

CHAPTER 386

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 00-1179

BY REPRESENTATIVES Kester, Gotlieb, Alexander, Coleman, Dean, Gagliardi, Kaufman, Larson, Lawrence, Miller, Ragsdale, Smith, Stengel, Takis, Tochtrop, Webster, S. Williams, and T. Williams;
also SENATORS Chlouber, Powers, Epps, Hernandez, Phillips, Rupert, and Weddig.

AN ACT

CONCERNING THE REGULATION OF BARBERS AND COSMETOLOGISTS, AND, IN CONNECTION THEREWITH, REPEALING THE STATE BOARD OF BARBERS AND COSMETOLOGISTS AND AUTHORIZING THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES TO LICENSE BARBERS AND COSMETOLOGISTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-8-102, Colorado Revised Statutes, is amended to read:

12-8-102. Legislative declaration. The purpose of this article is to protect the public's health, safety, and welfare with respect to the professions of barbering and cosmetology; and, therefore, ~~the board shall give~~ testing procedures and disciplinary actions ARE OF the highest priority. Access of qualified professionals to these professions shall not be unduly restricted. The ~~board~~ DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES is hereby directed to enforce this article to accomplish the purposes set forth in this section.

SECTION 2. Repeal. 12-8-103 (6), Colorado Revised Statutes, is repealed as follows:

12-8-103. Definitions. As used in this article, unless the context otherwise requires:

(6) ~~"Board" means the state board of barbers and cosmetologists.~~

SECTION 3. 12-8-103 (12), Colorado Revised Statutes, is amended, and the said 12-8-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

12-8-103. Definitions. As used in this article, unless the context otherwise requires:

(9.3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

(9.7) "HAIRSTYLING" MEANS PROVIDING ONE OR MORE OF THE FOLLOWING HAIR CARE SERVICES UPON THE UPPER PART OF THE HUMAN BODY FOR COSMETIC PURPOSES FOR PAYMENT EITHER DIRECTLY OR INDIRECTLY, OR WHEN DONE WITHOUT PAYMENT FOR THE PUBLIC GENERALLY:

(a) CLEANSING, MASSAGING, OR STIMULATING THE SCALP WITH OILS, CREAMS, LOTIONS, OR OTHER COSMETIC OR CHEMICAL PREPARATIONS, USING THE HANDS OR WITH MANUAL, MECHANICAL, OR ELECTRICAL IMPLEMENTS OR APPLIANCES;

(b) APPLYING COSMETIC OR CHEMICAL PREPARATIONS, ANTISEPTICS, POWDERS, OILS, CLAYS, OR LOTIONS TO THE SCALP;

(c) CUTTING, ARRANGING, BRAIDING, APPLYING HAIR EXTENSIONS TO, OR STYLING THE HAIR BY ANY MEANS USING THE HANDS OR WITH MANUAL, MECHANICAL, OR ELECTRICAL IMPLEMENTS OR APPLIANCES;

(d) CLEANSING, COLORING, LIGHTENING, WAVING, OR STRAIGHTENING THE HAIR WITH COSMETIC OR CHEMICAL PREPARATIONS, USING MANUAL, MECHANICAL, OR ELECTRICAL IMPLEMENTS OR APPLIANCES.

(9.8) "HAIRSTYLIST" MEANS A PERSON WHO ENGAGES IN ANY OF THE PRACTICES OF HAIRSTYLING.

(12) "Owner" includes any person who has a financial interest in a barbershop or beauty salon or any other place of business entitling ~~him~~ SUCH PERSON to participate in the promotion, management, or proceeds thereof. It does not include a person whose connection with the barbershop, beauty salon, or other place of business entitles ~~him~~ SUCH PERSON only to reasonable salary or wages for services actually rendered. The owner of a place of business is the person responsible for registering such place of business with the ~~board~~ DIRECTOR.

