

Reprinted

2-27-89

HUMAN RESOURCES: Sturgeon, Chair; Carr and Tinsman

FILED JAN 10 1989

D.C. PASS per Amend 33099-2-21-89 (p. 471)
changed 2-27-89 (p. 523)
House State Gov 3-2-89 (p. 627)
Amen & DO PASS / Amen H-3849, 4-4-89 (p. 1273)

SENATE FILE 14
BY STURGEON

Passed Senate, Date 2-27-89 (p. 535) Passed House, Date 4-12-89 (p. 1519)
Vote: Ayes 37 Nays 11 Vote: Ayes 86 Nays 6
Approved _____

A BILL FOR

3099. 1 An Act relating to the employment of manicurists, authorizing
2 beauty salons to employ manicurists who are not licensed
3 cosmetologists, and providing an exception to licensing
4 requirements for manicurists employed by beauty salons or
5 barbershops.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 14

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3099-

1 Section 1. Section 157.2, Code 1989, is amended by adding
2 the following new subsection:

3099-3

NEW SUBSECTION. 7. Employees of a licensed beauty salon
4 or licensed barbershop when manicuring fingernails as
5 permitted under section 157.16 or 158.14.

6 Sec. 2. NEW SECTION. 157.16 MANICURISTS.

3099-7

A licensed beauty salon may employ a person who is not a
8 licensed cosmetologist to manicure the fingernails of any
9 person.

3099-

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EXPLANATION

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This bill adds a provision to the cosmetology law
12 authorizing a licensed beauty salon to employ manicurists who
13 are not licensed cosmetologists. Section 158.14 contains a
14 similar provision for barbershops.

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The bill also specifically exempts from licensing
16 requirements employees of beauty salons and barbershops when
17 manicuring fingernails as permitted under these provisions.

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S-3099

1 Amend Senate File 14 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 147.80, subsection 14, Code
5 1989, is amended to read as follows:

6 14. License to practice cosmetology issued upon
7 the basis of an examination given by the board of
8 cosmetology examiners, license to practice cosmetology
9 under a reciprocal agreement, renewal of a license to
10 practice cosmetology, temporary permit to practice as
11 a cosmetology trainee, original license to conduct a
12 school of cosmetology, renewal of license to conduct a
13 school of cosmetology, original license to operate a
14 beauty salon, renewal of a license to operate a beauty
15 salon, original license and examination to practice
16 electrolysis, renewal of a license to practice
17 electrolysis, original license to practice manicuring,
18 renewal of a license to practice manicuring, annual
19 inspection of a school of cosmetology, annual
20 inspection of a beauty salon, original cosmetology
21 school instructor's license, renewal of cosmetology
22 school instructor's license."

23 2. Page 1, by striking lines 3 through 5 and
24 inserting the following:

25 "NEW SUBSECTION. 7. Persons licensed as
26 manicurists pursuant to this chapter, when manicuring
27 the nails of any person."

28 3. Page 1, by striking lines 7 through 9 and
29 inserting the following:

30 "The board shall adopt rules providing for the
31 issuance of a license to practice manicuring to
32 persons who have successfully completed four hundred
33 hours of training relating to manicuring, as
34 prescribed by the board.

35 The applicant shall pay a license fee as determined
36 by the board under section 147.80.

37 The rules of the board shall include a provision
38 whereby a license to practice manicuring may be
39 granted by reciprocity or endorsement to a person who
40 is licensed in another state to practice manicuring."

41 4. Page 1, by inserting after line 9 the
42 following:

43 "Sec. ____ . Section 158.14, Code 1989, is amended
44 to read as follows:

45 158.14 MANICURISTS.

46 A licensed barber may employ a person who is
47 not a licensed cosmetologist or manicurist to manure
48 the fingernails of any person."

