

IMPORTANT NOTICE

BOARD OF BARBERING AND COSMETOLOGY

New License Requirement

Effective June 17, 2003 and pursuant to Hawaii Revised Statutes section 436B-10 and federal law, it is the policy of the State of Hawaii ("**State**") Board of Barbering and Cosmetology ("**Board**") that, in addition to meeting the education, experience, and examination requirements for licensure, an applicant for a Hawaii barber's, cosmetologist's, hairdresser's, esthetician's, or nail technician's license is required to be either **a United States citizen, a United States national, or an alien authorized to work in the United States.**

This means that, even if an applicant meets the education, experience, and examination requirements for licensure, that applicant shall not be issued a license if that applicant is not a U.S. citizen, a U.S. national, or an alien authorized to work in the U.S.

However, the Board will issue the applicant a **conditional approval** that signifies that the applicant has met the education, experience, and examination requirements for licensure; provided that this conditional approval shall **not** be considered a license to engage in the profession and shall **not** authorize the applicant to work in our State. To obtain authorization to work in our State, the applicant shall be required to contact the U.S. Bureau of Citizenship and Immigration Services ("**BCIS**"). In addition, federal law [45 U.S.C. 666 (a)(13)(A)] requires that once an applicant is authorized by the BCIS to work in the U.S., the applicant must supply his/her Social Security Number ("SSN") so that states can use this information for child support enforcement purposes.

Once the applicant submits evidence to the Board that the BCIS has authorized the applicant to work in the U.S. (without conditions or other encumbrances), **provides a SSN**, and meets all of the licensing requirements in effect at that time (including, but not limited to, the requirement that the applicant has not been convicted of any crime that is directly related to the profession), the applicant shall be issued a full and unrestricted license.

This conditional approval shall be valid for two (2) years. An applicant must obtain the appropriate BCIS authorization within this two (2) year period in order to have a license issued. If the applicant is unable to meet this deadline, the applicant may be required to reapply for licensure and meet all of the requirements in effect at that time.

REQUIREMENTS & INSTRUCTIONS FOR FILING - BEAUTY SCHOOL LICENSE

Access this form via website at: www.hawaii.gov/dcca/pvl

APPLICATION FORM

Complete this application by typing or printing legibly in dark ink. Answer all applicable questions and sign application. Failure to provide all the requested information will delay the processing of your application.

FEES

ATTACH a total of \$785 payable to COMMERCE & CONSUMER AFFAIRS. (Application - \$500 + Registration fee - \$250 + Compliance Resolution Fund - \$35). The application fee is not refundable.

NOTE: *One of the numerous legal requirements that you must meet in order for your new license to be issued is the payment of fees as set forth in this application. You may be sent a license certificate before the check you sent us for your required fees clears your bank. If your check is returned to us unpaid, you will have failed to pay the required licensing fee and your license will not be valid, and you may not do business under that license. Also, a \$15.00 service fee will be charged for checks which are returned by the bank.*

If for any reason you are denied the license you are applying for, you may be entitled to a hearing as provided by Chapter 91, Hawaii Revised Statutes, and Title 16, Chapter 201, Hawaii Administrative Rules. Your written request for a hearing must be directed to the agency that denied your application, and must be made within 60 days of notification that your application for a license has been denied.

BOND

Complete the attached bond form or use a comparable bond form. **Attach** the executed bond, which should not be less than the amount of \$10,000.

OTHER DOCUMENTS REQUIRED

ATTACH the following documents to your application:

- 1) Statement or explanation of the training and experience that verifies the applicant's fitness to conduct a beauty school.
- 2) Bank references of applicant's financial fitness or standing to operate a school.
- 3) Concise floor plan that includes:
 - a. County building or planning inspection report or certificate of occupancy;
 - b. County fire department inspection report;
 - c. Department of Health sanitation clearance certificate;
 - d. Statement of adequate facility for classroom teaching and clinical space for practical training, and adequate space (lockers) for students to secure their private property;
 - e. Statement of maintaining an adequate cosmetology reference library;
 - f. Statement of conspicuous display of sign disclosing works by students.
- 4) School catalogue or brochure that provides description, standards and requirements of the beauty program to include:
 - a. Copy of student application, enrollment or contract form;
 - b. Sample certificate or diploma and transcript of training;
 - c. Schedule of fees, tuition or other student charges;
 - d. School rules or regulations affecting students;
 - e. Courses of study for beauty operator categories being taught;
 - f. Itemized list of all materials in a student's kit;
 - g. Statement that course of study includes teaching cosmetology laws and rules.
- 5) Statement or explanation of method and content of advertising, to include ensuring that any advertising will not be deceptive or fraudulent.
- 6) Statement of minimum equipment/appliances necessary for the appropriate beauty operator categories.
- 7) Statement identifying the principal who is responsible for the operation of the school to include the following:
 - a. The enrollment shall be small enough to permit an effective training program, but not more than 25 students per licensed instructor;
 - b. The instructors shall be in attendance when students are working on patrons, shall not practice at the school as beauty operators, and shall have an instructor identification name tag;
 - c. Ensure that the instructors have a current Instructor license, and shall instruct only in the appropriate beauty operator category.

CORPORATION OR PARTNERSHIP

If the application is for a corporation, partnership, LLC, or LLP, we will require the following proof to show that the entity is properly registered with the Business Registration Division (BREG), Department of Commerce and Consumer Affairs, State of Hawaii. Call (808) 586-2727 or visit their website at: www.businessregistrations.com/home.html to order Certificates of Good Standing forms, etc.

If the entity has been registered in this State for LESS THAN ONE (1) YEAR, **ATTACH** a "filed-stamped" copy of the document filed with BREG, or the same certificate named below.

If the entity has been registered in this State for MORE THAN ONE (1) YEAR, **ATTACH** a current "Certificate of Good Standing" or "Certificate of Qualification" issued not more than one year ago.

ADDRESS OF BOARD

Mail all required items to:

*Board of Barbering and Cosmetology
DCCA, PVL, Licensing Branch
P.O. Box 3469
Honolulu, HI 96801*

OR

Deliver to office location at:
335 Merchant St., Rm. 301
Honolulu, HI 96813
Phone: (808) 586-3000

ANNUAL RENEWAL

Licenses shall renew licenses on or before December 31 of each year. Renewal applications are sent approximately 30 days prior to December 31. Please be sure to keep the Board informed of any changes to your mailing address.

RELOCATION

Licenses are not transferable. In the event that a beauty school changes location, a new beauty school license shall be required.

LAWS & RULES

A copy of the Board's law, Chapter 439, Hawaii Revised Statutes, and rules, Chapter 16-78, Hawaii Administrative Rules, relating to beauty culture may be obtained by submitting a written request to: Board of Barbering and Cosmetology, DCCA, Professional and Vocational Licensing Branch, P.O. Box 3469, Honolulu, HI 96801. Chapter 436B, Hawaii Revised Statutes, the Professional and Vocational Licensing Act, should be read in conjunction with the above statutes.

The laws and rules are posted on our website free of charge at: www.hawaii.gov/dcca/pvl. Click on Barbering and Cosmetology.

ABANDONMENT OF APPLICATION

Your application shall be considered abandoned and shall be destroyed if you fail to provide evidence of continued efforts to complete the licensing process for two consecutive years; provided that the failure to provide evidence of continued efforts includes but is not limited to: (1) failure to submit the required documents and other information requested by the licensing authority within two consecutive years from the last date the documents or other information were requested, or (2) failure to provide the licensing authority with any written communication during two consecutive years indicating that you are attempting to complete the licensing process, including attempting to complete the examination requirement.

APPLICATION FOR LICENSE - BEAUTY SCHOOL

Access this form via website at: www.hawaii.gov/dcca/pvl

Read the attached "Requirements and Instructions for Filing" before completing this form.

Circle the type of BUSINESS ENTITY:

INDIVIDUAL (Sole Owner) CORPORATION PARTNERSHIP

LIMITED LIABILITY COMPANY LIMITED LIABILITY PARTNERSHIP

Name (Individual-LAST, First, Middle; Corporation/Partnership/LLC/LLP):

Trade Name (If one will be used):

Address of School (street no. & name, suite no., city, state, zip code):

Mailing Address: (ONLY if different from school location)

Approved _____ Initials/date _____

License No.: _____ Effective Date: _____

BSC - _____

FOR OFFICE USE

Social Security No. (only if Sole) _____ General Excise Tax No. (from Hawaii Tax Dept.): _____ Business Phone: _____

