

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2951 Session of
1992

INTRODUCED BY BISHOP, GIGLIOTTI, DeLUCA, WILLIAMS, TRELLO,
HARPER, JAMES, OLIVER AND RITTER, SEPTEMBER 29, 1992

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
SEPTEMBER 29, 1992

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," further providing for regulation, examination and
12 licensing of and permits for manicurists.

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

15 Section 1. Section 1 of the act of May 3, 1933 (P.L.242,
16 No.86), referred to as the Cosmetology Law, is amended by adding
17 definitions to read:

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

21 * * *

22 "Manicuring" means any or all work done for compensation by

1 any person, which work is generally and usually performed by
2 manicurists.

3 "Manicurist" means an individual who engages only in the
4 practice of manicuring the nails, including the affixing of
5 artificial nails.

6 * * *

7 "School of Manicuring" includes any individual, partnership,
8 association, business corporation, nonprofit corporation,
9 municipal corporation, school district or any group of
10 individuals however organized whose purpose is to provide
11 courses of instruction in manicuring, the management of
12 manicuring shops, or the teaching of manicuring.

13 * * *

14 Section 2. Sections 1.1(a), 2, 3, 4, 4.3, 4.4, 6, 7, 8, 9
15 and 9.1 of the act, amended or added June 30, 1984 (P.L.479,
16 No.100), are amended to read:

17 Section 1.1. Membership of Board.--(a) The board shall
18 consist of thirteen members: the Commissioner of Professional
19 and Occupational Affairs; the Director of the Bureau of Consumer
20 Protection in the Office of Attorney General, or his designee;
21 three public members appointed by the Governor with the advice
22 and consent of the Senate, which members shall represent the
23 public at large; and eight professional members appointed by the
24 Governor with the advice and consent of the Senate, which
25 members have had at least five years practical and/or managerial
26 experience in the majority of the practices of cosmetology and
27 shall be actively engaged in the profession. No more than one
28 professional member shall be currently employed as a vocational
29 education teacher of cosmetology in the public schools. No more
30 than two professional members of the board shall be currently

1 affiliated with a private school of cosmetology. No other person
2 who has been affiliated with a private cosmetology school within
3 three years prior to nomination may be nominated. At least one
4 member of the board shall be involved in the business of only
5 manicuring. Members currently serving on the board shall
6 continue to serve until the expiration of their terms and until
7 successors are appointed and qualified according to law, but for
8 no longer than six months.

9 * * *

10 Section 2. Practice of Cosmetology or Manicuring without
11 License Prohibited.--It shall be unlawful for any person to
12 practice or teach cosmetology or manicuring, manage a
13 cosmetology, manicurist or cosmetician shop, to use or maintain
14 any place for the practice of cosmetology or manicuring, for
15 compensation, or to use or maintain any place for the teaching
16 of cosmetology or manicuring, unless he or she shall have first
17 obtained from the department a license as provided in this act.

18 Section 3. Requirements to Practice.--Before any person may
19 practice or teach cosmetology or manicuring or manage a
20 cosmetology or manicuring shop, such person shall file with the
21 board a written application for license, accompanied by a health
22 certificate issued by a licensed physician of Pennsylvania on a
23 form which shall be prescribed and supplied by the board, and
24 shall deposit with the department the license fee, and pass an
25 examination approved by the board as to fitness to practice or
26 teach cosmetology or manicuring or manage a cosmetology or
27 manicurist shop, as hereinafter provided in this act.

28 Section 4. Eligibility Requirements for Examination.--(a)
29 No person shall be permitted by the board to take an examination
30 to receive a license as a cosmetologist unless such person (1)

