

# NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

## NOTICE OF PROPOSED RULEMAKING

### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 10. STATE BOARD OF COSMETOLOGY

##### PREAMBLE

1. Sections Affected

R4-10-101  
R4-10-104  
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R4-10-105  
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R4-10-106  
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Table 1  
R4-10-107  
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R4-10-109  
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R4-10-401  
R4-10-401  
R4-10-402  
R4-10-402  
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R4-10-404

Rulemaking Action

Amend  
ReNUMBER  
New Section  
ReNUMBER  
New Section  
Repeal  
New Section  
New Table  
ReNUMBER  
New Section  
ReNUMBER  
Repeal  
New Section  
Repeal  
New Section  
ReNUMBER  
New Section  
ReNUMBER  
ReNUMBER

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-504(A)(1)

Implementing statutes: A.R.S. §§ 32-504(A)(5), 32-510, 32-511, 32-512, 32-517, 32-513, 32-531, 32-532, 32-535, 32-541, 32-544, 32-551, 32-564, 41-1072 through 41-1078

3. A list of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 4 A.A.R. 3046, October 16, 1998.

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Sue Sansom, Executive Director

Address: State Board of Cosmetology

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1721 East Broadway  
Tempe, Arizona 85282

Telephone: (602) 784-4539

Fax: (602) 255-3680

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

A.R.S. §§ 41-1072 through 41-1078 require all state agencies, boards, and commissions that are subject to the Administrative Procedure Act to establish by rule, time-frames for granting or denying licenses issued by the Board. The proposed rules establish time-frames for granting or denying an aesthetician, a cosmetologist, a nail technician, an instructor, a school, or a salon license or renewal. The Board has added or amended definitions to clarify terms used within the proposed rules. The proposed rules have been reorganized in a logical format and clarify the time periods for providing the Board with written notification of changes in a salon's location, ownership, name, or corporate officer or statutory agent. The Board did not rely on any study to evaluate or justify the proposed rule.

**6. A showing of good cause why the rules are necessary to promote a statewide interest if the rule will diminish a previous grant of a political subdivision of the state:**

Not applicable.

**7. The preliminary summary of the economic, small business, and consumer impact:**

The principal economic impact of the proposed rules will be borne by the Board. The costs are moderate and include costs for drafting the rules, distributing and providing education on the revised rules, mailing notices of incompleteness, and implementing a system to track applications for administrative and substantive time-frames. Because the Board already notifies an applicant by examination of the date of an examination, the Board should not incur additional costs for notification of completeness of an application. Applicants and the Board should benefit because of the increased consistency and efficiency in the application process. There are no other expected costs on other government entities, cosmetologists, aestheticians, nail technologists, instructors, salons, schools, consumers, or small businesses.

**8. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Sue Sansom, Executive Director

Address: State Board of Cosmetology  
1721 East Broadway  
Tempe, Arizona 85282

Telephone: (602) 784-4539

Fax: (602) 255-3680

**9. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Oral proceedings will be conducted by the Board at the following location in the state for the purpose of taking oral and written testimony on the proposed rules.

Date: November 16, 1998

Time: 10 a.m.

Location: 1721 East Broadway  
Tempe, Arizona 85282

A person may submit written comments about the proposed rules or economic impact statement by submitting the comments to the person specified in question #3 no later than the close of record date, which is scheduled for 5:00 p.m. on November 16, 1998.

**10. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**11. Incorporations by reference and their location in the rules:**

None

**12. The full text of the rules follows:**

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TITLE 4. PROFESSIONS, AND OCCUPATIONS