SECTION 4. Repeal. 12-8-104, Colorado Revised Statutes, is repealed as follows:

12-8-104. State board of barbers and cosmetologists. ~~(1) There is hereby created in the division of registrations in the department of regulatory agencies a state board of barbers and cosmetologists consisting of five members to be appointed by the governor. Two members shall be licensed in Colorado to engage in the practice of cosmetology; two members shall be licensed in Colorado to engage in the practice of barbering; and one member shall be from the general public who is not licensed or employed in the practice of barbering or cosmetology and who has no financial interest in the practice of barbering or cosmetology. No member shall be an owner of a barber school or a beauty school. The professional members shall have been actively employed in their professions at least two years immediately preceding their~~

appointments and shall be active in their professions while serving on the board. No more than three members shall be appointed from the metropolitan area composed of the city and county of Denver and Adams, Arapahoe, Jefferson, and Boulder counties. Each member shall be appointed for a term of three years; except that, of the terms scheduled to begin on July 1, 1989, the terms of one barbering practitioner and one cosmetology practitioner, who shall be determined by the governor, shall expire on July 1, 1990, the term of the member from the general public shall expire on July 1, 1991, and the terms of the two remaining members shall expire on July 1, 1992. Any interim appointment necessary to fill a vacancy which has occurred by any reason other than expiration of term shall be for the remainder of the term of the individual member whose office has become vacant. No person shall be appointed to serve more than two terms as a member of the board. The governor may remove any board member for cause, which shall include but need not be limited to misconduct, incompetence, or neglect of duty.

(2) ~~The board shall exercise its powers and perform its duties and functions specified in this article within the division of registrations under the department of regulatory agencies and the executive director thereof as if the same were transferred to the department by a type 1 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~

(3) ~~Repealed.~~

(4) ~~Members of the board shall elect annually from among their number a president, a vice-president, and a secretary.~~

SECTION 5. Repeal. 12-8-106, Colorado Revised Statutes, is repealed as follows:

12-8-106. Meetings - quorum - rules. ~~The board shall meet at such times as the board may direct. Three members of the board shall constitute a quorum for the transaction of business. All decisions of the board shall require an affirmative vote of a majority of the members present at such board meeting. If any board member has more than two unexcused absences from regularly scheduled or called meetings in any calendar year, the board shall ask the governor to appoint a new member in his place. The board shall prescribe rules for its government.~~

SECTION 6. 12-8-107, Colorado Revised Statutes, is amended to read:

12-8-107. Books and records - report - publications. (1) ~~The board~~ DIRECTOR shall keep a record of its proceedings. ~~It~~ THE DIRECTOR shall keep a register of applicants for licenses showing the name and address of each applicant and whether such applicant was granted or refused a license. ~~It~~ THE DIRECTOR shall keep a register of places of business showing each owner's name and the address of each such place of business. The books and records of the ~~board~~ DIRECTOR shall be prima facie evidence of matters contained therein and shall constitute public records.

(2) ~~The board~~ DIRECTOR may prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, C.R.S., a report accounting to the governor for the efficient discharge of all responsibilities assigned by law or directive to the ~~board~~

DIRECTOR.

(3) Publications of the ~~board~~ DIRECTOR circulated in quantity outside the executive branch shall be issued in accordance with the provisions of section 24-1-136, C.R.S.

SECTION 7. The introductory portion to 12-8-108 (1) and 12-8-108 (1) (b), (1) (c), (1) (f), and (1) (h), Colorado Revised Statutes, are amended, and the said 12-8-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-8-108. Powers and duties of the director - advisory committee - repeal.

(1) The ~~board~~ DIRECTOR has the following powers and duties:

(b) To revoke, suspend, deny, or make probationary licenses upon proof of violation of the rules and regulations established by the ~~board~~ DIRECTOR or violation of the statutes of this state;

(c) To prescribe, with the approval of the department of public health and environment, such safety and sanitary rules as ~~it~~ THE DIRECTOR may deem necessary to protect the health and safety of the public and of employees;

(f) To investigate, upon written complaint, all suspected or alleged violations of this article and to enter premises in which violations are alleged to have occurred during business hours; and through ~~its~~ THE DIRECTOR'S designated agents, to subpoena such books, records, or documents as ~~it~~ THE DIRECTOR deems necessary for a complete investigation of any suspected or alleged violation of this article and to compel the attendance of witnesses and the giving of testimony and documents for any proceeding conducted by the ~~board~~ DIRECTOR pursuant to such investigation;