1 shall be at least sixteen years of age and of good moral
2 character at the time of making application, and (2) shall have
3 completed a tenth grade education or the equivalent thereof, or
4 in lieu of such education or the equivalent thereof shall have
5 received training from or under the auspices of the Bureau of
6 Rehabilitation in the Department of Labor and Industry, and (3)
7 shall have either (i) completed not less than one thousand two
8 hundred fifty hours as a student in a duly registered school of
9 cosmetology as hereinafter provided in this act, or (ii) shall
10 have been registered and served as an apprentice at least two
11 thousand hours in a licensed cosmetology shop as hereinafter
12 provided in this act. The application shall be accompanied by a
13 notarized statement from either the licensed cosmetology school
14 the applicant attended or the licensed cosmetology teacher in
15 the licensed cosmetology shop where the applicant studied and
16 trained, stating that the applicant has completed the study and
17 training period required under this act. No person shall be
18 permitted to take an examination for a license to teach
19 cosmetology unless such person shall have a cosmetologist's
20 license, be at least eighteen years of age, shall have completed
21 a twelfth grade education or the equivalent thereof and have had
22 five hundred hours of specialized training as set forth in
23 section 6 of this act which hours shall be in addition to the
24 hours necessary to qualify for a cosmetologist's license. No
25 person shall be permitted to take an examination for a license
26 to act as a manager of a cosmetology shop unless such person
27 shall have a cosmetologist's license, be at least eighteen years
28 of age, shall have completed a tenth grade education or the
29 equivalent thereof and have had at least eighteen months'
30 experience as a cosmetologist in a cosmetology shop or shared

1 shop or have had three hundred hours of specialized training as
2 set forth in section 6 of this act which hours shall be in
3 addition to the hours necessary to qualify for a cosmetologist's
4 license.

5 (b) No person shall be permitted by the board to take an
6 examination to receive a license as a manicurist unless such
7 person (1) shall be at least sixteen years of age and of good
8 moral character at the time of making application, and (2) shall
9 have either (i) completed no less than one month as a manicurist
10 student in a duly registered school of cosmetology or manicuring
11 as hereinafter provided in this act, or (ii) shall have been
12 registered and served as a manicuring apprentice at least five
13 hundred hours in a licensed cosmetology or manicurist shop as
14 hereinafter provided in this act. The application shall be
15 accompanied by a notarized statement from either the licensed or
16 cosmetology or manicuring school which the applicant attended or
17 the licensed cosmetology or manicuring teacher in the licensed
18 cosmetology or manicurist shop where the applicant studied and
19 trained, stating that the applicant has completed the study and
20 training period required under this act. No person shall be
21 permitted to take an examination for a license to teach
22 manicuring unless such person shall have a cosmetologist's or
23 manicurist's license, be at least eighteen years of age, shall
24 have completed a tenth grade education or the equivalent thereof
25 and have had five hundred hours of specialized training as set
26 forth in section 6 of this act, which hours, in the case of a
27 cosmetologist, shall be in addition to the hours necessary to
28 qualify for a cosmetologist's license. No person shall be
29 permitted to take an examination for a license to act as a
30 manager of a manicurist shop unless such person shall have a

cosmetologist's or manicurist's license, be at least eighteen years of age, shall have completed a tenth grade education or the equivalent thereof and have had at least eighteen months' experience as a manicurist in a cosmetology or manicurist shop or shared shop or have had three hundred hours of specialized training as set forth in section 6 of this act which hours, in the case of a cosmetologist, shall be in addition to the hours necessary to qualify for a cosmetologist's license.

Section 4.3. Eligibility Requirements for Registration as an Apprentice.--No person shall be permitted to register as an apprentice of cosmetology or manicuring nor shall a licensed cosmetology or manicurist shop employ or cause to be registered a person until an application for an apprentice permit shall have been filed with the board and an apprentice permit issued by the board. No apprentice permit shall be issued unless the prospective apprentice applying therefor shall have established to the satisfaction of the board that he or she is of good moral character, has, in the case of a prospective cosmetology apprentice, completed a tenth grade education or the equivalent thereof or in lieu of such education or the equivalent thereof has received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry; and is free from contagious or infectious disease.

Section 4.4. Management of Cosmetology and Manicurist Shops.--An owner of a cosmetology or manicuring shop, licensed as a cosmetologist or manicurist, may manage his own shop if he operates therein exclusively; otherwise, he shall employ a licensed manager. This section does not prohibit coownership of cosmetology and manicurist shops by licensed cosmetologists and manicurists who operate therein exclusively. This section does

not prohibit an owner who is a barber from employing a cosmetologist or manicurist without the requirement that a cosmetologist-manager or manicurist-manager also be employed.

