer or render any of the services encompassed  
26 within the definition of cosmetology and hairstyling in a place which  
27 is not a licensed [as a] shop or an approved school, except that a  
28 practicing licensee, duly licensed pursuant to this act, may render the  
29 services which he is licensed to offer:

30 a. Upon patients in hospitals, nursing homes, and other licensed  
31 health care facilities;

32 b. Upon inmates and residents of institutions of the Department of  
33 Corrections or the Department of Human Services;

34 c. Upon an invalid or handicapped person in the person's place of  
35 residence, if the practicing licensee is sponsored by a licensed shop and  
36 a record of those services is maintained by that shop;

37 d. Upon performers or models, prior to, in anticipation of or during  
38 a performance; or

39 e. Upon potential consumers of cosmetic preparations, lotions,  
40 creams, makeup or perfume which are intended for home use if the  
41 application of the product is made for the purposes of effecting a retail  
42 sale and the person neither accepts payment from the consumer for the  
43 service, nor makes the provision of the service contingent upon the  
44 purchase of any product or service.

45 (cf: P.L.1995, c.82, s.3)

46 <sup>1</sup>[28.] 25.<sup>1</sup> Section 10 of P.L.1984, c.205 (C.45:5B-10) is amended

1 to read as follows:

2 10. No person, firm, corporation, partnership or other legal entity  
3 shall operate, maintain or use premises at which courses of instruction  
4 in cosmetology and hairstyling services are offered to registered  
5 students without first having secured a [school license from the board]  
6 certificate of approval from the Commissioner of the Department of  
7 Education pursuant to the provisions of P.L. , c. (C. ) (now  
8 pending before the Legislature as this bill). Nothing herein shall  
9 prohibit the offering of educational programs and courses in  
10 cosmetology and hairstyling to practicing licensees or teachers at  
11 [unlicensed] unapproved premises. However, no course offered at  
12 [an unlicensed] unapproved premises shall be recognized by the board  
13 in satisfaction of licensure eligibility requirements. All educational  
14 programs and courses offered at [unlicensed] unapproved premises  
15 shall be conducted by practicing licensees.

16 (cf: P.L.1984, c.205, s.10)

17

18 <sup>1</sup>[29.] 26.<sup>1</sup> Section 12 of P.L.1984, c.205 (C.45:5B-12) is amended  
19 to read as follows:

20 12. In addition to any practice declared unlawful pursuant to  
21 P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for any person  
22 to engage in the following practices:

23 a. Advertise in a manner which would tend to mislead consumers  
24 of cosmetology and hairstyling services;

25 b. Advertise, practice or attempt to practice under another's name  
26 or trade name;

27 c. Continue to practice while knowingly having an infectious,  
28 contagious or communicable disease which could reasonably be  
29 expected to be transmitted during the course of rendering cosmetology  
30 and hairstyling services;

31 d. Engage in fraudulent practices for the purpose of securing  
32 financial aid from any institution or agency offering that aid to  
33 students of cosmetology and hairstyling;

34 e. Aid, abet, or knowingly permit a person not licensed pursuant  
35 to this act to render any of the services encompassed within the  
36 definition of cosmetology and hairstyling;

37 f. Fail to display a practicing license at any place at which the  
38 licensee renders services; or

39 g. Engage in one or more of the practices included in the definition  
40 of cosmetology and hairstyling in premises which is not a licensed [as  
41 a] shop or [a] an approved school, except as provided in section 8 of  
42 [this act] P.L.1984, c.205 (C.45:5B-8).