49 5. Title page, by striking lines 1 through 5 and
50 inserting the following: "An Act relating to

S-3099

Page 2

1 manicuring, providing for the licensing of
2 manicurists, and providing properly related matters."
3 6. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chairperson

SB706
C.M.R. 14
S.F. _____ H.F. _____
3849 amend
all

1 Section 1. Section 147.80, subsection 14, Code 1989, is
2 amended to read as follows:

3 14. License to practice cosmetology issued upon the basis
4 of an examination given by the board of cosmetology examiners,
5 license to practice cosmetology under a reciprocal agreement,
6 renewal of a license to practice cosmetology, temporary permit
7 to practice as a cosmetology trainee, original license to
8 conduct a school of cosmetology, renewal of license to conduct
9 a school of cosmetology, original license to operate a beauty
10 salon, renewal of a license to operate a beauty salon,
11 original license and examination to practice electrolysis,
12 renewal of a license to practice electrolysis, original
13 license to practice manicuring, renewal of a license to
14 practice manicuring, annual inspection of a school of
15 cosmetology, annual inspection of a beauty salon, original
16 cosmetology school instructor's license, renewal of
17 cosmetology school instructor's license.

18 Sec. 2. Section 157.2, Code 1989, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 7. Persons licensed as manicurists
21 pursuant to this chapter, when manicuring the nails of any
22 person.

23 Sec. 3. NEW SECTION. 157.16 MANICURISTS.

24 The board shall adopt rules providing for the issuance of a
25 license to practice manicuring to persons who have
26 successfully completed four hundred hours of training relating
27 to manicuring, as prescribed by the board.

28 The applicant shall pay a license fee as determined by the
29 board under section 147.80.

30 The rules of the board shall include a provision whereby a
31 license to practice manicuring may be granted by reciprocity
32 or endorsement to a person who is licensed in another state to
33 practice manicuring.

34 Sec. 4. Section 158.14, Code 1989, is amended to read as
35 follows:

1 158.14 MANICURISTS.
2 A licensed barbershop may employ a person who is not a
3 licensed cosmetologist manicurist to manicure the fingernails
4 of any person.

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SENATE FILE 14

H-3249

Amend Senate File 14, as amended, passed, and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 157.2, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Persons who manicure fingernails. A licensed beauty salon or licensed barbershop may employ a person as a manicurist. No license shall be required for a manicurist.

Sec. 2. Section 157.5, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The rules of the board shall include a provision whereby a license to practice electrolysis may be granted by reciprocity or endorsement to a person who is licensed in another state to practice electrolysis. The provision shall not require that the person be licensed as a cosmetologist if the other state does not impose that requirement.

Sec. 3. Section 714.18, subsection 1, Code 1989, is amended to read as follows:

1. A continuous corporate surety bond to the state of Iowa in the sum of fifty thousand dollars or ten percent of the total annual tuition collected, whichever is less, conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association, or corporation, or their salespersons; provided, however, that the A person, firm, association, or corporation desiring to file a surety bond based on a percentage of annual tuition shall provide to the director of the department of education, in the form prescribed by the director, a notarized statement attesting to the total amount of tuition collected in the preceding twelve-month period. The director shall determine the sufficiency of the statement and the amount of the bond. Tuition information submitted pursuant to this subsection shall be kept confidential.

If the person, firm, association, or corporation has filed a performance bond with an agency of the United States government pursuant to federal law, the director of the department of education shall reduce the bond required by this subsection by an amount equal to the amount of the federal bond.

PARAGRAPH DIVIDED. The aggregate liability of the surety for all breaches of the conditions of the bond shall ~~in no event~~ not exceed the sum of said the bond. The surety on the bond shall ~~have the right to~~ may cancel said the bond upon giving thirty days'

1 written notice to the director of the department of
2 education and thereafter shall be relieved of
3 liability for any breach of condition occurring after
4 the effective date of said the cancellation.

5 The director of the department of education may
6 accept a letter of credit from a bank in lieu of the
7 corporate surety bond required by this subsection.

8 Sec. 4. Section 714.19, subsection 9, Code 1989,
9 is amended by striking the subsection."

3928

10 2. Title page, by striking lines 1 and 2 and
11 inserting the following: "An Act relating to
12 regulation, including the regulation of educational
13 services and of practice professions."

