
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1935 Session of
1995

INTRODUCED BY RICHARDSON, WASHINGTON, YOUNGBLOOD, JAMES AND
KIRKLAND, JUNE 29, 1995

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 29, 1995

AN ACT

1 Amending the act of May 3, 1933 (P.L.242, No.86), entitled, as
2 amended, "An act to promote the public health and safety by
3 providing for examination, licensing and granting of permits
4 for those who desire to engage in the profession of
5 cosmetology; defining cosmetology, and regulating cosmetology
6 shops, schools, students, apprentices, teachers, managers,
7 manicurists and cosmetologists; conferring powers and duties
8 upon the Commissioner of Professional and Occupational
9 Affairs in the Department of State; providing for appeals to
10 certain courts by applicants and licensees; and providing
11 penalties," providing for braiding.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The title of the act of May 3, 1933 (P.L.242,
15 No.86), referred to as the Cosmetology Law, amended June 30,
16 1984 (P.L.479, No.100), is amended to read:

17 AN ACT

18 To promote the public health and safety by providing for
19 examination, licensing and granting of permits for those who
20 desire to engage in the profession of cosmetology or
21 braiding; defining cosmetology and the practice of braiding,
22 and regulating cosmetology shops, braiding academies.

1 schools, students, apprentices, teachers, managers,
2 manicurists [and], cosmetologists and braiders; conferring
3 powers and duties upon the Commissioner of Professional and
4 Occupational Affairs in the Department of State; providing
5 for appeals to certain courts by applicants and licensees;
6 and providing penalties.

7 Section 2. Section 1 of the act is amended by adding
8 definitions to read:

9 Section 1. Definitions.--The following words and phrases
10 when used in this act shall have the meanings given to them in
11 this section unless the context clearly indicates otherwise:

12 * * *

13 "Braiding academy or school." Includes any individual,
14 partnership, association, business corporation, nonprofit
15 corporation, municipal corporation, school district or any group
16 of individuals however organized whose purpose is to provide
17 courses of instruction in braiding, the management of braiding
18 shops or the teaching of braiding.

19 * * *

20 "Practice of braiding." Also known as natural hair styling,
21 means providing or offering to the general public for a fee any
22 of the following services to the hair, head or scalp of a human
23 being, including, but not limited to, intertwining in a
24 systematic motion to create patterns in a three dimensional
25 form; inversion or outversion flat against the scalp along the
26 part of a straight or curved row; twisting in a systematic
27 motion; locking, wrapping, extending with natural or synthetic
28 fibers; and shampooing, cutting or curling of natural or
29 synthetic hair. Techniques which result in tension on hair roots
30 such as certain types of braiding, wrapping, locking and

1 extending of the hair may only be performed by a braid, natural
2 hair styling, barber or cosmetology licensee who has completed
3 an approved course of study in such techniques.

4 * * *

5 Section 3. Sections 1.1, 2, 3, 4, 4.1 and 4.3 of the act,
6 amended or added June 30, 1984 (P.L.479, No.100), are amended to
7 read:

8 Section 1.1. Membership of Board.--(a) The board shall
9 consist of [thirteen] fourteen members: the Commissioner of
10 Professional and Occupational Affairs; the Director of the
11 Bureau of Consumer Protection in the Office of Attorney General,
12 or his designee; three public members appointed by the Governor
13 with the advice and consent of the Senate, which members shall
14 represent the public at large; and [eight] nine professional
15 members appointed by the Governor with the advice and consent of
16 the Senate, which members have had at least five years practical
17 and/or managerial experience in the majority of the practices of
18 cosmetology and shall be actively engaged in the profession. No
19 more than one professional member shall be currently employed as
20 a vocational education teacher of cosmetology in the public
21 schools. No more than two professional members of the board
22 shall be currently affiliated with a private school of
23 cosmetology. No other person who has been affiliated with a
24 private cosmetology school within three years prior to
25 nomination may be nominated. At least one professional member
26 shall have practical and/or managerial experience in the
27 practice of braiding or natural hair styling. Members currently
28 serving on the board shall continue to serve until the
29 expiration of their terms and until successors are appointed and
30 qualified according to law, but for no longer than six months.