43 (cf: P.L.1995, c.82, s.5)

1       <sup>1</sup>[30.] 27.<sup>1</sup> Section 15 of P.L.1984, c.205 (C45:5B-15) is amended  
2 to read as follows:

3       15. In addition to any practice declared unlawful pursuant to  
4 P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a licensed  
5 teacher to engage in the following practices:

6       a. Advertise in a manner which would tend to mislead potential  
7 students or consumers of cosmetology and hairstyling services offered  
8 in the school clinic;

9       b. Advertise[,] or teach [or attempt to open a school] under  
10 another person's name;

11       c. Knowingly permit students to practice upon each other or  
12 members of the public while having an infectious, contagious or  
13 communicable disease which could reasonably be expected to be  
14 transmitted during the course of rendering cosmetology and hairstyling  
15 services;

16       d. Demonstrate cosmetology and hairstyling services on students  
17 while knowingly having an infectious, contagious or communicable  
18 disease which could reasonably be expected to be transmitted during  
19 the course of rendering cosmetology and hairstyling services;

20       e. Engage in fraudulent practices for the purpose of securing  
21 financial aid from any institution or agency offering aid to students of  
22 cosmetology and hairstyling;

23       f. Aid, abet or permit a person not licensed pursuant to this act to  
24 teach any of the services included in the definition of cosmetology and  
25 hairstyling to registered students;

26       g. Teach cosmetology and hairstyling in a manner which is  
27 unsatisfactory or unsafe;

28       h. Fail to display in a conspicuous place a valid teacher's license at  
29 the school; or

30       i. Fail to accurately and truthfully record attendance by registered  
31 students.

32 (cf: P.L.1995, c.82, s.8)

33

34       <sup>1</sup>[31.] 28.<sup>1</sup> Section 17 of P.L.1984, c.205 (C.45:5B-17) is amended  
35 to read as follows:

36       17. An applicant seeking licensure as a cosmetologist-hairstylist,  
37 who does not at the time of that application hold a license to practice  
38 barbering issued by the Board of Barber Examiners or the board or a  
39 license to practice beauty culture issued by the Board of Beauty  
40 Culture Control or the board, shall:

41       a. Demonstrate successful completion of high school or its  
42 equivalent; and

43       b. Demonstrate successful completion of a course in cosmetology  
44 and hairstyling consisting of:

45       (1) 1,200 hours of instruction at a school of cosmetology and  
46 hairstyling [licensed] approved in this State, or

1 (2) A program in a public school approved by the State Board of  
2 Education to offer a vocational program in cosmetology and  
3 hairstyling, or

4 (3) 1,200 hours of instruction at a school of cosmetology and  
5 hairstyling, beauty culture or barbering licensed in another state or a  
6 foreign country which, in the opinion of the board, offers curricula  
7 which is substantially similar to that offered at ~~[licensed]~~ approved  
8 schools of cosmetology and hairstyling within the State; and

9 c. Take and pass an examination conducted by the board, as  
10 provided by this act.

11 (cf: P.L.1985, c.272, s.1)

12

13 <sup>1</sup>[32.] 29.<sup>1</sup> Section 18 of P.L.1984, c.205 (C.45:5B-18) is amended  
14 to read as follows:

15 18. Any applicant holding a license to practice beauty culture  
16 issued by the Board of Beauty Culture Control or by the board, who  
17 is seeking licensure as a cosmetologist-hairstylist shall be given two  
18 opportunities within seven years of the effective date of this act to take  
19 and pass an examination conducted by the board, which shall  
20 demonstrate to the board's satisfaction that the applicant has attained  
21 proficiency in shaving, without undertaking additional training. If the  
22 applicant does not pass the examination on either one of the two  
23 examination opportunities, the applicant may not take the examination  
24 again until the applicant can demonstrate successful completion of a  
25 course in shaving, the length of which is to be established by the board  
26 pursuant to regulation, and which is offered at:

27 a. A school of cosmetology and hairstyling in this State; or

28 b. A public school approved by the State Board of Education to  
29 offer a vocational program in cosmetology and hairstyling; or

30 c. A school of cosmetology and hairstyling, beauty culture or  
31 barbering licensed in another state or foreign county, which, in the  
32 opinion of the board, offers curricula which are substantially similar to  
33 that offered at ~~[licensed]~~ approved schools of cosmetology and  
34 hairstyling within this State.

