

By: Wong

H.B. No. 3149

Substitute the following for H.B. No. 3149:

By: Frost

C.S.H.B. No. 3149

A BILL TO BE ENTITLED

AN ACT

1
2 relating to inactive status for cosmetology certificate or license
3 holders.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter H, Chapter 1602, Occupations Code, is
6 amended by adding Section 1602.353 to read as follows:

7 Sec. 1602.353. INACTIVE STATUS. (a) The holder of a
8 certificate or license issued under this chapter may place the
9 holder's certificate or license on inactive status by:

10 (1) applying to the commission on a form prescribed by
11 the commission not later than the 10th day before the date the
12 certificate or license expires; and

13 (2) paying the required fee.

14 (b) The holder of a certificate or license that has been
15 placed on inactive status under this section is not required to
16 comply with continuing education requirements under this chapter.

17 (c) To maintain inactive status, the holder of a certificate
18 or license must reapply for inactive status on or before the second
19 anniversary of the date the status is granted by submitting the
20 required form accompanied by the required renewal fee.

21 (d) The holder of a certificate or license to practice
22 cosmetology that has been placed on inactive status under this
23 section may not perform or attempt to perform the practice of
24 cosmetology.

1 (e) The holder of an instructor's license that has been
2 placed on inactive status may not teach or attempt to teach
3 cosmetology at a private beauty culture school or in a vocational
4 cosmetology program in a public school.

5 (f) The holder of a license to operate a vocational
6 cosmetology program in a public school, or a beauty shop, beauty
7 culture school, specialty shop, or other place of business in which
8 cosmetology is taught or practiced under this chapter, may not
9 employ a person to perform the practice of cosmetology or to teach
10 as an instructor if the person's certificate or license has been
11 placed on inactive status.

12 (g) A person whose certificate or license is on inactive
13 status under this section may return the person's certificate or
14 license to active status by:

15 (1) applying to the commission for reinstatement of
16 the certificate or license on the form prescribed by the
17 commission;

18 (2) submitting written documentation that the person
19 has completed applicable continuing education requirements under
20 this chapter within the preceding two years; and

21 (3) paying the required certificate or license fee.

22 SECTION 2. (a) Not later than January 1, 2006, the Texas
23 Cosmetology Commission shall adopt the forms, rules, and procedures
24 necessary to implement Section 1602.353, Occupations Code, as added
25 by this Act.

26 (b) Notwithstanding Section 1602.353, Occupations Code, as
27 added by this Act, a person may not apply to have the person's

1 certificate or license placed on inactive status under that section
2 before January 1, 2006.

3 SECTION 3. This Act takes effect September 1, 2005.