1 (b) Professional and public members appointed after the
2 expiration of the terms of current board members shall serve the
3 following terms: two professional members and one public member
4 shall serve one year; two professional members and one public
5 member shall serve two years; and two professional members and
6 one public member shall serve three years. Thereafter,
7 professional and public members shall serve three-year terms. No
8 member may serve more than two consecutive terms.

9 (c) [~~Seven~~] Eight members of the board shall constitute a
10 quorum. The board shall select, from among their number, a
11 chairman, a vice chairman and a secretary.

12 (d) Each public and professional member of the board shall
13 be paid reasonable traveling, hotel and other necessary expenses
14 and per diem compensation at the rate of sixty dollars (\$60) for
15 each day of actual service while on board business.

16 (e) A member who fails to attend three consecutive meetings
17 shall forfeit his seat unless the Commissioner of Professional
18 and Occupational Affairs, upon written request from the member,
19 finds that the member should be excused from a meeting because
20 of illness or the death of an immediate family member.

21 (f) In the event that a member of the board dies or resigns
22 during the term of office, a successor shall be appointed in the
23 same way and with the same qualifications as set forth in
24 subsections (a) and (b) and shall hold office for the unexpired
25 term.

26 Section 2. Practice of Braiding and Cosmetology without
27 License Prohibited.--It shall be unlawful for any person to
28 practice or teach cosmetology or braiding, manage a cosmetology,
29 braiding, manicurist or cosmetician shop, to use or maintain any
30 place for the practice of cosmetology or braiding, for

1 compensation, or to use or maintain any place for the teaching
2 of cosmetology, unless he or she shall have first obtained from
3 the department a license as provided in this act.

4 Section 3. Requirements to Practice.--Before any person may
5 practice or teach cosmetology or braiding or manage a
6 cosmetology or braiding shop, such person shall file with the
7 board a written application for license, accompanied by a health
8 certificate issued by a licensed physician of Pennsylvania on a
9 form which shall be prescribed and supplied by the board, and
10 shall deposit with the department the license fee, and pass an
11 examination approved by the board as to fitness to practice or
12 teach cosmetology or braiding or manage a cosmetology or
13 braiding shop, as hereinafter provided in this act.

14 Section 4. Eligibility Requirements for Examination.--(a)
15 No person shall be permitted by the board to take an examination
16 to receive a license as a cosmetologist unless such person (1)
17 shall be at least sixteen years of age and of good moral
18 character at the time of making application, and (2) shall have
19 completed a tenth grade education or the equivalent thereof, or
20 in lieu of such education or the equivalent thereof shall have
21 received training from or under the auspices of the Bureau of
22 Rehabilitation in the Department of Labor and Industry, and (3)
23 shall have either (i) completed not less than one thousand two
24 hundred fifty hours as a student in a duly registered school of
25 cosmetology as hereinafter provided in this act, or (ii) shall
26 have been registered and served as an apprentice at least two
27 thousand hours in a licensed cosmetology shop as hereinafter
28 provided in this act. The application shall be accompanied by a
29 notarized statement from either the licensed cosmetology school
30 the applicant attended or the licensed cosmetology teacher in

1 the licensed cosmetology shop where the applicant studied and
2 trained, stating that the applicant has completed the study and
3 training period required under this act. No person shall be
4 permitted to take an examination for a license to teach
5 cosmetology unless such person shall have a cosmetologist's
6 license, be at least eighteen years of age, shall have completed
7 a twelfth grade education or the equivalent thereof and have had
8 five hundred hours of specialized training as set forth in
9 section 6 of this act which hours shall be in addition to the
10 hours necessary to qualify for a cosmetologist's license. No
11 person shall be permitted to take an examination for a license
12 to act as a manager of a cosmetology shop unless such person
13 shall have a cosmetologist's license, be at least eighteen years
14 of age, shall have completed a tenth grade education or the
15 equivalent thereof and have had at least eighteen months'
16 experience as a cosmetologist in a cosmetology shop or shared
17 shop or have had three hundred hours of specialized training as
18 set forth in section 6 of this act which hours shall be in
19 addition to the hours necessary to qualify for a cosmetologist's
20 license.