35 (cf: P.L.1991, c.313, s.1)

36

37 <sup>1</sup>[33.] 30.<sup>1</sup> Section 19 of P.L.1984, c.205 (C.45:5B-19) is amended  
38 to read as follows:

39 19. An applicant holding a license to practice barbering issued by  
40 the Board of Barber Examiners or the board, who is seeking licensure  
41 as a cosmetologist-hairstylist shall be given two opportunities within  
42 seven years of the effective date of this act to take and pass an  
43 examination conducted by the board, which shall demonstrate to the  
44 board's satisfaction that the applicant has attained proficiency in  
45 services included within the definition of beauty culture which are not  
46 encompassed within the definition of barbering, without undertaking

1 additional training. If the applicant does not pass that examination on  
2 either one of the two examination opportunities, the applicant may not  
3 take the examination again until the applicant can demonstrate  
4 successful completion of a 500-hour course in beauty culture services  
5 offered at:

- 6 a. A school of cosmetology and hairstyling in this State; or
- 7 b. A public school approved by the State Board of Education to  
8 offer a vocational program in cosmetology and hairstyling; or
- 9 c. A school of cosmetology and hairstyling or beauty culture  
10 licensed in another state or foreign county, which, in the opinion of the  
11 board, offers curricula which are substantially similar to that offered  
12 at ~~[licensed]~~ approved schools of cosmetology and hairstyling within  
13 this State.

14 (cf: P.L.1991, c.313, s.2)

15

16 <sup>1</sup>[34.] 31.<sup>1</sup> Section 22 of P.L.1984, c.205 (C.45:5B-22) is amended  
17 to read as follows:

18 22. An applicant seeking initial licensure as a manicurist who does  
19 not hold a license to practice manicuring issued by the Board of  
20 Beauty Culture Control must:

- 21 a. Demonstrate successful completion of high school or its  
22 equivalent; and
- 23 b. Demonstrate successful completion of a 200 hour course of  
24 instruction in manicuring at:

25 (1) a school of cosmetology and hairstyling ~~[licensed]~~ approved in  
26 this State; or

27 (2) a public school approved by the State Board of Education to  
28 offer a vocational program in cosmetology and hairstyling; or

29 (3) a school of cosmetology and hairstyling, beauty culture or  
30 barbering licensed in another state or foreign country which, in the  
31 opinion of the board, offers curricula which is substantially similar to  
32 that offered at ~~[licensed]~~ approved schools of cosmetology and  
33 hairstyling within this State; and

34 c. Take and pass an examination conducted by the board as  
35 provided by this act.

36 (cf: P.L.1984, c.205, s.22)

37

38 <sup>1</sup>[35.] 32.<sup>1</sup> Section 23 of P.L.1984, c.205 (C.45:5B-23) is amended  
39 to read as follows:

40 23. An applicant for a license to teach cosmetology and hairstyling  
41 who does not hold a license to teach beauty culture issued by the  
42 Board of Beauty Culture Control shall submit to the board satisfactory  
43 evidence that he:

- 44 a. Is of good moral character;
- 45 b. Is at least 18 years of age;
- 46 c. Does not have a communicable, contagious or infectious disease;

- 1 d. Has successfully completed high school or its equivalent;
- 2 e. Holds a cosmetologist-hairstylist license issued by the board or  
3 an operator's license issued by the Board of Beauty Culture Control  
4 prior to the effective date of this act or a beautician's license issued  
5 within two years of the effective date of this act;
- 6 f. Has successfully completed a teacher training course of 500  
7 hours consisting of practice and theory of teaching conducted at [a  
8 licensed] an approved school of cosmetology and hairstyling in this  
9 State or a school of cosmetology and hairstyling or beauty culture  
10 licensed in another state or foreign country which, in the opinion of  
11 the board, offers a curriculum which is substantially similar to that  
12 offered at [licensed] approved schools within this State;
- 13 g. Has successfully completed a 30-hour teaching methods course  
14 conducted by a college approved by the [State Board of] Commission  
15 on Higher Education and recognized by the board or a substantially  
16 equivalent teaching methods course conducted by a college in another  
17 state which is approved by the higher education authorities of that  
18 state and recognized by the board;
- 19 h. Has attained six months' employment experience in a licensed  
20 shop within this State which may be obtained prior to, at the same time  
21 as, or subsequent to the period during which the applicant is attending  
22 the teacher training course offered by [a licensed] an approved school  
23 of cosmetology and hairstyling of this State or has attained six months'  
24 licensed employment in another state or foreign country; and
- 25 i. Has successfully completed an examination conducted by the  
26 board.