CHAPTER 10. STATE BOARD OF COSMETOLOGY

ARTICLE 1. GENERAL PROVISIONS

Section

- R4-10-101. Definitions
- R4-10-104-R4-10-108. Licensing Examinations
- R4-10-104. Application for License by Examination
- R4-10-105-R4-10-109. Instructor Examinations
- R4-10-105. Application for License by Reciprocity
- R4-10-106. License Application and Renewal
- R4-10-106. Licensing Time-frames
  - Table 1 Time-frames (in days)
- R4-10-107. License Renewal
- R4-10-107-R4-10-110. Reactivating an Inactive License
- R4-10-108-R4-10-111. Display of Licenses and Signs
- R4-10-109-R4-10-112. Infection Control and Safety Standards
- R4-10-110-R4-10-113. Establishment Management
- R4-10-111-R4-10-114. Disciplinary Action
- R4-10-112-R4-10-115. Rehearing or Review of Decision

ARTICLE 2. SCHOOLS

- R4-10-201. School License Procedure
- R4-10-201. Application for a School License; Renewal

ARTICLE 4. SALONS

- R4-10-401. Salon License Application, Modifications, Transfers
- R4-10-401. Application for a Salon License
- R4-10-402-R4-10-403. Salon Requirements and Minimum Equipment
- R4-10-402. Changes Affecting a Salon License
- R4-10-403-R4-10-404. Mobile Services
- R4-10-404-R4-10-405. Shampoo Assistants

ARTICLE 1. GENERAL PROVISIONS

R4-10-101. Definitions

In this Chapter unless otherwise specified:

1. "Accredited" means approved by the:
  - a. New England Association of Schools and Colleges.
  - b. Middle states Association of colleges and Secondary Schools.
  - c. North Central Association of Colleges and Schools.
  - d. Northwest Association of Schools and Colleges.
  - e. Southern Association of Colleges and Schools, or
  - f. Western Association of Schools and Colleges.
2. "Administrative completeness review" means the Board's process for determining that an individual has:
  - a. Provided all of the information and documents required by Board statute or rule for an application; and
  - b. If applicable, taken an examination given by the Board.
3. "Applicant" means an individual or any of the following seeking licensure by the Board:
  - a. If a corporation, any 2 officers of the corporation;
  - b. If a partnership, any 2 of the partners; or
  - c. If a limited liability company, the designated manager, or if no manager is designated, any 2 members of the limited liability company.

4. "Application packet" means the forms and documents the Board requires an applicant to submit or have submitted on the applicant's behalf.
- A5. "Certification of hours" means a document that states the total number of hours completed at a school, including:
  - 1-a. No change.
  - 2-b. No change.
- B6. No change.
- C7. "Course" means the whole program of school instruction in 1 of the following categories:
  1. Aesthetics or aesthetics instructor;
  2. Cosmetology or cosmetology instructor, or
  3. Nail technology or nail technology instructor.

an organized subject matter in which instruction is offered within a given period of time and for which credit toward graduation or certification is given.
8. "Credit" means 1 earned academic unit of study based on completing a high school's required number of class sessions per calendar week in a course or an earned academic unit of study based on attending a 1-hour class session per calendar week at a community college, an accredited college or university, or a school.
9. "Days" means calendar days.
- D10. "Delinquent" regarding a license renewal application means 1 a license renewal that is not completed and filed with the Board or postmarked on or before the license renewal date required by A.R.S. § 32-501 through 32-564 or this Chapter.
- E11. "Double bracing" means using a stable base of support and 2 points of contact for the hand while performing the procedure.
- F12. "Establishment" means a business which that operates as a school or salon in a structure that has a physical street address and functions as a salon or school at least an average of 20 hours a week for the majority of the year.
13. "Family member" means:
  - a. The applicant's spouse;
  - b. The natural or adopted children, father, mother, grandparents, brothers, sisters, aunts, uncles, first cousins, and second cousins of the applicant; or
  - c. The natural or adopted children, father, mother, grandparents, brothers, sisters, aunts, uncles, first cousins, and second cousins of the applicant's spouse.
- G14. "Graduation" or "graduated from a cosmetology school" means the completion of the criteria established by the a cosmetology, an aesthetics, or a nail technology school for the course in which the applicant was enrolled, including completion of the curriculum hours specified in R4-10-302, R4-10-303, R4-10-304, or R4-10-305.
- H15. No change.
- H16. No change.
17. "Instructor training" means the courses required by R4-10-302.
18. "Manager" means an individual licensed by the Board who is responsible for ensuring a salon's compliance with A.R.S. §§ 32-501 through 32-575 and this Chapter.
- J19. No change.