By COMMITTEE ON STATE

GOVERNMENT

BLANSHAN of Greene, Chairperson

H-3849 FILED APRIL 5, 1989

adopted 4-12-89 (p.1519)

SENATE FILE 14

H-3936

1 Amend the amendment, H-3849, to Senate File 14, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 11 through 20 and
5 inserting the following:
6 "Sec. ____ . Section 157.2, Code 1989, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 8. Persons licensed as
9 electrologists pursuant to section 157.5, when
10 practicing electrolysis as described in that section.
11 Sec. ____ . Section 157.5, Code 1989, is amended to
12 read as follows:
13 157.5 LICENSE TO PRACTICE ELECTROLYSIS.
14 An applicant for a license to practice cosmetology
15 A person may obtain a license from the department for
16 authority to remove superfluous hair by the use of the
17 electric needle or electronic process by presenting to
18 the board a diploma, or similar evidence, from a
19 licensed school of cosmetology, or from any school in
20 another state which is recognized by the board, which
21 teaches a special course in the practice of the use of
22 the electric needle or electronic process indicating
23 that the applicant has successfully completed the
24 special course, and by passing an examination
25 prescribed by the board at least two hundred fifty
26 hours of training relating to electrolysis. The board
27 shall not require that a person be licensed as a
28 cosmetologist in order to obtain a license to practice
29 electrolysis. The applicant shall pay a license fee
30 as determined by the board under section 147.80.
31 The rules of the board shall include a provision
32 whereby a license to practice electrolysis may be
33 granted by reciprocity or endorsement to a person who
34 is licensed in another state to practice
35 electrolysis."
36 2. By numbering and renumbering as necessary.

By BISIGNANO of Polk

H-3936 FILED APRIL 10, 1989

Adapted 4-12-89 (p.1519)

SENATE FILE 14

H-3928

1 Amend amendment, H-3849, to Senate File 14, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 9 the
5 following:

6 "Sec. ____ . Section 714.23, Code 1989, is
7 repealed."

8 2. By numbering and renumbering as necessary.
By SCHNEKLOTH of Scott
BISIGNANO of Polk

H-3928 FILED APRIL 7, 1989

Not Germane 4-12-89 (p. 1519)

H-3929

1 Amend the amendment, H-3849, to Senate File 14, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 5 the
5 following:

6 "Section 1. Section 147.80, subsection 14, Code
7 1989, is amended to read as follows:

8 14. License to practice cosmetology issued upon
9 the basis of an examination given by the board of
10 cosmetology examiners, license to practice cosmetology
11 under a reciprocal agreement, renewal of a license to
12 practice cosmetology, temporary permit to practice as
13 a cosmetology trainee, original license to conduct a
14 school of cosmetology, renewal of license to conduct a
15 school of cosmetology, original license to operate a
16 beauty salon, renewal of a license to operate a beauty
17 salon, original license and examination to practice
18 electrolysis, renewal of a license to practice
19 electrolysis, original license to practice manicuring,
20 renewal of a license to practice manicuring, annual
21 inspection of a school of cosmetology, annual
22 inspection of a beauty salon, original cosmetology
23 school instructor's license, renewal of cosmetology
24 school instructor's license."

25 2. Page 1, line 6, by striking the word
26 "subsection" and inserting the following:
27 "subsections".

28 3. Page 1, by striking lines 7 through 10 and
29 inserting the following:

30 "NEW SUBSECTION. 7. Persons licensed as
31 manicurists pursuant to this chapter, when manicuring
32 the nails of any person.

33 NEW SUBSECTION. 8. Employees of a licensed
34 barbershop when manicuring fingernails, if permitted
35 under section 158.14, subsection 2."

36 4. Page 1, by inserting after line 20 the
37 following:

38 "Sec. . . . NEW SECTION. 157.16 MANICURISTS.

39 The department shall issue a license to practice
40 manicuring to any person who submits proof of
41 successful completion of a course of at least forty
42 hours of training relating to manicuring in a licensed
43 school of cosmetology or licensed barber school. The
44 board shall adopt rules defining the course of study
45 for a manicurist and the practices which a licensed
46 manicurist may perform.

47 The applicant shall pay a license fee as determined
48 by the board under section 147.80.

49 The rules of the board shall include a provision
50 whereby a license to practice manicuring may be

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Page 2

1 granted by reciprocity or endorsement to a person who
2 is licensed in another state to practice manicuring.
3 Sec. ____ . Section 158.14, Code 1989, is amended to
4 read as follows:

5 158.14 MANICURISTS.

6 1. A licensed barbershop may employ ~~a person who~~
7 ~~is not~~ a licensed ~~cosmetologist~~ manicurist to manicure
8 the fingernails of any person.