(h) To send letters of admonition, when a written complaint or an investigation discloses a violation of this article ~~which~~ THAT, in the opinion of the ~~board~~ DIRECTOR, does not warrant formal action but ~~which~~ THAT should not be dismissed as being without merit, and such letter of admonition shall be sent to the person against whom the written complaint was made by certified mail and a copy thereof to the person making the written complaint, but such person complained against shall be advised that ~~he~~ SUCH PERSON has the right to request in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated against him OR HER to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings.

(2) (a) THE DIRECTOR SHALL APPOINT A FIVE MEMBER ADVISORY COMMITTEE TO ASSIST IN THE PERFORMANCE OF THE DIRECTOR'S DUTIES. THE ADVISORY COMMITTEE SHALL CONSIST OF AT LEAST THREE LICENSEES WHO HAVE EXPERTISE IN THE AREA UNDER REVIEW. MEMBERS OF THE ADVISORY COMMITTEE SHALL BE COMPENSATED FOR THEIR SERVICES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-34-102 (13), C.R.S.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2005. PRIOR TO SUCH REPEAL, THE ADVISORY COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN

SECTION 2-3-1203, C.R.S.

SECTION 8. 12-8-109, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12-8-109. Rules and orders adopted by the state board of barbers and cosmetologists under previous law - persons licensed or registered under previous law. (1) ALL RULES, REGULATIONS, RATES, ORDERS, AND AWARDS OF THE STATE BOARD OF BARBERS AND COSMETOLOGISTS LAWFULLY ADOPTED PRIOR TO JULY 1, 2000, SHALL CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW.

(2) ALL LICENSES ISSUED BY THE STATE BOARD OF BARBERS AND COSMETOLOGISTS TO PRACTICE BARBERING OR COSMETOLOGY PRIOR TO JULY 1, 2000, SHALL REMAIN VALID AND SHALL BE SUBJECT TO RENEWAL BY THE DIRECTOR PURSUANT TO SECTION 12-8-115.

SECTION 9. 12-8-110 (1), (2), (3), (4), and (5), Colorado Revised Statutes, are amended to read:

12-8-110. Examinations. (1) For the benefit of applicants, the ~~board~~ DIRECTOR shall hold examinations as often as necessary, subject to appropriation constraints.

(2) The respective examinations of applicants for licenses to practice barbering, HAIRSTYLING, or cosmetology under this article shall be conducted under rules prescribed by the ~~board~~ DIRECTOR and shall include practical demonstrations, written tests in reference to the practices to which a license is applied, and such related studies or subjects as the ~~board~~ DIRECTOR may determine necessary for the proper and efficient performance of such practices, and such examinations shall not be confined to any specific system or method. The practical demonstrations shall be conducted under conditions ~~which~~ THAT are as similar to actual operating conditions as possible. The ~~board~~ DIRECTOR is authorized to rent adequate facilities in which to hold such examinations.

(3) Such examinations shall be consistent with the practical and theoretical requirements of the practices of barbering, HAIRSTYLING, or cosmetology as provided by this article, and such examinations shall be reviewed, revised, and updated periodically on a reasonable basis by the ~~board~~ DIRECTOR. Examinations shall be graded promptly, and the results of ~~said~~ THE examinations shall be made available to the applicants promptly. The examination shall emphasize health and safety issues. Such examinations ~~may~~ SHALL be developed and ~~shall be~~ graded within the state of Colorado.

(4) The ~~board~~ DIRECTOR shall offer a separate and complete testing station and facility for each applicant, and no oral examination shall be given in connection with practical demonstrations.

(5) No person shall be permitted to examine applicants in any of the practical portions for barbers, HAIRSTYLISTS, cosmetologists, cosmeticians, or manicurists in which said person has not had practical experience and received a license as provided in this article.