Section 6. Requirements of [a School of Cosmetology.--(a)]

Schools of Cosmetology and Manicuring.--(a) No school of

cosmetology shall be granted a license or renewal thereof unless

it shall: (1) enroll only those students who have completed a

ninth grade education or the equivalent thereof, or in lieu of

such education or the equivalent thereof have received training

from or under the auspices of the Bureau of Rehabilitation in

the Department of Labor and Industry; are of good moral

character; and are free from contagious or infectious disease;

(2) attach to its staff, as a consultant, a person licensed by

this Commonwealth to practice medicine; (3) employ and maintain

a sufficient number of competent teachers, registered as such;

(4) possess apparatus and equipment sufficient for the proper

and full teaching of all subjects of its curriculum; (5) keep a

daily record of the attendance of each student; (6) maintain

regular class and instruction hours; (7) establish grades and

hold examinations before issuance of diplomas; and (8) require a

day school term of training of not less than one thousand two

hundred fifty hours within a period of not less than eight

consecutive months or a night school term of training for a

period of not less than fifteen consecutive months for a

complete course, comprising all or a majority of the practices

of cosmetology, as provided by this act, and to include

practical demonstrations and theoretical studies, and study in

sanitation, sterilization, and the use of antiseptics, cosmetics

and electrical appliances consistent with the practical and

theoretical requirements as applicable to cosmetology or any

1 practice thereof. The hours of training required shall be
2 accomplished within four consecutive years. In no case shall
3 there be less than one teacher to each twenty-five pupils. A
4 separate curriculum of five hundred hours shall be established
5 for persons seeking to become teachers of cosmetology which
6 shall include methods of teaching, principles of education and
7 shop management: Provided, however, That teachers in public
8 school programs of cosmetology who have shop managers' licenses
9 and who meet the standards established by the Department of
10 Education for vocational education teachers in the public
11 schools shall be deemed to have satisfied such additional
12 separate curriculum for teachers. A separate curriculum of three
13 hundred hours shall be established for persons seeking to become
14 managers of cosmetology shops which shall include the conduct
15 and administration of a cosmetology shop. Each school shall
16 report to the board student hours quarterly on forms provided by
17 the board.

18 (a.1) No school of manicuring shall be granted a license or
19 renewal thereof unless it shall: (1) employ and maintain a
20 sufficient number of competent teachers, registered as such; (2)
21 possess apparatus and equipment sufficient for the proper and
22 full teaching of all subjects of its curriculum; (3) keep a
23 daily record of the attendance of each student; (4) maintain
24 regular class and instruction hours; (5) establish grades and
25 hold examinations before issuance of diplomas; and (6) require a
26 day school term of training of not less than one hundred fifty
27 hours within a period of not less than one month or a night
28 school term of training for a period of not less than two
29 consecutive months for a complete course, comprising all or a
30 majority of the practices of manicuring, as provided by this

1 act, and to include practical demonstrations and theoretical
2 studies, and study in sanitation, sterilization, and the use of
3 antiseptics and electrical appliances consistent with the
4 practical and theoretical requirements as applicable to
5 manicuring or any practice thereof. In no case shall there be
6 less than one teacher to each twenty-five pupils. A separate
7 curriculum of five hundred hours shall be established for
8 persons seeking to become teachers of manicuring which shall
9 include methods of teaching, principles of education and shop
10 management: Provided, however, That teachers in public school
11 programs of manicuring who have shop managers' licenses and who
12 meet the standards established by the Department of Education
13 for vocational education teachers in the public schools shall be
14 deemed to have satisfied such additional separate curriculum for
15 teachers. A separate curriculum of three hundred hours shall be
16 established for persons seeking to become managers of manicurist
17 shops which shall include the conduct and administration of a
18 manicurist shop. Each school shall report to the board student
19 hours quarterly on forms provided by the board.

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

24 (c) No member of the board may inspect or be physically
25 present during the original inspection of a cosmetology or
26 manicurist shop or a school of cosmetology or manicuring.

27 Section 7. Student Practice upon the Public for Pay
28 Prohibited.--It shall be unlawful for any school of cosmetology
29 or manicuring to permit its students to practice cosmetology or
30 manicuring upon the public under any circumstances except by way

1 of clinical work upon persons willing to submit themselves to
2 such practice after having first been properly informed that the
3 operator is a student. No school of cosmetology or manicuring
4 shall, directly or indirectly, charge any money whatsoever for
5 treatment by its students and shall only charge the reasonable
6 cost of materials used in such treatment.

7 Section 8. Practice in Cosmetology and Manicuring Shops
8 Only.--It shall be unlawful for any person to practice
9 cosmetology or manicuring for pay in any place other than a
10 licensed cosmetology shop, manicurist shop or barber shop as
11 defined in the act of June 19, 1931 (P.L.589, No.202), referred
12 to as the Barbers' License Law: Provided, That a licensed
13 cosmetologist or manicurist may furnish cosmetology or
14 manicuring treatments to persons in residences of such persons
15 by appointment.