9 2. An unlicensed person who was employed by a
10 licensed barbershop to manicure fingernails prior to
11 the effective date of this Act may continue such
12 employment without meeting licensing requirements
13 under chapter 157."

14 5. By numbering and renumbering as necessary.

By BISIGNANO of Polk

H-3929 FILED APRIL 7, 1989

lost 4-12-89 (p.1518)

HOUSE AMENDMENT TO
SENATE FILE 14

S-3706

1 Amend Senate File 14, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

4103 5 "Section 1. Section 157.2, Code 1989, is amended
6 by adding the following new subsection:

4103 7 NEW SUBSECTION. 7. Persons who manicure
8 finger-nails. A licensed beauty salon or licensed
9 barbershop may employ a person as a manicurist. No
10 license shall be required for a manicurist.

11 Sec. 2. Section 157.2, Code 1989, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 8. Persons licensed as
14 electrologists pursuant to section 157.5, when
15 practicing electrolysis as described in that section.

16 Sec. 3. Section 157.5, Code 1989, is amended to
17 read as follows:

18 157.5 LICENSE TO PRACTICE ELECTROLYSIS.

19 ~~An applicant for a license to practice cosmetology~~
20 A person may obtain a license from the department for
21 authority to remove superfluous hair by the use of the
22 electric needle or electronic process by presenting to
23 the board a diploma, or similar evidence, from a
24 licensed school of cosmetology, or from any school in
25 another state which is recognized by the board, which
26 teaches a special course in the practice of the use of
27 the electric needle or electronic process indicating
28 that the applicant has successfully completed the
29 special course, and by passing an examination
30 prescribed by the board at least two hundred fifty
31 hours of training relating to electrolysis. The board
32 shall not require that a person be licensed as a
33 cosmetologist in order to obtain a license to practice
34 electrolysis. The applicant shall pay a license fee
35 as determined by the board under section 147.80.

36 The rules of the board shall include a provision
37 whereby a license to practice electrolysis may be
38 granted by reciprocity or endorsement to a person who
39 is licensed in another state to practice electrolysis.

4103 40 Sec. 4. Section 714.18, subsection 1, Code 1989,
41 is amended to read as follows:

42 1. A continuous corporate surety bond to the state
4103 43 of Iowa in the sum of fifty thousand dollars or ten
44 percent of the total annual tuition collected,
45 whichever is less, conditioned for the faithful
46 performance of all contracts and agreements with
47 students made by such person, firm, association, or
48 corporation, or their salespersons, provided, however,
49 that the. A person, firm, association, or corporation
50 desiring to file a surety bond based on a percentage

1 of annual tuition shall provide to the director of the
2 department of education, in the form prescribed by the
3 director, a notarized statement attesting to the total
4 amount of tuition collected in the preceding twelve-
5 month period. The director shall determine the
6 sufficiency of the statement and the amount of the
7 bond. Tuition information submitted pursuant to this
8 subsection shall be kept confidential.

9 If the person, firm, association, or corporation
10 has filed a performance bond with an agency of the
11 United States government pursuant to federal law, the
12 director of the department of education shall reduce
13 the bond required by this subsection by an amount
14 equal to the amount of the federal bond.

15 PARAGRAPH DIVIDED. The aggregate liability of the
16 surety for all breaches of the conditions of the bond
17 shall, ~~in no event,~~ not exceed the sum of said the
18 bond. The surety on the bond ~~shall have the right to~~
19 may cancel said the bond upon giving thirty days'
20 written notice to the director of the department of
21 education and thereafter shall be relieved of
22 liability for any breach of condition occurring after
23 the effective date of said the cancellation.

24 The director of the department of education may
25 accept a letter of credit from a bank in lieu of the
26 corporate surety bond required by this subsection.

27 Sec. 5. Section 714.19, subsection 9, Code 1989,
28 is amended by striking the subsection."

29 2. Title page, by striking lines 1 and 2 and
30 inserting the following: "An Act relating to
31 regulation, including the regulation of educational
32 services and of practice professions."