27 (cf: P.L.1987, c.92, s.2)

28

29 <sup>1</sup>[36.] 33.<sup>1</sup> Section 25 of P.L.1984, c.205 (C.45:5B-25) is amended  
30 to read as follows:

31 25. To be eligible to obtain a student permit, a manicurist student  
32 permit or a skin care specialty student permit, an applicant shall submit  
33 to the board satisfactory evidence that he:

34 a. Is a registered student in a course of instruction in cosmetology  
35 and hairstyling or manicuring or skin care, as appropriate, or is  
36 enrolled in a public school approved by the State Board of Education  
37 to offer a vocational program in cosmetology and hairstyling or  
38 manicuring or skin care, as appropriate, and has completed 600 hours  
39 of a cosmetology and hairstyling course, 100 hours of a manicuring  
40 course or 300 hours of the skin care specialty course; and

41 b. Does not have a communicable, contagious or infectious disease  
42 which could reasonably be expected to be transmitted during the  
43 course of rendering cosmetology and hairstyling services.

44 All permits shall remain valid only during the period that the student  
45 is registered at [a licensed] an approved school of cosmetology and  
46 hairstyling or enrolled in an approved vocational program and shall

1 expire upon a student's graduation, withdrawal or leave of absence  
2 from the school or program for more than 90 consecutive days.

3 (cf: P.L.1995, c.82, s.10)

4

5 <sup>1</sup>[37.] 34.<sup>1</sup> Section 34 of P.L.1984, c.205 (C.45:5B-34) is amended  
6 to read as follows:

7 34. All practicing licenses and teachers' licenses issued shall  
8 automatically expire on September 30 of the next odd numbered year  
9 following the date of license issuance. Shop [and school] licenses  
10 shall automatically expire on July 31 of the next odd numbered year  
11 following the date of license issuance.

12 (cf: P.L.1984, c.205, s.34)

13

14 <sup>1</sup>[38.] 35.<sup>1</sup> Section 35 of P.L.1984, c.205 (C.45:5B-35) is amended  
15 to read as follows:

16 35. Any practicing license issued by the Board of Cosmetology and  
17 Hairstyling, the Board of Beauty Culture Control or the Board of  
18 Barber Examiners may be renewable biennially if the expired licenses  
19 are renewed within six months following expiration. Applications shall  
20 be submitted to the board and accompanied by the fee to be  
21 determined by the board. Applications for renewal submitted more  
22 than six months after the expiration of a license shall be accompanied  
23 by a restoration fee to be determined by the board. Applicants seeking  
24 restoration of a license more than five years after the license has  
25 expired shall be required to make application for initial licensure. Shop  
26 [and school] licenses shall be renewed within 90 days following  
27 expiration. [Applicants for renewal of school licenses shall provide  
28 satisfactory evidence that a bond required pursuant to section 32 of  
29 this act has been secured and shall remain valid through the next  
30 licensing period.] No shop [or school] license may be restored after 90  
31 days and an application for initial licensure shall be submitted.

32 (cf: P.L.1987, c.92, s.3)

33

34 <sup>1</sup>[39.] 36.<sup>1</sup> Section 36 of P.L.1984, c.205 (C.45:5B-36) is amended  
35 to read as follows:

36 36. A shop [or school] owner shall notify the board prior to  
37 undertaking a change of location or undergoing a change of  
38 ownership. The shop [or school] shall submit to the board an initial  
39 application for licensure. If a change of ownership results from the  
40 death or disability of a principal shareholder in a corporation, or  
41 partner in a partnership which holds a shop [or school] license, the  
42 new owner shall notify the board within six months after the change  
43 has been effected. For purposes of this section, a change of ownership  
44 shall be deemed to have occurred if more than 50% of the outstanding

1 stock or other financial interest is transferred.