SECTION 10. 12-8-111 (1) and (2), Colorado Revised Statutes, are amended to read:

12-8-111. Application - form. (1) Each applicant for examination shall file with the ~~board, or its~~ DIRECTOR, OR THE DIRECTOR'S designee, a written application in such form as the ~~board~~ DIRECTOR may require to set forth the qualifications of the applicant and shall submit satisfactory proof of the required age and education.

(2) Each applicant for registration shall file with the ~~board~~ DIRECTOR, or ~~its~~ THE DIRECTOR'S designee, a written application in such form as the ~~board~~ DIRECTOR may require pursuant to section 12-8-114.5.

SECTION 11. 12-8-112, Colorado Revised Statutes, is amended to read:

12-8-112. Results of examinations. The results of examinations and the ~~sufficiency of the~~ qualifications of applicants for admission to such examinations or for licenses shall be determined by the ~~board~~ DIRECTOR or by such person as the ~~board~~ DIRECTOR shall designate.

SECTION 12. 12-8-113, Colorado Revised Statutes, is amended to read:

12-8-113. When the director admits applicant. If the ~~board~~ DIRECTOR finds that the applicant meets the qualifications of sections 12-8-111 and 12-8-114 and has submitted any other credentials required by the ~~board~~ DIRECTOR for admission to the examination and has paid the required fee, the ~~board~~ DIRECTOR shall admit such applicant to examination.

SECTION 13. 12-8-114 (2) and (4), Colorado Revised Statutes, are amended, and the said 12-8-114 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-8-114. Qualifications of applicants - requirements. (2) An applicant for examination shall furnish proof of graduation from a barber school or beauty school approved by the private occupational school division pursuant to article 59 of this title and part 7 of article 60 of title 23, C.R.S.; approved by the state board for community colleges and occupational education pursuant to article 60 of title 23, C.R.S.; or, if the school is located in another state or country, approved by the governmental agency responsible for approving such schools in that state or country. The applicant shall also furnish proof that the applicant has successfully completed educational requirements equal to those set by the ~~board~~ DIRECTOR. If the applicant has graduated from a school located outside Colorado, the applicant shall furnish proof that the applicant has successfully completed educational requirements substantially equal to those set by the ~~board~~ DIRECTOR.

(4) Every person desiring to obtain a license to practice the occupation of a barber, cosmetologist, cosmetician, HAIRSTYLIST or manicurist in this state shall apply therefor and pay to the ~~board~~ DIRECTOR an examination fee. Applicants who successfully pass such examination and who otherwise qualify shall be issued a license upon the payment of the required fee.

(5) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO EXAMINATIONS FOR A

HAIRSTYLIST LICENSE AND NO HAIRSTYLIST LICENSES SHALL BE ISSUED UNTIL ON OR AFTER JANUARY 15, 2001.

SECTION 14. 12-8-114 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-8-114. Qualifications of applicants - requirements. (3) An applicant for examination shall furnish proof of training of not less than the number of hours of course completion in the subject area in which the applicant seeks licensure as follows:

(e) ONE THOUSAND HOURS FOR A HAIRSTYLIST.

SECTION 15. The introductory portion to 12-8-114.5 (1) and 12-8-114.5 (2) and (3), Colorado Revised Statutes, are amended to read:

12-8-114.5. Registration for places of business. (1) All places of business shall be registered with the ~~board~~ ~~which~~ DIRECTOR WHO shall maintain a registry for this purpose. When a barber shop, beauty salon, or other place of business opens, relocates, or has a transfer of ownership, the owner must register with the ~~board~~ DIRECTOR. The ~~board~~ DIRECTOR is hereby authorized to establish and collect a fee ~~which~~ THAT shall be based on the ~~board's~~ DIRECTOR'S actual costs associated with the maintenance of a registry of places of business. The registry shall contain the following information:

(2) Failure of an owner of a place of business to register shall not be basis for disciplinary action; however, the owner of the place of business shall be liable for the ~~board's~~ DIRECTOR'S costs associated with the enforcement of this section.

(3) An owner of a place of business possessing a valid license on or before July 1, 1990, need not register such place of business. A licensee in good standing on such date shall be deemed registered; except that the ~~board~~ DIRECTOR shall have the authority to require information for registration pursuant to subsection (1) of this section.