RECEIVED FROM THE HOUSE

S-3706 FILED APRIL 14, 1989

Senate Concurred 5-1-89 (p.1815) - motion to
Reconsider 5-4-89
(p.1902)

Senate Refused to concur
5-4-89 (p.1903)

Motion prevailed
5-4-89 (p.1903)

House Insisted 5-7-89 (p.2423)

SENATE FILE 14

S-4103

1 Amend the House amendment, S-3706, to Senate File
2 14, as amended, passed, and reprinted by the Senate,
3 as follows:

A 4 1. Page 1, by inserting before line 5 the
5 following:

6 "Section 1. Section 147.80, subsection 14, Code
7 1989, is amended to read as follows:

8 14. License to practice cosmetology issued upon
9 the basis of an examination given by the board of
10 cosmetology examiners, license to practice cosmetology
11 under a reciprocal agreement, renewal of a license to
12 practice cosmetology, temporary permit to practice as
13 a cosmetology trainee, original license to conduct a
14 school of cosmetology, renewal of license to conduct a
15 school of cosmetology, original license to operate a
16 beauty salon, renewal of a license to operate a beauty
17 salon, original license and examination to practice
18 electrolysis, renewal of a license to practice
19 electrolysis, original certificate to practice
20 manicuring, renewal of a certificate to practice
21 manicuring, annual inspection of a school of
22 cosmetology, annual inspection of a beauty salon,
23 original cosmetology school instructor's license,
24 renewal of cosmetology school instructor's license."

25 2. Page 1, line 6, by striking the word
26 "subsection" and inserting the following:
27 "subsections".

28 3. Page 1, by striking lines 7 through 10 and
29 inserting the following:

30 "NEW SUBSECTION. 7. Persons certified as
31 manicurists pursuant to this chapter, when manicuring
32 the nails of any person.

33 "NEW SUBSECTION. 8. Employees of a licensed
34 barbershop when manicuring fingernails, if permitted
35 under section 159.14, subsection 2."

36 4. Page 1, by inserting after line 39 the
37 following:

38 "Sec. ____ NEW SECTION. 157.16 MANICURISTS.

39 The department shall issue a certificate to
40 practice manicuring to any person who submits proof of
41 successful completion of a course of at least forty
42 hours of training relating to manicuring in a licensed
43 school of cosmetology or licensed barber school. The
44 board shall adopt rules defining the course of study
45 for a manicurist and the practices which a certified
46 manicurist may perform.

47 The applicant shall pay a certification fee as
48 determined by the board under section 147.80.

49 The rules of the board shall include a provision
50 whereby a certificate to practice manicuring may be

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Page 2

A 1 granted by reciprocity or endorsement to a person who
2 is licensed or certified in another state to practice
3 manicuring.

4 Sec. ____ . Section 158.14, Code 1989, is amended to
5 read as follows:

6 158.14 MANICURISTS.

7 1. A licensed barbershop may employ a person-who
8 ~~is-not-a-licensed-cosmetologist~~ certified manicurist
9 to manicure the fingernails of any person.

10 2. An uncertified person who was employed by a
11 licensed barbershop to manicure fingernails prior to
12 the effective date of this Act may continue such
13 employment without meeting certification requirements
14 under chapter 157."

B 15 5. Page 1, line 43, by striking the words "fifty
16 thousand" and inserting the following: "fifty twenty-
17 five thousand".

18 6. By numbering and renumbering as necessary.

By BOB CARR
RICHARD V. RUNNING

S-4103 FILED MAY 4, 1989

DIV.A-ADOPTED, DIV.B-ADOPTED 5-4-89 (p 1903)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 14

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 14, a bill for An Act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters, respectfully make the following report:

1. That the Senate recedes from its amendment, S-4103, to the House amendment, S-3706.

2. That the House recedes from its amendment, S-3706.

3. That Senate File 14, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 147.80, subsection 14, Code 1989, is amended to read as follows:

14. License to practice cosmetology issued upon the basis of an examination given by the board of cosmetology examiners,

license to practice cosmetology under a reciprocal agreement, renewal of a license to practice cosmetology, temporary permit to practice as a cosmetology trainee, original license to conduct a school of cosmetology, renewal of license to conduct a school of cosmetology, original license to operate a beauty salon, renewal of a license to operate a beauty salon, original license and examination to practice electrolysis, renewal of a license to practice electrolysis, original license to practice manicuring, renewal of a license to practice manicuring, annual inspection of a school of cosmetology, annual inspection of a beauty salon, original cosmetology school instructor's license, renewal of cosmetology school instructor's license.