16 Section 9. Exceptions to Examination Requirements; Present
17 Students and Apprentices.--Any person who has practiced or
18 taught cosmetology or manicuring or acted as manager of a
19 cosmetology or manicurist shop or school of cosmetology or
20 manicuring, under a certificate, license or permit, for not less
21 than two years in another state, territory, or the District of
22 Columbia, may secure the license required by this act without an
23 examination or compliance with other requirements as to age or
24 education: Provided, That the Board shall be satisfied that the
25 standards provided for licensure under the laws of the place
26 wherein the applicant's license was issued are the same or
27 substantially the same as those provided for hereunder, that
28 similar privileges are accorded persons licensed under the laws
29 of the Commonwealth, that the applicant holds a valid license
30 from the place wherein he is entitled to practice, and that all

1 the terms and conditions prescribed by the Board are complied
2 with by the applicant. Such application shall be accompanied by
3 an affidavit of a licensed physician that the applicant was
4 examined and is free from all contagious and infectious
5 diseases, and the license fee required by this act. Students,
6 upon graduating from licensed schools of cosmetology or
7 manicuring, may apply for, and receive from the department, a
8 temporary license to practice in the field of cosmetology or
9 manicuring until the next regular examination held by the
10 department under the provisions of this act.

11 Section 9.1. Credit for Registered Barbers.--If a registered
12 barber wishes to become a licensed cosmetologist or manicurist,
13 he or she shall have successfully completed the one thousand two
14 hundred fifty-hour barber training course or shall possess a
15 current barber license. Upon application to the board he or she
16 shall be given five hundred fifty-five hours of credit for
17 subjects previously covered in the barber training course, which
18 subjects shall be enumerated by joint regulation of the State
19 Board of Barber Examiners and the State Cosmetology Board.
20 Before such person is permitted to take the cosmetology or
21 manicuring practical and theory State Board examination, he or
22 she shall have successfully passed both the theory and practical
23 portions of the State Barber Board examination.

24 Section 3. Section 9.2 of the act, amended June 14, 1991
25 (P.L.64, No.7), is amended to read:

26 Section 9.2. Shared Shops.--(a) A licensed barber and a
27 licensed cosmetologist or licensed manicurist, or all three,
28 shall be permitted to work in the same shop if the requirements
29 of this section are met. Any licensed shop which employs a
30 licensed barber and a licensed cosmetologist or licensed

1 manicurist, or all three, shall not be required to erect or
2 install any physical barriers which separate the barber and the
3 cosmetologist or manicurist. All licensed shops shall conform
4 with the provisions of section 4.4 of this act.

5 (b) A cosmetology or manicurist shop licensee who shall
6 employ a licensed barber shall also be a licensed cosmetologist
7 or manicurist manager or employ a cosmetologist or manicurist
8 manager.

9 (c) For the purpose of this section only, when a licensee
10 under this act and a licensee under the Barbers' License Law are
11 subject to formal proceedings for violations of this act or the
12 Barbers' License Law, the board and the State Board of Barber
13 Examiners shall consolidate all formal actions against such
14 licensees for the purpose of prosecution and hearing provided
15 that the board shall retain to itself exclusively the power to
16 revoke or suspend licenses after such prosecution and hearing.

17 Section 4. Sections 10, 11, 12, 12.1, 14, 16, 19 and 20 of
18 the act, amended June 30, 1984 (P.L.479, No.100), are amended to
19 read:

20 Section 10. Apprentices in Cosmetology or Manicurist
21 Shops.--Any cosmetologist or manicurist who is a cosmetology or
22 manicurist shop owner, at least twenty-three years of age, who
23 is a high school graduate or the equivalent thereof, who has had
24 at least five years experience as a licensed cosmetologist or
25 manicurist in Pennsylvania, and who is a holder of a teacher's
26 license, may instruct apprentices in a duly licensed cosmetology
27 or manicurist shop, provided that there shall be no less than
28 two licensed cosmetologists or manicurists in addition to the
29 teacher for each apprentice in any shop and there shall be no
30 more than two apprentices in any shop, and provided such shop is

1 not held out as a school of cosmetology or manicuring and
2 provided each teacher instructing an apprentice shall report
3 quarterly hours to the board on a form provided by the board.
4 Such apprentices may apply for examination at the end of their
5 apprenticeship at the next regular examination held by the
6 board, and, if successful therein, shall be licensed as
7 cosmetologists or manicurists. Registered apprentices upon
8 completion of their required term of apprenticeship, may apply
9 for, and receive from the department, a temporary permit to
10 practice in the field of cosmetology or manicuring until the
11 next regular examination. Nothing in this act shall prohibit an
12 owner from hiring a cosmetology or manicuring teacher to
13 instruct apprentices.