SECTION 16. 12-8-115 (1), Colorado Revised Statutes, is amended to read:

12-8-115. Renewal of license. (1) The fee for renewal of a license shall be paid to the ~~board~~ DIRECTOR no later than the expiration date on the current license, and such fee may be submitted at any time within ninety days preceding such expiration date.

SECTION 17. 12-8-117, Colorado Revised Statutes, is amended to read:

12-8-117. Disposition of fees. All fees shall be collected by the ~~board~~ DIRECTOR and transmitted to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly shall make annual appropriations pursuant to said section for expenditures of the ~~board~~ DIRECTOR incurred in the performance of ~~its~~ THE DIRECTOR'S duties under this article, which expenditures shall be made out of such appropriations upon vouchers and warrants drawn pursuant to law.

SECTION 18. 12-8-118, Colorado Revised Statutes, is amended to read:

12-8-118. Licensure by endorsement. (1) The ~~board~~ DIRECTOR shall issue a license by endorsement to engage in the practice of barbering, cosmetology, manicuring, HAIRSTYLING or cosmetician services in this state to an individual who ~~is licensed~~ POSSESSES AN ACTIVE, VALID LICENSE IN GOOD STANDING to practice in that profession in another state or a territory of the United States or in a foreign country if the applicant presents proof satisfactory to the ~~board~~ DIRECTOR that, at the time of application for a Colorado license by endorsement, the applicant:

(a) Possesses credentials and qualifications ~~which~~ THAT are substantially equivalent to requirements in Colorado for licensure by examination and meets all other requirements for licensure pursuant to this article. The ~~board~~ DIRECTOR may specify by rule and regulation what shall constitute substantially equivalent credentials and qualifications; OR

(b) HAS PRACTICED AS A LICENSED BARBER, HAIRSTYLIST, COSMETOLOGIST, COSMETICIAN, OR MANICURIST FOR AT LEAST TWO OF THE FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION AND MEETS ALL OTHER REQUIREMENTS FOR LICENSURE PURSUANT TO THIS ARTICLE.

SECTION 19. 12-8-119, Colorado Revised Statutes, is amended to read:

12-8-119. Issuance of license - display. If an applicant for examination to practice barbering or cosmetology passes such examination ~~to the satisfaction of the board~~ and has paid the required fee and complies with the requirements of this article, the ~~board~~ DIRECTOR shall issue a license to that effect. Such license shall be evidence that the person to whom it is issued is entitled to engage in the practices, occupation, or occupations stipulated therein. Such license shall be conspicuously displayed in ~~his~~ SUCH LICENSEE'S principal office or place of business or employment.

SECTION 20. 12-8-121 (1) (d), Colorado Revised Statutes, is amended to read:

12-8-121. Exemptions. (1) Nothing in this article shall prohibit services by:

(d) A student of a barbering or cosmetology school who has received more than ~~three hundred hours of instruction~~ TWENTY PERCENT OF THE HOURS OF INSTRUCTION REQUIRED IN SECTION 12-8-114 (3) and who is rendering services at such school UNDER SUPERVISION OF A LICENSEE WITHIN THE SCHOOL SETTING.

SECTION 21. 12-8-122, Colorado Revised Statutes, is amended to read:

12-8-122. Director may employ aid - compensation. The ~~board~~ DIRECTOR may employ any person licensed pursuant to this article for the purpose of conducting examinations. Such persons shall not be connected with any school teaching barbering or cosmetology. Any person so employed by the ~~board~~ DIRECTOR may receive ~~for his services~~ compensation FOR SERVICES for each day employed in the actual discharge of ~~his~~ SUCH PERSON'S official duties and ~~his~~ actual and necessary expenses incurred, to be set by the ~~board~~ DIRECTOR upon the approval of the executive director of the department of regulatory agencies.