Sec. 2. Section 157.2, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 7. Persons licensed as manicurists pursuant to this chapter, when manicuring the nails of any person.

NEW SUBSECTION. 8. Employees of a licensed barbershop when manicuring fingernails, if permitted under section 158.14, subsection 2.

NEW SUBSECTION. 9. Persons licensed as electrologists pursuant to section 157.5, when practicing electrolysis as described in that section.

Sec. 3. Section 157.5, Code 1989, is amended to read as follows:

157.5 LICENSE TO PRACTICE ELECTROLYSIS.

~~An applicant for a license to practice cosmetology~~ A person may obtain a license from the department for authority to remove superfluous hair by the use of the electric needle or electronic process by presenting to the board a diploma, or similar evidence, from a licensed school of cosmetology, or from any school in another state which is recognized by the board, which teaches ~~a special course in~~ the practice of the use of the electric needle or electronic process indicating that the applicant has successfully completed ~~the special~~

course-and-by-passing-an-examination-prescribed-by-the-board at least two hundred fifty hours of training relating to electrolysis. The board shall not require that a person be licensed as a cosmetologist in order to obtain a license to practice electrolysis. The applicant shall pay a license fee as determined by the board under section 147.80.

The rules of the board shall include a provision whereby a license to practice electrolysis may be granted by reciprocity or endorsement to a person who is licensed in another state to practice electrolysis.

Sec. 4. NEW SECTION. 157.16 MANICURISTS.

The department shall issue a license to practice manicuring to any person who submits proof of successful completion of a course of at least forty hours of training relating to manicuring in a licensed school of cosmetology or licensed barber school. The board shall adopt rules defining the course of study for a manicurist and the practices which a licensed manicurist may perform.

The applicant shall pay a license fee as determined by the board under section 147.80.

The rules of the board shall include a provision whereby a license to practice manicuring may be granted by reciprocity or endorsement to a person who is licensed in another state to practice manicuring.

Sec. 5. Section 158.14, Code 1989, is amended to read as follows:

158.14 MANICURISTS.

1. A licensed barbershop may employ a-person-who-is-not a licensed cosmetologist manicurist to manicure the fingernails of any person.

2. An unlicensed person who was employed by a licensed barbershop to manicure fingernails prior to the effective date of this Act may continue such employment without meeting licensing requirements under chapter 157.

Sec. 6. Section 714.18, subsection 1, Code 1989, is amended to read as follows:

1. A continuous corporate surety bond to the state of Iowa in the sum of fifty thousand dollars or ten percent of the total annual tuition collected, whichever is less, conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association, or corporation, or their salespersons; provided, however, that the. A person, firm, association, or corporation desiring to file a surety bond based on a percentage of annual tuition shall provide to the director of the department of education, in the form prescribed by the director, a notarized statement attesting to the total amount of tuition collected in the preceding twelve-month period. The director shall determine the sufficiency of the statement and the amount of the bond. Tuition information submitted pursuant to this subsection shall be kept confidential.

If the person, firm, association, or corporation has filed a performance bond with an agency of the United States government pursuant to federal law, the director of the department of education shall reduce the bond required by this subsection by an amount equal to the amount of the federal bond.

PARAGRAPH DIVIDED. The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, not exceed the sum of said the bond. The surety on the bond shall have the right to may cancel said the bond upon giving thirty days' written notice to the director of the department of education and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of said the cancellation.

The director of the department of education may accept a letter of credit from a bank in lieu of the corporate surety bond required by this subsection.

Sec. 7. Section 714.19, subsection 9, Code 1989, is amended by striking the subsection."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to regulation, including the

regulation of educational services and of practice professions, and making penalties applicable."

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

AL STURGEON, Chairperson
H. KAY HEDGE
RICHARD RUNNING
RICHARD VANDE HOEF

DENNIS RENAUD, Chairperson
MINNETTE DODERER
JOHNIE HAMMOND
PHIL TYRRELL

adopted 5/5 (p. 1954)

adopted
CCR-5- *5-5-89* (p. 1954) ²⁵²⁵