State administrative agencies are not immune to the prevailing increases in the cost of doing business. In spite of every attempt to curtail administrative costs, expenses continue to surpass projected revenues. The Board of Barbers and Cosmetologists is required by statute to charge fees commensurate with cost. The proposed fee increases will be presented at a Public Hearing to be held June 16th 2011 at 1:00 on the fourth floor of the Park Avenue Building at 301 South Park in Helena, MT. (see page 4)

In addition to the proposed fee increase, the Board is proposing that the renewal period dates for Personal licenses, Instructor Licenses and School licenses be changed. Currently renewals begin the first of November and run to the end of December. Many licensees would prefer not to have the renewal season during the winter holiday season. Staff hopes to alleviate the strain on equipment and resources due to numerous Boards renewing in the same time frame.

The Board is proposing that the renewal period begin the first of January and end the first of March. This proposal will also be discussed during the Public hearing regarding the increased fee proposal. (see page 4)

**Revenue Falls Short Of Expenditures**

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**House Bill 94**

HB 94 has now passed and been sent to the Governor for signature. In that legislation, Booth rent licenses will now terminate after being expired for one year (rather than two). Licensees that elect to Booth rent, will no longer be subject to paying a late fee for a license that was expired for longer than one year.

In order to obtain an Instructors license, all applicants must have a Montana license in the discipline they intend to teach; 12 continuous months of employment in the field; successfully complete the 650 hour Instructor course and pass both the NIC written and practical portions of the exam for Instructor licensure.

As of October 2011, all new applicants and out of state license applicants, that have not taken nationally recognized exams, must successfully pass the national written and practical portions of the exam developed by the National-Interstate Council of State of State Boards of Cosmetology.
THE BARBER POLE IS NOW OFFICIALLY TRADEMARKED IN THE STATE OF MONTANA!

As of March 14th, 2011, the symbol of the Barber Pole with Red, White and Blue spiral stripes is a State of Montana trademark registered to the Board of Barbers and Cosmetologists. The Barbers trade is an ancient one and razors have been found among relics of the Bronze Age. Barbering was introduced in Rome in 296 B.C. and Barbers became both popular and prosperous. Their shops were centers for daily news and gossip. One of the first Barbershops in Montana is believed to have originated in the silver mining town of Elkhorn Montana in the 1880’s.

It is unprofessional conduct for licensees within the jurisdiction of the Board to be found in violation of 24.121.2301(i) using the traditional symbol known as the “barber pole,” or any likeness thereof, in any manner that may lead the public to believe either that barbering was being practiced in, or that a licensed barber was employed by, a salon or shop that does not employ barbers; The trade marking of the Barber Pole now extends these constraints to unlicensed individuals and ensures that the use of the symbol of the Barber Pole only be utilized by licensed Barbers or Barber shops in the State of Montana.

30-13-333. Infringement. (1) In addition to the penalties and remedies provided for in 30-13-338 and subject to the provisions of 30-13-336 and subsection (2) of this section, a person is liable in a civil action brought by the registrant under 30-13-335 if the person: (a) uses, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this part in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which the use is likely to cause confusion or mistake or to deceive as to the source of origin of the goods or services; or (b) reproduces, counterfeits, copies, or colorably imitates any registered mark and applies the reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in this state of the goods or services.

(2) However, the registrant is not entitled to recover under subsection (1)(b) any profits or damages unless the acts have been committed with knowledge that the mark is intended to be used to cause confusion or mistake or to deceive.

FOR YOUR INFORMATION

For those of you hiring eager new graduates for your Shops and Salons, the following is a brief outline of the licensing process:

1) Students are eligible to take their practical final exam from DL Roope when they have completed 90% of their curriculum. The school verifies to DL Roope that a student is eligible to test, student submits fee with exam application, then schedules and takes the exam. When they have completed 100% of their curriculum they can submit a license application to the Board office. (If Booth Renting, they can submit both at the same time.) The Board office will issue an Admissions letter to the applicant that will allow them to pay for, schedule and take the written exam.

2) Upon receipt of successful test results from the examining entities, the Board office will issue the appropriate licenses. There is NOT a temporary license available nor is it permissible for anyone to provide services for compensation without an active license.
**RENEWAL TIPS**

Every renewal cycle there is a percentage of licensees that renew their licenses late and are required to pay the late fee. Board staff would like to reduce the percentage of late renewals and are more than willing to assist people with the renewal process. Since there are many of you and few of us, we would like to share some helpful tips with you:

If you do not have access to a computer or the Internet, please call us early enough for us to get a paper renewal to you in the mail before it is due!!!

If you get a recorded message because we are helping someone else, please leave a message with your name and license number so when we call you back we can have an answer for you.

If your name or address has changed, leave it on the message, we can put it on a label and get your renewal form to you and then you can update your information. Please remember that the renewal reminder is NOT your renewal form. If you prefer not to renew online, you can either:

A) Print out a generic renewal form at [www.cosmetology.mt.gov](http://www.cosmetology.mt.gov) select “forms” and then “renewal forms” you will see “Salon/Shop License Renewal Form” as well as “Booth License Renewal Form” or Barber/Cosmetologist License Renewal Form. You can fill it out online, print it and send it in with your check or money order. OR

B) Call the Board Office and request a paper renewal form be sent to you. 841-2377 or 841-2335

**CAUTION:** If you send the renewal reminder in with a fee, you will NOT be successfully completing the renewal process. We must receive a renewal form with the disciplinary question answered and the form signed and dated.