SECTION 22. 12-8-123, Colorado Revised Statutes, is amended to read:

12-8-123. Inspections. Upon written complaint, inspections under section 12-8-108 (1) (f) of barbershops, beauty salons, places of business, and booths rented therein operated by independent licensees may be conducted by the ~~board~~ DIRECTOR, or the ~~board~~ DIRECTOR may contract for such inspections. ~~It shall be the duty of the board to~~ THE DIRECTOR SHALL maintain detailed records of all complaints and responses ~~thereto~~ TO SUCH COMPLAINTS.

SECTION 23. 12-8-127 (1) and the introductory portion to 12-8-127 (2), Colorado Revised Statutes, are amended to read:

12-8-127. Penalty. (1) Any person practicing barbering or cosmetology, or any of the practices thereof, or acting in any capacity wherein a license is required without a license provided for in this article; any person knowingly employing a barber or cosmetologist who has not obtained such license; any person who falsely pretends to be qualified to practice such occupation; any person who permits anyone in ~~his~~ SUCH PERSON'S employ or under his OR HER supervision or control to practice barbering or cosmetology without a license ~~from~~ ISSUED BY the ~~board~~ DIRECTOR; any person who obtains or attempts to obtain a license for money other than the required fee or other thing of value commits a class 2 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

(2) In addition to any other penalty, any person who violates the provisions of this article or the rules and regulations of the ~~board~~ DIRECTOR promulgated under this article may be penalized by the ~~board~~ DIRECTOR upon a finding of a violation pursuant to article 4 of title 24, C.R.S., as follows:

SECTION 24. 12-8-127.5 (1) and (2), Colorado Revised Statutes, are amended to read:

12-8-127.5. Cease and desist orders. (1) If, as the result of an investigation of a written complaint by any person or on the ~~board's~~ DIRECTOR'S own motion, the ~~board~~ DIRECTOR initiates and conducts a hearing and on the basis of evidence presented at the hearing ~~a majority of the board~~ determines that any person who is acting or has acted without the required license, or is otherwise in violation of this article, or is acting in a manner that is a threat to the health and safety of the public, the ~~board~~ DIRECTOR may issue an order to cease and desist such activity. The order shall set forth the statutes and rules and regulations alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts cease ~~forthwith~~ IMMEDIATELY. The hearing shall be conducted in accordance with the provisions of article 4 of title 24, C.R.S.

(2) In the event that any person fails to comply with a cease and desist order, the ~~board~~ DIRECTOR may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested he OR SHE shall bring, a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the order.

SECTION 25. 12-8-128, Colorado Revised Statutes, is amended to read:

12-8-128. Enforcement. It is the duty of the district attorneys of each judicial district of this state and the attorney general of this state to prosecute all persons charged with the violation of any of the provisions of this article. It is the duty of the ~~administrator of the board, under the direction of the board,~~ DIRECTOR to aid said attorneys in the enforcement of this article.

SECTION 26. 12-8-129, Colorado Revised Statutes, is amended to read:

12-8-129. Investigations. The practice and procedure of the ~~board~~ DIRECTOR with respect to any investigation by the ~~board~~ DIRECTOR authorized by this article shall be in accordance with rules and regulations promulgated by the ~~board~~ DIRECTOR, which rules and regulations shall provide for, but need not be limited to, investigation powers, including the right to enter the premises of any place of business registered or subject to registration under this article at any time said business is open or has members of the public present on the premises.

SECTION 27. 12-8-131 (1), (2), (5), (6), and (7), Colorado Revised Statutes, are amended to read:

12-8-131. Disciplinary proceedings - administrative law judges - judicial review. (1) The ~~board~~ DIRECTOR may, through the department of regulatory agencies, employ administrative law judges to conduct hearings as provided by this section or on any matter within the ~~board's~~ DIRECTOR'S jurisdiction upon such conditions and terms as the ~~board~~ DIRECTOR may determine.

(2) A proceeding for discipline of a licensee shall be commenced when the ~~board~~ DIRECTOR has reasonable grounds to believe that a licensee ~~under the board's jurisdiction~~ has committed acts which may violate the provisions of this article. Such grounds may be established by an investigation begun by the ~~board on its~~ DIRECTOR ON THE DIRECTOR'S own motion or by an investigation pursuant to a written complaint.