21 (b) No person shall be permitted by the board to take an
22 examination to receive a license as a braider unless such person
23 (1) shall be at least sixteen years of age and of good moral
24 character at the time of making application, and (2) shall have
25 completed a tenth grade education or the equivalent thereof, in
26 lieu of such education or the equivalent thereof shall have
27 received training from or under the auspices of the Bureau of
28 Rehabilitation in the Department of Labor and Industry, and (3)
29 shall have either (i) completed not less than seven hundred
30 fifty hours as a student in a duly registered school of

1 cosmetology or braiding academy as hereinafter provided, or (ii)
2 shall have been registered and served as an apprentice at least
3 twelve hundred hours in a licensed cosmetology, braiding or
4 barber shop as hereinafter provided. The application shall be
5 accompanied by a notarized statement from either the licensed
6 cosmetology school, braiding academy or barber school the
7 applicant attended or the licensed cosmetology, braiding or
8 barber teacher in the licensed cosmetology, braiding or barber
9 shop where the applicant studied and trained, stating that the
10 applicant has completed the study and training period required
11 under this act. No person shall be permitted to take an
12 examination for a license to teach braiding unless such person
13 shall have a braider's license, be at least eighteen years of
14 age, shall have completed a twelfth grade education or the
15 equivalent thereof and have had five hundred hours of
16 specialized training as set forth in section 6 of this act which
17 hours shall be in addition to the hours necessary to qualify for
18 a braider's license. No person shall be permitted to take an
19 examination for a license to act as a manager of a braiding shop
20 unless such person shall have a braider's license, be at least
21 eighteen years of age, shall have completed a tenth grade
22 education or the equivalent thereof and have had at least
23 eighteen months' experience as a braider in a braiding,
24 cosmetology or barber shop or have had three hundred hours of
25 specialized training as set forth in section 6 of this act which
26 hours shall be in addition to the hours necessary to qualify for
27 a braider's license.

28 Section 4.1. Educational Requirement Waived for Certain
29 Persons.--(a) A person thirty-five years of age or over, or a
30 veteran desiring to take an examination to receive a license as

1 a cosmetologist, shall not be required to have completed a tenth
2 grade education, or the equivalent thereof, as set forth in
3 clause (2) of section 4 of this act.

4 (b) A person thirty-five years of age or over, or a veteran
5 desiring to take an examination to receive a license as a
6 braider, shall not be required to have completed a tenth grade
7 education, or the equivalent thereof, as set forth in clause (2)
8 of section 4 of this act.

9 Section 4.3. Eligibility Requirements for Registration as an
10 Apprentice.--(a) No person shall be permitted to register as an
11 apprentice of cosmetology nor shall a licensed cosmetology shop
12 employ or cause to be registered a person until an application
13 for an apprentice permit shall have been filed with the board
14 and an apprentice permit issued by the board. No apprentice
15 permit shall be issued unless the prospective apprentice
16 applying therefor shall have established to the satisfaction of
17 the board that he or she is of good moral character, has
18 completed a tenth grade education or the equivalent thereof or
19 in lieu of such education or the equivalent thereof has received
20 training from or under the auspices of the Bureau of
21 Rehabilitation in the Department of Labor and Industry and is
22 free from contagious or infectious disease.