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20. "Owner" means an individual or entity that has controlling legal or equitable interest and authority in an establishment.
21. "Personal knowledge" means actual observation of an individual, other than a family member, who is currently practicing aesthetics, cosmetology, or nail technology in any state or country.
22. "Practice" means engaging in the occupation of aesthetics, cosmetology, or nail technology.
- ~~K23.~~ No change.
- ~~L24.~~ "Reciprocity" means the manner in which the Board may grant a license based on an applicant's license or qualifications received in another jurisdiction, procedure for granting an Arizona license to an applicant who is licensed in another state of the United States or a foreign country.
- M. "Sanitation", as used in A.R.S. § 32-501 *et seq.*, means infection control.
- N. "Sanitize" means to disinfect.
25. "Substantive review" means the Board's process for determining that an applicant for licensure meets the requirements of A.R.S. §§ 32-501 through 32-575 and this Chapter.
- ~~O26.~~ No change.
- ~~P27.~~ No change.

**R4-10-104, R4-10-108. Licensing Examinations**  
No change.

**R4-10-104. Application for License by Examination**

- A. An applicant for an aesthetics, a cosmetology, a nail technician, or an instructor license by examination shall submit to the Board the applicable fee required in R4-10-102 and an application provided by the Board, signed by the applicant, and notarized that contains:
1. The applicant's name, address, telephone number, social security number, and birth date;
  2. The name and address of each school attended by the applicant;
  3. The name of each aesthetics, cosmetology, or nail technician course completed by the applicant and school name and address where completed;
  4. If applicable, the starting date and date of graduation from a school, type of degree received, and the name and address of the school where received;
  5. If previously licensed by the Board, type of license, license number, license expiration date, and the name used on the license;
  6. If previously licensed in a state other than Arizona or a foreign country, the name of the state or foreign country and type of license;
  7. A statement of whether the applicant has ever had an aesthetician, a cosmetologist, a nail technician, or an instructor license suspended or revoked in any state or foreign country; and
  8. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant.
- B. In addition to submitting the fee and documents in subsection (A), an applicant for an aesthetics license shall:
1. Comply with A.R.S. § 32-510(A)(2) by submitting a copy of 1 of the following:
    - a. Documentation of 23 years of age as demonstrated by a government-issued driver's license, identification card, birth certificate, or passport;
    - b. A high school transcript demonstrating a 10th grade equivalency;

- c. A high school diploma;
  - d. A high school equivalency diploma;
  - e. Documentation of an associate degree or an official transcript from an accredited college that only offers courses to be completed in 2 years that shows completion of 15 credits; or
  - f. A bachelor's degree from an accredited college or university.
2. Comply with A.R.S. § 32-510(A)(3) by submitting a copy of 1 of the following:
- a. If the applicant graduated from an aesthetician course presented by a school licensed by the Board, a written statement signed by the administrator of the school that documents proof of graduation and completion of 600 hours in the course;
  - b. If the applicant attended more than 1 school in Arizona, a copy of a transfer application or certification of hours from each school attended, including the starting and ending dates, the total number of hours completed at the school, and the signature of the administrator of the school; or
  - c. If the applicant graduated from or completed hours at a school licensed by a state other than Arizona or a foreign country, a graduation certificate and documentation of
    - i. Completing the theory of aesthetic as required in R4-10-303(A)(1), and
    - ii. Meeting the requirements in R4-10-303(A)(2) and R4-10-303(A)(3).