**IN THE STATE**

| COSMETOLOGISTS | 1,619 | SALONS | 1246 |
| BARBERS | 508 | BARBER SHOPS | 174 |
| ESTHETICIANS | 372 | SCHOOLS | 14 |
| MANICURISTS | 1,116 | BOOTH RENTERS | 2,075 |
| ACTIVE INSTRUCTORS | 89 | COS | 10 |
| INACTIVE INSTRUCTORS | 42 | COS | 1 BAR |
BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY AND THE BOARD OF BARBERS AND COSMETOLOGISTS
STATE OF MONTANA

In the matter of the amendment of ARM 24.101.413 renewal dates and requirements and 24.121.401 fees

TO: All Concerned Persons

1. On June 16, 2011, at 1:00 p.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Barbers and Cosmetologists (board) no later than 5:00 p.m., on June 10, 2011, to advise us of the nature of the accommodation that you need. Please contact Shane Younger, Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2335; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdcos@mt.gov.

3. The department is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

<table>
<thead>
<tr>
<th>Category</th>
<th>Frequency</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barber</td>
<td>Biennially</td>
<td>December 31 March 1</td>
</tr>
<tr>
<td>Barber Shop</td>
<td>Annually</td>
<td>July 1</td>
</tr>
<tr>
<td>Barber School or College</td>
<td>Annually</td>
<td>December 31 March 1</td>
</tr>
<tr>
<td>Barbering Instructor</td>
<td>Biennially</td>
<td>December 31 March 1</td>
</tr>
<tr>
<td>Booth Rental</td>
<td>Annually</td>
<td>July 1</td>
</tr>
<tr>
<td>Cosmetologist</td>
<td>Biennially</td>
<td>December 31 March 1</td>
</tr>
<tr>
<td>Electrologist</td>
<td>Biennially</td>
<td>December 31 March 1</td>
</tr>
<tr>
<td>Esthetician</td>
<td>Biennially</td>
<td>December 31 March 1</td>
</tr>
<tr>
<td>Instructor</td>
<td>Biennially</td>
<td>December 31 March 1</td>
</tr>
<tr>
<td>Manicurist</td>
<td>Biennially</td>
<td>December 31 March 1</td>
</tr>
<tr>
<td>Salon</td>
<td>Annually</td>
<td>July 1</td>
</tr>
<tr>
<td>School or Course</td>
<td>Annually</td>
<td>December 31 March 1</td>
</tr>
</tbody>
</table>

(f) through (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA
IMP: 37-1-101, 37-1-141, MCA

REASON: The department is amending this rule to change the renewal dates for all personal operator licenses, instructor licenses, and school licenses to March 1. Licensees have historically expressed concern that they have to renew these licenses during the holiday season. Additionally, shifting these renewals will ease the demand on equipment and administrative staff as a majority of the large licensing boards currently renew at the end of the year.

4. The board is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Original and renewal license to practice</td>
<td>60.80</td>
</tr>
<tr>
<td>(2) Original and renewal active instructor license</td>
<td>75.95</td>
</tr>
<tr>
<td>(3) Original and renewal inactive instructor license</td>
<td>65.85</td>
</tr>
</tbody>
</table>

AUTH: 37-1-101, 37-1-141, MCA
IMP: 37-1-101, 37-1-141, MCA

REASON: The board is amending this rule to reflect the current fee schedule.
(4) Original and renewal school license  200 220

(5) Additional courses within a cosmetology school  50 70
(6) remains the same.
(7) Original and renewal salon or shop license  65 85
(8) remains the same.
(9) Original and renewal booth rental license  55 75
(10) through (19) remain the same.

AUTH:  37-1-131, 37-1-134, 37-31-203, MCA

REASON: The board has determined it is reasonably necessary to increase original and renewal licensure fees to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with program costs. In providing administrative services to the board, the department has determined that unless licensure fees are increased as proposed, the board will have a shortage of operating funds by fiscal year 2012. The board estimates that the proposed fee increases will affect approximately 9,137 applicants and licensees and will result in $182,740 in additional annual revenue.

Both the department and the board continually seek and implement ways to reduce costs associated with board functions, including a shift to using electronic board books and holding some board meetings by telephone conference.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdcos@mt.gov, and must be received no later than 5:00 p.m., June 24, 2011.

6. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.cosmetology.mt.gov. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2309; e-mailed to dlibsdcos@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Tyler Moss, attorney, has been designated to preside over and conduct this hearing.

BOARD OF BARBERS AND COSMETOLOGISTS
WENDELL PETERSEN, CHAIRPERSON

/s/ DARCEE L. MOE
/s/ KEITH KELLY
Darcee L. Moe
Keith Kelly, Commissioner
Alternate Rule Reviewer

DEPARTMENT OF LABOR AND INDUSTRY
MONTANA BOARD OF BARBERS AND COSMETOLOGISTS

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Cosmetologists, 10/01/2013
Juanita Mace - Vice Chairman
Cosmetologist, 10/01/2011
Angela Printz
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Karan Charles
Barber, 10/01/2011
Thayne Orton
Barber, 10/01/2012
Jamie Ausk-Crisafulli
Public Member, 10/01/2013
Sherry Wieckowski
Barber, 10/01/2013
Sarah Dobbins
Public Member, 10/01/2015
Corie Mora
Manicurist, 10/01/2015

Board Staff
Grace Berger
Executive Officer
Shane Younger
Program Manager
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Office Phone Numbers
Application Specialist
Barb Kibler
(406) 841-2377
Program Manager
Shane Younger
(406) 841-2335

Visit our website at www.cosmetology.mt.gov
where you can renew your license, get an application, email the board, look up rules, look up licenses, view approved continuing education for instructors, get Salon forms and much more.