23 (b) No person shall be permitted to register as a braid
24 apprentice nor shall a licensed braid shop employ or cause to be
25 registered a person until an application for an apprentice
26 permit shall have been filed with the board and an apprentice
27 permit issued by the board. No apprentice permit shall be issued
28 unless the prospective apprentice applying therefor shall have
29 established to the satisfaction of the board that he or she is
30 of good moral character, has completed a tenth grade education

1 or the equivalent thereof or in lieu of such education or the
2 equivalent thereof has received training under the auspices of
3 the Bureau of Rehabilitation in the Department of Labor and
4 Industry and is free from contagious or infectious disease.

5 Section 4. The act is amended by adding sections to read:

6 Section 4.5. Management of Braiding Shops.--An owner of a
7 braid shop, licensed as a braider, may manage his own shop if he
8 operates therein exclusively, otherwise, he shall employ a
9 licensed manager. This section does not prohibit co-ownership of
10 braid shops by licensed braiders who operate therein
11 exclusively. This section does not prohibit an owner who is a
12 barber or cosmetologist from employing a braider without the
13 requirement that a braid manager also be employed.

14 Section 6.1 Requirements of a Braiding Academy.--(a) No
15 braiding academy shall be granted a license or renewal thereof
16 unless it shall: (1) enroll only those students who have
17 completed a ninth grade education or the equivalent thereof or,
18 in lieu of such education or the equivalent thereof, have
19 received training from or under the auspices of the Bureau of
20 Rehabilitation in the Department of Labor and Industry, are of
21 good moral character and are free from contagious or infectious
22 disease; (2) attach to its staff a consultant, a person licensed
23 by this Commonwealth to practice medicine; (3) employ and
24 maintain a sufficient number of competent teachers, registered
25 as such; (4) possess apparatus and equipment sufficient for the
26 proper and full teaching of all subjects of its curriculum; (5)
27 keep a daily record of the attendance of each student; (6)
28 maintain regular class and instruction hours; (7) establish
29 grades and hold examinations before issuance of diplomas; and
30 (8) require a day school term of training for a period of not

1 less than seven hundred fifty hours within a period of not less
2 than eight consecutive months or a night school term of not less
3 than fifteen consecutive months for a complete course,
4 comprising all or a majority of the practices of braiding, as
5 provided by this act, and to include practical demonstrations
6 and theoretical studies, and study in sanitation, sterilization
7 and the use of antiseptics, cosmetics and electrical appliances
8 consistent with the practical and theoretical requirements as
9 applicable to braiding or any practice thereof. The hours of
10 training required shall be accomplished within four consecutive
11 years. In no case shall there be less than one teacher to
12 twenty-five pupils. A separate curriculum of five hundred hours
13 shall be established for persons seeking to become braiding
14 instructors which shall include methods of teaching, principles
15 of education and salon management. A separate curriculum of
16 three hundred hours shall be established for persons seeking to
17 become managers of braid salons which shall include the conduct
18 and administration of a braid salon. Each academy shall report
19 quarterly to the board student hours on forms provided by the
20 board.

21 (b) Upon renewal of a license, the academy owner shall
22 supply an affidavit stating that, at the time of renewal, the
23 academy is in compliance with this act and the regulations
24 promulgated under this act.

25 (c) No member of the board may inspect or be physically
26 present during the original inspection of a braid salon or braid
27 academy.

28 Section 5. Sections 7 and 9 of the act, amended June 30,
29 1984 (P.L.479, No.100), are amended to read:

30 Section 7. Student Practice upon the Public for Pay

1 Prohibited.--It shall be unlawful for any school of cosmetology
2 or braiding academy to permit its students to practice
3 cosmetology or braiding upon the public under any circumstances
4 except by way of clinical work upon persons willing to submit
5 themselves to such practice after having first been properly
6 informed that the operator is a student. No school of
7 cosmetology or braiding academy shall, directly or indirectly,
8 charge any money whatsoever for treatment by its students and
9 shall only charge the reasonable cost of materials used in such
10 treatment.