- C. In addition to submitting the fee and documents in subsection (A), an applicant for a cosmetology license shall:
1. Comply with A.R.S. § 32-511(A)(2) by submitting a copy of 1 of the documents in subsection (B)(1).
  2. Comply with A.R.S. § 32-511(A)(3) by submitting a copy of 1 of the following:
    - a. If the applicant graduated from a cosmetology course presented by a school licensed by the Board, a written statement signed by the administrator of the school that documents proof of graduation and completion of 1600 hours in the course;
    - b. If the applicant attended more than 1 school in Arizona, a copy of a transfer application or certification of hours from each school attended, including the initial and ending dates, the total number of hours completed at the school, and the signature of the administrator of the school; or
    - c. If the applicant graduated from or completed hours at a school licensed by a state other than Arizona or a foreign country, a graduation certificate and documentation of
      - i. Completing the theory of cosmetology as required in R4-10-304(A)(1), and
      - ii. Meeting the requirements in R4-10-304(A)(2) and R4-10-304(A)(3).
- D. In addition to submitting the fee and documents in subsection (A), an applicant for a nail technician license shall:
1. Comply with A.R.S. § 32-512(A)(2) by submitting a copy of 1 of the documents in subsection (B)(1).
  2. Comply with A.R.S. § 32-512(A)(3) by submitting a copy of 1 of the following:
    - a. If the applicant graduated from a nail technician's course presented by a school licensed by the Board, a written statement signed by the administrator of the school who documents proof of graduation and completion of 300 hours in the course; or

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b. For each school attended by the applicant, a copy of a transfer application or certification of hours from each school attended, including the starting and ending dates, the total number of hours completed at the school, and the signature of the administrator of the school;

**E.** In addition to submitting the fee and documents in subsection (A), an applicant for an instructor license by examination shall:

1. Comply with A.R.S. § 32-531(A)(2) by submitting a written copy of 1 of the following:
  - a. A high school diploma;
  - b. A high school equivalency diploma;
  - c. Documentation of an associate degree or an official transcript from an accredited college that only offers courses to be completed in 2 years that shows completion of 15 credits; or
  - d. Documentation of completion of 15 credits or a bachelor's degree from an accredited college or university.
2. Submit a copy of 1 of the following:
  - a. If the applicant graduated from a school licensed by the Board, documentation of graduation that includes in its course of study:
    - i. If applying for a cosmetology instructor license, completion of a minimum of 650 hours of instructor training;
    - ii. If applying for a nail technician instructor license, completion of a minimum of 350 hours of instructor training; or
    - iii. If applying for an aesthetics instructor license, completion of a minimum of 500 hours of instructor training;
  - b. If the applicant graduated from or completed hours at a school licensed by a state other than Arizona or a foreign country, a graduation certificate and documentation of meeting the requirements in R4-10-302, except for R4-10-302(A)(6); or
  - c. If the applicant attended more than 1 school in Arizona, a copy of a transfer application or certification of hours from each school attended, including the initial and ending dates, total number of hours completed, and signature of the administrator of the school.
3. Comply with A.R.S. § 32-531(A)(3) by submitting documentation of practical experience in the profession applied for on a notarized form, supplied by the Board, that is completed and signed by an owner or manager of a licensed salon, an individual with personal knowledge of the applicant's practice for at least 1 of the 5 years immediately preceding the date of the application, or a supplier of cosmetology products that includes the:
  - a. Name of the applicant;
  - b. Occupation in which applicant gained the experience;
  - c. Initial and final dates of applicant's experience in the occupation;
  - d. Name and address where applicant gained the experience in the occupation;
  - e. If licensed by the Board, license number; and
  - f. Name, address, and telephone number of the individual completing the information.

**R4-10-105, R4-10-109, Instructor examinations**  
No change.

**R4-10-105. Application for License by Reciprocity**

An applicant for an aesthetics, cosmetology, nail technician, or instructor license by reciprocity shall submit the applicable fee required in R4-10-102 and all of the following to the Board:

1. An application provided by the Board, signed by the applicant, and notarized that contains:
  - a. The applicant's name, address, telephone number, social security number, and birth date;
  - b. If previously licensed by the Board, the type of license, license number, license expiration date, and the name used on the license;
  - c. A statement of whether the applicant has ever had an aesthetics, a cosmetology, a nail technician, or an instructor license suspended or revoked in any state or foreign country; and
  - d. A statement under oath by the applicant verifying the truthfulness of the information provided by the applicant;
2. A certification of licensure that shows the initial and final dates of licensure; and
3. To demonstrate compliance with the practice requirements in A.R.S. § 32-513 (A)(2) or A.R.S. § 32-532(3), a notarized form, supplied by the Board, that is completed by an owner or manager of a licensed salon, a licensee with personal knowledge of the applicant's practice for at least 1 of the 5 years immediately preceding the date of the application, or a supplier of aesthetics, cosmetology, or nail technology products to the applicant that contains:
  - a. The name of the applicant;
  - b. The type of practice engaged in by the applicant;
  - c. The initial and final dates of applicant's practice;
  - d. The name, address, and telephone number of the salon where the applicant is or was practicing;
  - e. If completed by a licensee with personal knowledge, the initial and final dates of the practice;
  - f. If completed by an individual who is a supplier, the initial and final dates the aesthetics, cosmetology, or nail technology products were provided;
  - g. If completed by an owner or manager of a salon, the name, current address, and current telephone number of the owner and license number of the salon where the applicant is or was practicing or the name, current address, and current telephone number of the manager of the salon where the applicant is or was practicing and the manager's license number; and
  - h. A statement under oath, signed by the owner or manager, licensed individual, or supplier, verifying the truthfulness of the information.

**R4-10-106. License Application and Renewal**

**A.** An aesthetics, cosmetology, nail technician, or instructor license expires on the birthday of the individual to whom it was issued. Upon request by an applicant, the Board may delay the effective date of an applicant's 1st license until after the applicant's next birthday. The applicant shall not practice until the effective date of the license.

1. An aesthetics, cosmetology, nail technician, or instructor license renewal application and the fee specified by R4-10-102 shall be completed and filed with the Board or postmarked on or before the individual's birthday. If that date is a Saturday, Sunday, or legal holiday, the renewal application and fee shall be filed on the next ensuing business day.

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- 2. ~~An aesthetician, cosmetology, nail technician, or instructor shall notify the Board, in writing, within 10 calendar days of an address change.~~
- B. ~~A salon which has a permanent location where cosmetology services are performed shall apply for licensure pursuant to A.R.S. § 32-541.~~
- C. ~~A school which has a permanent location shall apply for licensure pursuant to A.R.S. § 32-551.~~
- D. ~~An establishment license expires on June 30 of every year.~~
  - 1. ~~An establishment license renewal application and the fee specified by R4-10-102 shall be filed with the Board or postmarked on or before June 30 to be timely.~~
  - 2. ~~An establishment license which has been delinquent for more than 1 year shall not be renewed.~~
- E. ~~If a renewal application is complete and filed with the Board or postmarked before the expiration of the license, along with the correct fee, the licensee may continue to practice pending issuance of the renewal license. If the expiration is a Saturday, Sunday, or legal holiday, the application shall be filed on the next ensuing business day.~~
- F. ~~A delinquent renewal application shall be accompanied by the delinquent license renewal penalty specified in R4-10-102.~~

**R4-10-106. Licensing Time-frames**

- A. The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive time-frame may not be extended by more than 25% of the overall time-frame
- B. The administrative completeness time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.
  - 1. The administrative completeness review time-frame begins:
    - a. For approval to take an examination or approval or denial of a school or salon license, when the Board receives an application packet; or
    - b. For approval or denial of a license by examination or reciprocity, when the applicant takes an examination;
  - 2. If an application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
  - 3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
  - 4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of notice of administrative completeness.
  - 1. As part of the substantive review for a school license, the Board shall conduct an inspection that may require more than 1 visit to the school.
  - 2. If an applicant meets the requirements of A.R.S. § 32-501 through § 32-575 and this Chapter, the Board shall send written notice of approval to the applicant. If an applicant is applying for approval to take an examina-

tion, the notice shall include the date, time, and place the applicant is scheduled to take an examination.