14 Section 11. Regulations by Board.--The board after at least
15 one public hearing shall prescribe reasonable regulations for
16 its conduct, and for the examination and licensing of applicants
17 to practice or teach cosmetology or manicuring and to manage
18 cosmetology or manicurist shops or schools of cosmetology or
19 manicuring, for temporary licenses to be issued by the
20 department, and generally for the conduct of persons,
21 copartnerships, associations or corporations affected by this
22 act. In prescribing the minimum size of manicurist shops, the
23 regulations shall take into consideration the fact that
24 manicurist shops do not require space for shampoo basins, hair
25 dryers and other large items of equipment, as do cosmetology
26 shops.

27 Section 12. Examinations; Issuance of Licenses.--If the
28 board finds that the applicant has submitted the credentials
29 required by this act for admission to the examination, and has
30 paid the license fee required by this act, the board shall admit

1 such applicant to the examination and the department shall issue
2 a license to practice as a cosmetologist[, manager, or teacher]
3 or manicurist or cosmetologist or manicurist or teacher, as the
4 case may be, to those successfully passing the required
5 examinations: Provided, That if the applicant fails to pass the
6 examination he or she may be eligible to take the next
7 examination. Examinations shall be held at least four times a
8 year in the metropolitan areas of Philadelphia, Pittsburgh,
9 Wilkes-Barre, Harrisburg, and Erie at such hours as it shall
10 prescribe pursuant to section 812.1 of the act of April 9, 1929
11 (P.L.177, No.175), known as "The Administrative Code of 1929."
12 The examination for teachers' and managers' licenses shall
13 differ from the examination for cosmetology or manicurist
14 licenses in that it shall be of a more exacting nature and
15 require higher standards of knowledge of the practice and
16 theories of cosmetology or manicuring, including, with respect
17 to a teacher's license, ability to teach properly the various
18 practices and theories of cosmetology or manicuring.

19 Section 12.1. Temporary Licenses.--Upon payment of the
20 required fee, a temporary license may be issued to any applicant
21 who is eligible for admission to a cosmetologist's examination
22 or a manicurist's examination. An applicant who is thus licensed
23 shall practice only under the supervision of a licensed teacher-
24 manager or cosmetologist or manicurist until the time of the
25 next scheduled examination. Temporary licenses are granted for a
26 nine-month period.

27 Section 14. Sanitary Rules.--The board shall prescribe such
28 sanitary rules as it may deem necessary, with particular
29 reference to the precautions necessary to be employed to prevent
30 the creating and spreading of infectious and contagious

1 diseases; and it shall be unlawful for the owner or manager of
2 any cosmetology or manicurist shop or school of cosmetology or
3 manicuring to permit any person to sleep in or use for
4 residential purposes any room used wholly or in part as a
5 cosmetology or manicuring shop or school of cosmetology or
6 manicuring.

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

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

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

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

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

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

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

28 (c) Any person who fails to renew his license or has
29 escrowed his license for a period of five years without renewing
30 his license shall, prior to receiving a license, submit to and

1 pass an examination appropriate to the license being sought.

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

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

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

28 (c.1) Any person, partnership or corporation violating any
29 provision of this act shall, upon conviction for the first
30 offense, be sentenced to pay a fine not exceeding three hundred

1 dollars (\$300.00) or to undergo imprisonment not exceeding three
2 (3) months and shall, upon conviction for the second and
3 subsequent offenses, be sentenced to pay a fine not exceeding
4 six hundred dollars (\$600.00) or to undergo imprisonment not
5 exceeding six (6) months, or both. This section specifically
6 governs unlicensed activity in the practice of cosmetology or
7 manicuring.

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

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

25 (e) The owner or manager of any shop employing an unlicensed
26 cosmetologist or manicurist shall, upon conviction, be sentenced
27 to pay a fine not exceeding five hundred dollars (\$500.00), or
28 to undergo imprisonment not exceeding six (6) months, or both,
29 at the discretion of the court.

30 Section 5. This act shall take effect in 60 days.