11 Section 9. Exceptions to Examination Requirements; Present
12 Students [and]; Apprentices; Grandparenting and Experience.--(a)
13 Any person who has practiced or taught cosmetology or acted as
14 manager of a cosmetology shop [or], school of cosmetology,
15 braiding salon or braiding academy, under a certificate, license
16 or permit, for not less than two years in another state,
17 territory, or the District of Columbia, may secure the license
18 required by this act without an examination or compliance with
19 other requirements as to age or education: Provided, That the
20 Board shall be satisfied that the standards provided for
21 licensure under the laws of the place wherein the applicant's
22 license was issued are the same or substantially the same as
23 those provided for hereunder, that similar privileges are
24 accorded persons licensed under the laws of the Commonwealth,
25 that the applicant holds a valid license from the place wherein
26 he is entitled to practice, and that all the terms and
27 conditions prescribed by the Board are complied with by the
28 applicant. Such application shall be accompanied by an affidavit
29 of a licensed physician that the applicant was examined and is
30 free from all contagious and infectious diseases, and the

1 license fee required by this act. Students, upon graduating from
2 licensed schools of cosmetology or braiding academies, may apply
3 for, and receive from the department, a temporary license to
4 practice in the field of cosmetology or braiding until the next
5 regular examination held by the department under the provisions
6 of this act.

7 (b) A person may apply for a braiding license based on
8 grandparenting or experience.

9 (1) Persons who provide satisfactory evidence of practicing
10 braiding in this Commonwealth for at least one year prior to the
11 effective date of this subsection may obtain a braiding license
12 without examination or education.

13 (2) Persons who provide satisfactory evidence of having five
14 years' experience in an occupation equivalent to the practice of
15 braiding may obtain a braiding license in this Commonwealth
16 without examination or further education.

17 Section 6. Section 9.2 of the act, amended June 14, 1991
18 (P.L.64, No.7), is amended to read:

19 Section 9.2. Shared Shops.--(a) A licensed barber [and], a
20 licensed cosmetologist and a licensed braider shall be permitted
21 to work in the same shop if the requirements of this section are
22 met. Any licensed shop which employs a licensed barber [and], a
23 licensed cosmetologist and a licensed braider shall not be
24 required to erect or install any physical barriers which
25 separate the barber [and], the cosmetologist and the braider.

26 All licensed shops shall conform with the provisions of section
27 4.4 of this act.

28 (b) A cosmetology shop licensee or braiding salon licensee
29 who shall employ a licensed barber shall also be a licensed
30 cosmetologist or braiding manager or employ a cosmetologist or

1 braiding manager.

2 (c) For the purpose of this section only, when a licensee
3 under this act and a licensee under the Barbers' License Law are
4 subject to formal proceedings for violations of this act or the
5 Barbers' License Law, the board and the State Board of Barber
6 Examiners shall consolidate all formal actions against such
7 licensees for the purpose of prosecution and hearing provided
8 that the board shall retain to itself exclusively the power to
9 revoke or suspend licenses after such prosecution and hearing.

10 Section 7. Sections 10, 11, 12, 16, 19 and 20 of the act,
11 amended June 30, 1984 (P.L.479, No.100), are amended to read:

12 Section 10. Apprentices in Cosmetology Shops and Braiding
13 Shops.--Any cosmetologist or braider who is a cosmetology shop
14 or braiding salon owner, at least twenty-three years of age, who
15 is a high school graduate or the equivalent thereof, who has had
16 at least five years experience as a licensed cosmetologist or
17 braider in Pennsylvania, and who is a holder of a teacher's
18 license, may instruct apprentices in a duly licensed cosmetology
19 shop or braiding salon, provided that there shall be no less
20 than two licensed cosmetologists or braiders in addition to the
21 teacher for each apprentice in any shop and there shall be no
22 more than two apprentices in any shop, and provided such shop is
23 not held out as a school of cosmetology or braiding academy and
24 provided each teacher instructing an apprentice shall report
25 quarterly hours to the board on a form provided by the board.
26 Such apprentices may apply for examination at the end of their
27 apprenticeship at the next regular examination held by the
28 board, and, if successful therein, shall be licensed as
29 cosmetologists or braiders. Registered apprentices upon
30 completion of their required term of apprenticeship, may apply

1 for, and receive from the department, a temporary permit to
2 practice in the field of cosmetology or braiding until the next
3 regular examination. Nothing in this act shall prohibit an owner
4 from hiring a cosmetology teacher or braiding teacher to
5 instruct apprentices.