- 3. If an applicant does not meet the requirements of A.R.S. § 32-501 through § 32-575 and this Chapter, the Board shall send a written notice of denial to the applicant including a basis for the denial and an explanation of the applicant's right to appeal as prescribed in A.R.S. § 41-1076.
- D. An individual shall not practice as an aesthetician, cosmetologist, instructor, or nail technician until the individual receives and posts the license at the individual's place of employment.
- E. If a time-frame's last day falls on a Saturday, Sunday, or a legal holiday, the Board shall consider the next business day the time-frame's last day.

**R4-10-107. License Renewal**

- A. An aesthetician, cosmetologist, nail technician, or instructor licensee shall submit an application packet for renewal to the Board no later than the licensee's birthday.
  - 1. If the applicant mails the application packet, the application packet shall be postmarked on or before the applicant's birthday.
  - 2. If the applicant's birthday falls on Saturday, Sunday or legal holiday, an applicant may file the application packet on the next business day following the applicant's birthday.
  - 3. An application packet consists of:
    - a. An application on a form provided by the Board that contains:
      - i. The applicant's name, address, and social security number;
      - ii. A statement of whether the applicant has changed his or her name since the previous initial or renewal application;
      - iii. The fee required in R4-10-102; and
      - iv. The signature of the applicant; and
    - b. A copy of a legal document showing the applicant's name change, such as a marriage license or divorce decree.
- B. An establishment licensee shall submit an application for renewal and fee required in R4-10-102 to the Board no later than June 30 of every year.
  - 1. If the applicant mails the application, the application shall be postmarked on or before June 30.
  - 2. If June 30th falls on Saturday, Sunday or a legal holiday, an applicant may file the application on the next business day following June 30th.
  - 3. An application consists of a form provided by the Board that contains:
    - a. The establishment's name, manager's license number, and type of license;
    - b. If the establishment is a salon that is no longer in business, the date of closure; and
    - c. The date and notarized signature of the owner.
  - 4. If the establishment is a school, the licensee shall submit the information and documents required in R4-10-201 in addition to the application form.

**R4-10-107.R4-10-110.Reactivating an Inactive License**  
No change.

**R4-10-108.R4-10-111.Display of Licenses and Signs**  
No change.

**R4-10-109.R4-10-112.Infection Control and Safety Standards**  
No change.

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**R4-10-110, R4-10-113, Establishment Management**  
 No change.

**R4-10-112, R4-10-115, Rehearing or Review of Decision**  
 No change.

**R4-10-111, R4-10-114, Disciplinary Action**  
 No change.

Table 1. Time-frames (in days)

Table 1. Time-frames (in days)

Type of Approval	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval to Take an Examination	90	60	30
License by Examination	60	30	30
License by Reciprocity	60	30	30
School License	90	30	60
License Renewal	75	45	30
Salon License	90	30	60

**ARTICLE 2. SCHOOLS**

**R4-10-201. School Licensing Procedures**

A. An application for a school license shall be submitted at least 20 days before the planned date of opening. In addition to the requirements of A.R.S. § 32-551, the application packet shall include:

1. A floor plan of the school which is between 8 1/2" x 11" and 14" x 14";
2. A copy of all contract forms to be used for enrollment of students;
3. The fee specified by R4-10-102;
4. A schedule of operations specifying the days of the week and hours of the day the school shall be open for instruction and the proposed class schedule; and
5. The name and license number of the manager of the school.

B. The school owner shall submit the following at the time of renewing the school license:

1. An updated floor plan not exceeding 14" x 14" for all structural improvements;
2. The most recent school catalog showing any modifications, additions, or deletions and an index reflecting where the information required by A.R.S. § 32-559 is located in the catalog;
3. A subject description of new courses and their schedules;
4. A new operating schedule if changes occur;
5. The name or address of any new statutory agent;
6. A letter requesting approval of the new school name with the fee specified in R4-10-102; or
7. The name and license number of a new manager.

C. Whenever the terms "accredited", "approved", or similar terms are used in school catalogs or advertising, the name of the accrediting or approving organization shall also be shown.