PRINCIPAL OF SCHOOL, INSTRUCTORS	Name	Residence Address	Residence Phone No.	License No.
	Principal of School			
	Instructor			
	Instructor			
	Instructor			

Circle or underline answers; give details when required and submit pertinent documentation:

- 1) Are you a U.S. citizen, a U.S. national, or an alien authorized to work in the United States? YES NO
- 2) If applicant is a corporation, partnership, LLC, or LLP: Is the entity properly registered with the Business Registration Division of Commerce and Consumer Affairs and have you attached evidence of such registration? YES NO
- 3) Do you understand that the school license is non-transferable, and that relocation requires a new school license? YES NO
- 4) Do you understand that the school license must be renewed annually? YES NO
- 5) Do you agree to comply with the requirement that training hours shall be sufficient to ensure effective training and shall be in compliance with normal employment standards? YES NO
- 6) Do you understand the requirements for instructor-trainee training? YES NO
- 7) Are you aware that incomplete beauty school training is not valid after three (3) years? YES NO

AFFIDAVIT OF APPLICANT:

I hereby certify that the statements, answers, and representations made in this application are true and correct. I understand that any misrepresentation is grounds for refusal or subsequent revocation of license (Hawaii Revised Statutes section 439-19). I further certify that I have read and will abide by the provisions of Hawaii Revised Statutes Chapter 439 and Hawaii Administrative Rules Chapter 16-78.

Signature of Applicant

Title _____

This material can be made available for individuals with special needs. Please call the Licensing Branch Manager at (808) 586-3000 to submit your request.

App 141 \$500
 Reg 146 \$250
 CRF 142 \$ 35
 Service Fee BCF \$ 15

BEAUTY SCHOOL BOND

BOND NO. _____
Effective Date: _____
Expiration Date: _____

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, _____, as Principal,
(Name of Applicant)
of _____, State of Hawaii, and _____,
(Address of Applicant) (Name of Surety)

registered and authorized to do business in the State of Hawaii, as Surety, are held and firmly bound unto the State of Hawaii, Department of Commerce and Consumer Affairs, in the full and just sum of Ten Thousand Dollars (\$10,000.00) lawful money of the United States of America, for the just and full payment of which we hereby jointly and severally bind ourselves, and our respective heirs, executors, administrators, and successors.

THE CONDITIONS OF THIS OBLIGATION ARE AS FOLLOWS:

WHEREAS, the Principal desires to obtain, or to renew, a license or licenses to operate a beauty school under and pursuant to Chapter 439, Hawaii Revised Statutes, and to the rules relevant to the State Board of Barbering and Cosmetology;

NOW, THEREFORE, if such license or licenses shall be issued and, if the above bounden Principal shall fully and faithfully comply with the provisions of the statutes hereinabove mentioned and the rules of the State Board of Barbering and Cosmetology, then this obligation shall be and remain in full force and effect.

AND, every person suffering loss or damage because of failure of the Principal to fully and faithfully comply with said statutes or said rules or because of failure of the Principal to fully and faithfully provide instruction and training as represented by said Principal or required by said statutes or rules, may sue the Surety for the recovery of any loss or damage and for the proportionate recovery of tuition, fees, and other charges paid in advance as provided in said statutes or said rules.

IT IS HEREBY stipulated and agreed that suit on this bond may be brought before a court of competent jurisdiction without a jury.

AND, this bond shall remain in full force and effect and shall run concurrently with the license period or periods and for any renewals thereof, unless terminated or cancelled by the Surety. Such termination or cancellation shall not be effective, however, unless written notice thereof is delivered by the Surety to the Department of Commerce and Consumer Affairs at least thirty (30) days prior to the date of termination or cancellation.

IN WITNESS WHEREOF, we the said Principal and the said Surety, have hereunto set our hands and seals this _____ day of _____, 20_____.

(Principal)

(Surety)

By _____

By _____

Title _____

Title _____

NOTARY PUBLIC: Acknowledgment of All Signatures

On this _____ day of _____, 20 _____, before me personally came

(all names)

to me known, and known to me to be the persons whose names are subscribed to the above instrument, and acknowledged to me they executed same.

NOTARY
SEAL

Notary Public, State of _____
My commission expires: _____