6 Section 11. Regulations by Board.--The board after at least
7 one public hearing shall prescribe reasonable regulations for
8 its conduct, and for the examination and licensing of applicants
9 to practice or teach cosmetology or braiding and to manage
10 cosmetology shops or braiding salons or schools of cosmetology
11 or braiding academies, for temporary licenses to be issued by
12 the department, and generally for the conduct of persons,
13 copartnerships, associations or corporations affected by this
14 act.

15 Section 12. Examinations; Issuance of Licenses.--If the
16 board finds that the applicant has submitted the credentials
17 required by this act for admission to the examination, and has
18 paid the license fee required by this act, the board shall admit
19 such applicant to the examination and the department shall issue
20 a license to practice as a cosmetologist or braider, manager, or
21 teacher as the case may be to those successfully passing the
22 required examinations: Provided, That if the applicant fails to
23 pass the examination he or she may be eligible to take the next
24 examination. Examinations shall be held at least four times a
25 year in the metropolitan areas of Philadelphia, Pittsburgh,
26 Wilkes-Barre, Harrisburg, and Erie at such hours as it shall
27 prescribe pursuant to section 812.1 of the act of April 9, 1929
28 (P.L.177, No.175), known as "The Administrative Code of 1929."
29 The examination for teachers' and managers' licenses shall
30 differ from the examination for cosmetology or braiders'

1 licenses in that it shall be of a more exacting nature and
2 require higher standards of knowledge of the practice and
3 theories of cosmetology, including, with respect to a teacher's
4 license, ability to teach properly the various practices and
5 theories of cosmetology or braiding.

6 Section 16. Fees.--(a) The board shall, by regulation, fix
7 the following fees: (1) for the issuance of a license, with or
8 without examination, for cosmetology shop owners, braiding salon
9 owners, managers, teachers, cosmetologists, braiders,
10 manicurists, manicurist shops, students, cosmetology schools,
11 braiding academies and for registration fee for apprentices; and
12 (2) biennial renewal fees for cosmetology shop owners, braiding
13 salon owners, managers, school instructors, cosmetologists,
14 manicurists, braiders, cosmetology schools, braiding academies
15 and manicurist shops. Fees for registration, licensure and
16 examination shall be paid in advance to the department into the
17 Professional Licensure Augmentation Account.

18 (b) In case a cosmetology shop owner or braiding salon owner
19 changes the location of his or her shop a new license must be
20 secured. The board shall, by regulation, fix the fee required
21 for such new license.

22 (c) All fees required pursuant to this act shall be fixed by
23 the board by regulation and shall be subject to the act of June
24 25, 1982 (P.L.633, No.181), known as the "Regulatory Review
25 Act." If the revenues raised by fees, fines and civil penalties
26 imposed pursuant to this act are not sufficient to meet
27 expenditures over a two-year period, the board shall increase
28 those fees by regulation so that the projected revenues will
29 meet or exceed projected expenditures.

30 (d) If the Bureau of Professional and Occupational Affairs

1 determines that the fees established by the board pursuant to
2 subsection (c) of this section are inadequate to meet the
3 minimum enforcement efforts required by this act, then the
4 bureau, after consultation with the board and subject to the
5 "Regulatory Review Act," shall increase the fees by regulation
6 in an amount that adequate revenues are raised to meet the
7 required enforcement effort.

8 (e) Current fees charged by the board shall continue until
9 such time as changes are made in accordance with the "Regulatory
10 Review Act."