D. A school license renewal application submitted to the Board office shall be postmarked by June 30.

**R4-10-201. Application for a School License; Renewal**

A. An applicant for a school license shall submit the documents required in A.R.S. § 32-551 and:

1. Submit an application on a form provided by the Board, signed by the applicant, and notarized that contains:

- a. The applicant's name, address, social security number, and telephone number;
- b. If a partnership, each partner's name and address and an identification of whether a limited or general partner;
- c. If a corporation, the state of incorporation and the name, title, and address of each officer of the corporation;
- d. The name under which the school will be operated;
- e. The name and address of the Board licensed instructor who is in charge of the school;
- f. If an existing school, the date the applicant will be assuming ownership;
- g. If a new school, the date of scheduled opening of the school;

2. If a corporation, submit the articles of incorporation;
3. Submit an 8 1/2" by 11" floor plan of the school;
4. Submit an uncompleted contract form required by A.R.S. § 32-558;
5. Submit a schedule that includes the hours of each day and each day of a calendar week during which the school will be open for instruction;
6. Submit a proposed schedule of classes to be taught at the school;
7. Submit a school catalog containing the information required by A.R.S. § 32-559;
8. Demonstrate compliance with A.R.S. § 32-551 through § 32-575 and these rules through a school inspection conducted by the Board; and
9. Submit the fee required in R4-10-102.

B. In addition to the requirements in R4-10-107, a licensee shall submit the following when renewing a license:

1. An updated floor plan not exceeding 8 1/2" by 11" for all structural improvements;
2. The most recent school catalog showing:
  - a. Any modifications, additions, or deletions;
  - b. An index reflecting where the information required by A.R.S. § 32-559 is located in the catalog; and
  - c. The names of each accrediting or approving organization.
3. A subject description of each new course and its schedule;
4. A new operating schedule if changes occur;
5. The name and address of any new statutory agent;

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6. If the school changes its name, a request for approval of the name and the fee required in R4-10-102; and
7. The name and license number of the current manager of the school.

**ARTICLE 4. SALONS**

**R4-10-401. ~~Salon License Application; Modifications; Transfers~~**

- A. ~~An application shall be filed with the Board to license a new salon, for a salon location change, if a salon has a new owner, if there is a change in the controlling interest of a corporate entity, or if the salon name changes. Applicants shall submit a complete application for a salon license to the Board at least 10 calendar days prior to the planned date of opening. The application shall include a floor plan at least 8 1/2" x 11". An incomplete application shall be returned to the applicant.~~
- B. ~~A complete application, for applicants who will open after an inspection, shall be submitted at least 45 calendar days before the planned date of opening, during which period the Board shall inspect the salon.~~
- C. ~~The salon shall have and designate on the floor plan specified in subsection(A) the location of the following:~~
1. ~~Wet disinfectant as specified by R4-10-109;~~
  2. ~~Dry, closed, disinfected container to store disinfected tools and implements as specified by R4-10-109;~~
  3. ~~Sink or shampoo bowl with hot or cold running water that is not also used as a dispensary or rest room sink;~~
  4. ~~Stations;~~
  5. ~~Rest rooms;~~
  6. ~~Electrical outlets; and~~
  7. ~~Activities performed by people that are not licensed by the Board, which are related to cosmetology, but not regulated by A.R.S. § Title 32, Chapter 5.~~
- D. ~~The application shall include:~~
1. ~~The fee specified by R4-10-102;~~
  2. ~~The name and license number of the manager designated by pursuant to A.R.S. § 32-541(C);~~
  3. ~~A schedule of operations specifying the days and hours the salon is open for business;~~
  4. ~~The request for mobile services if applicable as specified by R4-10-403;~~
  5. ~~A statement that the salon requirements and minimum equipment requirements as specified by R4-10-402 are met; and~~
  6. ~~The documents identifying the owner of the salon and the statutory agent, if any.~~
- E. ~~For location changes, a new application shall be submitted as specified in subsections (A), (C), and (D) with the fee as required by R4-10-102. The license of the former location shall be forwarded to the Board after the licensee has received the new location license from the Board.~~
- F. ~~For a transfer of ownership or corporation reorganization that changes the controlling interest, a new owner shall file a salon application pursuant to subsections (A), (C), and (D), identifying the date of transfer, the new owner's name, and the original owner's name. The application shall also indicate whether the original owner relinquishes the right to the license, salon name, and location. The application shall also include the prescribed fee for a transfer of ownership as required in R4-10-102.~~
- G. ~~For name changes, a request in writing shall be submitted with the fee specified by R4-10-102.~~
- H. ~~Within 10 calendar days of closing, the salon shall submit written notice and forward its license to the Board. If an original salon owner has not relinquished the use of the salon~~

