

1-1 By: Wong (Senate Sponsor - Van de Putte) H.B. No. 3149
1-2 (In the Senate - Received from the House May 11, 2005;
1-3 May 13, 2005, read first time and referred to Committee on Business
1-4 and Commerce; May 19, 2005, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; May 19, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to inactive status for cosmetology certificate or license
1-9 holders.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter H, Chapter 1602, Occupations Code, is
1-12 amended by adding Section 1602.353 to read as follows:

1-13 Sec. 1602.353. INACTIVE STATUS. (a) The holder of a
1-14 certificate or license issued under this chapter may place the
1-15 holder's certificate or license on inactive status by:

1-16 (1) applying to the commission on a form prescribed by
1-17 the commission not later than the 10th day before the date the
1-18 certificate or license expires; and

1-19 (2) paying the required fee.

1-20 (b) The holder of a certificate or license that has been
1-21 placed on inactive status under this section is not required to
1-22 comply with continuing education requirements under this chapter.

1-23 (c) To maintain inactive status, the holder of a certificate
1-24 or license must reapply for inactive status on or before the second
1-25 anniversary of the date the status is granted by submitting the
1-26 required form accompanied by the required renewal fee.

1-27 (d) The holder of a certificate or license to practice
1-28 cosmetology that has been placed on inactive status under this
1-29 section may not perform or attempt to perform the practice of
1-30 cosmetology.

1-31 (e) The holder of an instructor's license that has been
1-32 placed on inactive status may not teach or attempt to teach
1-33 cosmetology at a private beauty culture school or in a vocational
1-34 cosmetology program in a public school.

1-35 (f) The holder of a license to operate a vocational
1-36 cosmetology program in a public school, or a beauty shop, beauty
1-37 culture school, specialty shop, or other place of business in which
1-38 cosmetology is taught or practiced under this chapter, may not
1-39 employ a person to perform the practice of cosmetology or to teach
1-40 as an instructor if the person's certificate or license has been
1-41 placed on inactive status.

1-42 (g) A person whose certificate or license is on inactive
1-43 status under this section may return the person's certificate or
1-44 license to active status by:

1-45 (1) applying to the commission for reinstatement of
1-46 the certificate or license on the form prescribed by the
1-47 commission;

1-48 (2) submitting written documentation that the person
1-49 has completed applicable continuing education requirements under
1-50 this chapter within the preceding two years; and

1-51 (3) paying the required certificate or license fee.

1-52 SECTION 2. (a) Not later than January 1, 2006, the Texas
1-53 Cosmetology Commission shall adopt the forms, rules, and procedures
1-54 necessary to implement Section 1602.353, Occupations Code, as added
1-55 by this Act.

1-56 (b) Notwithstanding Section 1602.353, Occupations Code, as
1-57 added by this Act, a person may not apply to have the person's
1-58 certificate or license placed on inactive status under that section
1-59 before January 1, 2006.

1-60 SECTION 3. This Act takes effect September 1, 2005.

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