2 (cf: P.L.1984, c.205, s.36)

3

4 <sup>1</sup>[40.] 37.<sup>1</sup> Section 37 of P.L.1984, c.205 (C.45:5B-37) is amended  
5 to read as follows:

6 37. Nothing in this act shall be construed to preclude the lawful  
7 sale of merchandise or the provision of services related to the  
8 beautification of the body or the enhancement of personal appearance  
9 which are not enumerated in the definition of cosmetology and  
10 hairstyling pursuant to section 3 of [this act] P.L.1984, c.205  
11 (C.45:5B-3), from being undertaken within a licensed shop or  
12 approved school. To the extent that the board determines that certain  
13 ancillary beautification services pose a health hazard to the public, it  
14 may adopt regulations prohibiting the services, placing restrictions on  
15 the manner in which the services are offered or designating appropriate  
16 training levels which those offering the services shall have to attain.  
17 (cf: P.L.1984, c.205, s.37)

18

19 <sup>1</sup>38. Section 13 of P.L.1995, c.82 (C.45:5B-22.1) is amended to  
20 read as follows:

21 13. An applicant seeking initial licensure as a skin care specialist  
22 shall:

23 a. Demonstrate successful completion of high school or its  
24 equivalent; and

25 b. Demonstrate successful completion of a 600 hour course of  
26 instruction in the practice of a skin care specialty at

27 (1) a school of cosmetology and hairstyling [~~licensed~~] approved  
28 in this State; or

29 (2) a public school approved by the State Board of Education to  
30 offer a vocational program in cosmetology and hairstyling; or

31 (3) a school of cosmetology and hairstyling, beauty culture or  
32 barbering licensed in another state or foreign country which, in the  
33 opinion of the board, offers curricula which is substantially similar to  
34 that offered at licensed schools within this State; and

35 c. Take and pass an examination conducted by the board, as  
36 provided by P.L.1984, c.205 (C.45:5B-1 et seq.).<sup>1</sup>

37 (cf: P.L.1995, c.82, s.13)

38

39 <sup>1</sup>[41.] 39.<sup>1</sup> (New section) a. Upon the effective date of P.L. ,  
40 c. (C. ) (now pending before the Legislature as this bill), a

41 private proprietary school offering courses of education in  
42 cosmetology and hairstyling shall be approved by the Commissioner of  
43 the Department of Education pursuant to the provisions of that act and  
44 in accordance with the schedule developed pursuant to that act; except  
45 that the New Jersey State Board of Cosmetology and Hairstyling shall  
46 retain the authority to approve the school's curriculum.

1       b. The Commissioner of the Department of Education may delegate  
2 to the New Jersey State Board of Cosmetology and Hairstyling such  
3 oversight and review of the operation of schools of cosmetology and  
4 hairstyling as the commissioner deems appropriate.

5  
6       <sup>1</sup>[42.] 40.<sup>1</sup> (New section) The State Board of Education shall  
7 promulgate, pursuant to the "Administrative Procedure Act,"  
8 P.L.1968, c.410 (C.52:14B-1 et seq.), the rules and regulations  
9 necessary to effectuate the purposes of this act.

10  
11       <sup>1</sup>[43.] 41.<sup>1</sup> The following sections are repealed:  
12 N.J.S.18A:69-1 through 18A:69-16 inclusive;  
13 Sections 3, 4, 5, and 6 of P.L.1987, c.375 (C.18A:69-6.1 through  
14 18A:69-6.4);  
15 Sections 14, 32, and 33 of P.L.1984, c.205 (C.45:5B-14, 45:5B-32,  
16 and 45:5B-33.

17  
18       <sup>1</sup>[44.] 42.<sup>1</sup> This act shall take effect on the 90th day following  
19 enactment.

20  
21  
22  
23  
24 Establishes the Private Vocational School Student Tuition Protection  
25 Fund; consolidates administration of private vocational schools.