(5) The administrative law judge shall make an initial decision, which shall include a statement of findings and conclusions upon all the material issues of fact and law presented by the record and the appropriate order, sanction, or relief. In the absence of an appeal to the ~~board~~ DIRECTOR or a review upon motion of the ~~board~~ DIRECTOR within thirty days after service of the initial decision of the administrative law judge, the initial decision shall become the decision of the ~~board~~ DIRECTOR.

(6) Review by the ~~board~~ DIRECTOR of the initial decision of the administrative law judge upon appeal or upon the ~~board's~~ DIRECTOR'S own motion shall be conducted in accordance with section 24-4-105, C.R.S. The findings of fact made by the administrative law judge shall not be set aside by the ~~board~~ DIRECTOR on review unless such findings are contrary to the weight of the evidence. The ~~board~~ DIRECTOR may remand the matter to the administrative law judge for such further proceedings as ~~it~~ THE DIRECTOR may direct, or ~~it~~ THE DIRECTOR may affirm, set aside, or modify the order, sanction, or relief entered, in conformity with the facts and the law. Each decision shall be served as prescribed by section 24-4-105, C.R.S.

(7) Final ~~board~~ action BY THE DIRECTOR may be judicially reviewed. The court of appeals shall have initial jurisdiction to review all final actions and orders that are

subject to judicial review. Such proceedings shall be conducted in accordance with section 24-4-106 (11), C.R.S.

SECTION 28. The introductory portion to 12-8-132 (1) and 12-8-132 (1) (a), (1) (e), and (1) (i), Colorado Revised Statutes, are amended to read:

12-8-132. Grounds for denial, revocation, or suspension of license. (1) The ~~board~~ DIRECTOR may deny, revoke, suspend, or make probationary any license issued under ~~its~~ THE DIRECTOR'S authority pursuant to this article upon proof that the licensee:

(a) Has been convicted of or has entered a plea of nolo contendere to a felony. In considering the conviction of or such plea to any such crime, the ~~board~~ DIRECTOR shall be governed by the provisions of section 24-5-101, C.R.S.

(e) Has violated any of the provisions of this article OR ANY VALID ORDER OF THE DIRECTOR;

(i) Fails to comply with the rules promulgated by the ~~board~~ DIRECTOR as provided in section ~~12-8-109~~ 12-8-108 (1) (a); or

SECTION 29. 12-8-133, Colorado Revised Statutes, is amended to read:

12-8-133. Repeal of article. This article is repealed, effective July 1, ~~2000~~ 2005. Prior to such repeal, the ~~state board of barbers and cosmetologists~~ LICENSING FUNCTIONS OF THE DIRECTOR shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 30. 2-3-1203 (3) (r), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(r) July 1, 2005:

(III) THE ADVISORY COMMITTEE APPOINTED PURSUANT TO SECTION 12-8-108 (2), C.R.S., BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

SECTION 31. Repeal. 24-1-122 (3) (e), Colorado Revised Statutes, is repealed as follows:

24-1-122. Department of regulatory agencies - creation. (3) The following boards and agencies are transferred by a **type 1** transfer to the department of regulatory agencies and allocated to the division of registrations:

(e) ~~State board of barbers and cosmetologists, created by article 8 of title 12, C.R.S.;~~

SECTION 32. Repeal. 24-34-104 (29) (b), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (29) The following boards shall terminate on July 1, 2000:

(b) ~~The state board of barbers and cosmetologists, created by article 8 of title 12, C.R.S.;~~

SECTION 33. 24-34-104 (36), Colorado Revised Statutes, is amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (36) The following agencies, functions, or both, shall terminate on July 1, 2005:

(a) The fire suppression program of the division of fire safety created pursuant to sections 24-33.5-1204.5, 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, and 24-33.5-1207.6, C.R.S.;

(b) THE LICENSING OF BARBERS AND COSMETOLOGISTS BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS PURSUANT TO ARTICLE 8 OF TITLE 12, C.R.S.

SECTION 34. Effective date. This act shall take effect July 1, 2000.

SECTION 35. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Became Law: June 3, 2000