11 Section 19. Duration and Renewal of Licenses.--(a) With the
12 period ending January 31, 1986, the Bureau of Professional and
13 Occupational Affairs shall designate approximately one-half of
14 the renewals to expire in twelve months and the remainder of the
15 renewals to expire in twenty-four months. Thereafter, licenses
16 shall expire on the thirty-first day of January of each
17 succeeding biennium unless renewed for the next biennium.
18 Licenses may be renewed by application made prior to the thirty-
19 first day of January of each succeeding biennium, and the
20 payment of the renewal fees provided in this act.

21 (b) A cosmetologist or braider who is not engaged in the
22 practice of cosmetology or braiding shall request the board, in
23 writing, to place his license in escrow and thus protect his
24 right to obtain a license at any such time within a five-year
25 period if he desires to again become engaged in the practice of
26 cosmetology or braiding.

27 (c) Any person who fails to renew his license or has
28 escrowed his license for a period of five years without renewing
29 his license shall, prior to receiving a license, submit to and
30 pass an examination appropriate to the license being sought.

1 Section 20. Penalties.--(a) Any person who shall practice
2 or teach cosmetology, or act in any capacity wherein licensing
3 is required, without complying with this act, shall upon
4 conviction, in a summary proceeding, be sentenced to pay a fine
5 not exceeding three hundred dollars (\$300.00), and/or shall be
6 sentenced to imprisonment not exceeding three (3) months.

7 (b) Any cosmetologist, braider, manager, teacher, student or
8 apprentice who shall practice the profession of cosmetology or
9 braiding while knowingly suffering from contagious or infectious
10 disease, or who shall knowingly serve any person afflicted with
11 such disease, shall be guilty of a summary offense, and, upon
12 conviction thereof, shall be sentenced to pay a fine not
13 exceeding three hundred dollars (\$300.00), or undergo an
14 imprisonment not exceeding thirty (30) days, or both, at the
15 discretion of the court.

16 (c) Any cosmetologist, braider, manager, teacher, student or
17 apprentice who shall infect any person, or who shall impart any
18 contagious or infectious disease, by reason of carelessness or
19 negligence in the practice of such profession, shall be guilty
20 of a summary offense, and, upon conviction, shall be sentenced
21 to pay a fine not exceeding three hundred dollars (\$300.00), or
22 to undergo an imprisonment not exceeding three months, or both,
23 at the discretion of the court.

24 (c.1) Any person, partnership or corporation violating any
25 provision of this act shall, upon conviction for the first
26 offense, be sentenced to pay a fine not exceeding three hundred
27 dollars (\$300.00) or to undergo imprisonment not exceeding three
28 (3) months and shall, upon conviction for the second and
29 subsequent offenses, be sentenced to pay a fine not exceeding
30 six hundred dollars (\$600.00) or to undergo imprisonment not

1 exceeding six (6) months, or both. This section specifically
2 governs unlicensed activity in the practice of cosmetology.

3 (c.2) In addition to any other civil remedy or criminal
4 penalty provided for in this act, the board, by a vote of the
5 majority of the maximum number of the authorized membership of
6 the board as provided by this act or by a vote of the majority
7 of the qualified and confirmed membership or a minimum of five
8 members, whichever is greater, may levy a civil penalty of up to
9 one thousand dollars (\$1,000.00) on any current licensee who
10 violates any provisions of this act or on any person who
11 practices cosmetology without being properly licensed to do so
12 under this act. The board shall levy this penalty only after
13 affording the accused party the opportunity for a hearing, as
14 provided in Title 2 of the Pennsylvania Consolidated Statutes
15 (relating to administrative law and procedure).

16 (d) All fines and civil penalties imposed in accordance with
17 this section shall be paid into the Professional Licensure
18 Augmentation Account.

19 (e) The owner or manager of any shop employing an unlicensed
20 cosmetologist or braider shall, upon conviction, be sentenced to
21 pay a fine not exceeding five hundred dollars (\$500.00), or to
22 undergo imprisonment not exceeding six (6) months, or both, at
23 the discretion of the court.

24 Section 8. This act shall take effect in 60 days.