

Senate Bill 336

By: Senators Ligon, Jr. of the 3rd, Albers of the 56th, Mullis of the 53rd, Miller of the 49th,
Tolleson of the 20th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to
2 cosmetologists, so as to provide that the fines imposed by the State Board of Cosmetology
3 for certain violations shall not exceed certain specified amounts; to provide for related
4 matters; to provide an effective date and applicability; to repeal conflicting laws; and for
5 other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,
9 is amended by revising Code Section 43-10-15, relating to suspension, revocation,
10 cancellation, or restoration of certificates of registration, reprimand of certificate holders, and
11 fines applicable to cosmetologists, as follows:

12 "43-10-15.

13 (a) The board, acting upon its own knowledge or written or verified complaint filed by any
14 person, shall have the power to reprimand or power to suspend, revoke, or cancel the
15 certificate of registration of or refuse to grant, renew, or restore a certificate of registration
16 to a holder of any certificate of registration issued pursuant to this chapter upon proof of
17 any one of the following grounds:

18 (1) Willfully committing any false, fraudulent, or deceitful act or using any forged, false,
19 or fraudulent document in connection with any requirement of this chapter or the rules
20 and regulations of the board;

21 (2) Willfully failing at any time to comply with the requirements for a certificate of
22 registration under this chapter;

23 (3) Practicing cosmetology under a false or assumed name;

24 (4) Willfully permitting an unlicensed person to practice, learn, or teach cosmetology;

25 (5) Knowingly performing an act which in any way assists an unlicensed person to
26 practice, learn, or teach cosmetology; or

27 (6) Violating, directly or indirectly, or assisting in the violation of this chapter or any rule
 28 or regulation of the board.

29 (b) The board may impose a fine not to exceed \$500.00 for each violation of any provision
 30 of subsection (a) of this Code section; provided, however, that the board shall not, for any
 31 violation of paragraph (6) of subsection (a) of this Code section on grounds not set forth
 32 in paragraphs (1) through (5) of such subsection, impose a fine for the first violation in an
 33 amount that exceeds \$25.00, impose a fine for a second violation in an amount that exceeds
 34 \$75.00, or impose a fine for each subsequent violation in an amount that exceeds \$300.00.

35 Such fines shall be listed in a schedule contained in the rules and regulations of the board.
 36 The licensee shall pay the fine within 30 days after receiving written notification from
 37 either the board or a representative of the board unless the licensee requests in writing a
 38 hearing before the board. Such request for a hearing must be received by the board within
 39 30 days after receipt of the written notification from the board. Failure either to pay the fine
 40 or request a hearing shall result in immediate suspension of the license pending a hearing
 41 to determine whether revocation or other disciplinary action should be imposed on the
 42 licensee.

43 (c) The board, for good cause shown and under such conditions as it may prescribe, may
 44 restore a certificate of registration to any person, beauty shop or beauty salon, or school or
 45 college of cosmetology whose certificate of registration has been suspended, revoked, or
 46 canceled.

47 (d) Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' shall apply to any
 48 proceeding under this Code section."

49 **SECTION 2.**

50 This Act shall become effective upon its approval by the Governor or upon its becoming law
 51 without such approval, and shall apply to all violations occurring on or after such date.

52 **SECTION 3.**

53 All laws and parts of laws in conflict with this Act are repealed.