~~name when an application is filed pursuant to subsection (F), the Board may reserve the use of the salon's name for 1 year from the date of last closing, upon request by the original owner.~~

**R4-10-401. Application for a Salon License**

An applicant for a salon license shall submit:

1. An application on a form provided by the Board, signed by the applicant, and notarized that contains:
  - a. The applicant's name, address, social security number, and telephone number;
  - b. If applicant is a partnership, each partner's name, address, and an identification of whether a limited or general partner;
  - c. If a corporation, the state of incorporation and the name, title, and address of each officer of the corporation and statutory agent;
  - d. The name of the salon;
  - e. The name and license number of the manager licensed by the Board;
  - f. If a location change, the previous address;
  - g. A history of the salon including:
    - i. If previously licensed by the Board, the last name of the salon or school;
    - ii. The name of each business operating at the salon address;
    - iii. A statement of whether the applicant, any partner of the applicant, or any corporate officer has ever owned a salon in any state or foreign country;
    - iv. A statement of whether the applicant, any partner of the applicant, or any corporate officer has ever had a salon license suspended or revoked in any state or foreign country; and
    - v. A statement of whether the salon provides mobile services as stated in R4-10-403.
2. If a corporation, the articles of incorporation;
3. An 8 1/2" by 11" floor plan of the salon. The floor plan shall designate the location of each:
  - a. Wet disinfectant as specified by R4-10-109;
  - b. Dry, closed, disinfected container to store disinfected tools and implements as specified by R4-10-109;
  - c. Sink or shampoo bowl with hot and cold running water that is not also used as a dispensary or rest room sink;
  - d. Station;
  - e. Restroom;
  - f. Electrical outlet; and
  - g. Activity performed by individuals who are not licensed by the Board, which are related to cosmetology, but not regulated by A.R.S. § 32-501 through § 32-575; and
4. The fee required in R4-10-102.

**R4-10-402. R4-10-403, Salon Requirements and Minimum Equipment Requirements**

No change.

**R4-10-402. Changes Affecting a Salon License**

- A. A licensee changing a salon's location shall submit the fee required in R4-10-102 and an application packet as prescribed in R4-10-401.
- B. A licensee shall notify the Board in writing at least 30 days before making a change in the ownership of a salon. A new owner shall obtain a license from the Board before beginning operation of a salon.

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- C.** When the controlling ownership in a corporation is transferred or a corporation is reorganized, the new owner shall submit the fee required in R4-10-102, an application packet as prescribed in R4-10-401 and the following:
1. Former owner's name;
  2. Date of transfer; and
  3. A statement of whether the former owner relinquishes the license, salon name, and salon location.
- D.** A licensee shall notify the Board in writing at least 30 days before the date of a change in a salon's name and submit the fee required in R4-10-401.
- E.** A licensee that is a corporation or a limited liability company shall notify the Board in writing at least 3 days before a change in any corporate officer or statutory agent.
- R4-10-403-R4-10-404. Mobile Services**  
No change.
- R4-10-404-R4-10-405. Shampoo Assistants**  
No change.

**NOTICE OF PROPOSED RULEMAKING**

TITLE 17. TRANSPORTATION

CHAPTER 9. DEPARTMENT OF ADMINISTRATION  
SCHOOL BUSES

PREAMBLE

1. Sections Affected  
R17-9-109
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):  
Authorizing statute: A.R.S. § 28-3228(C)  
Implementing statute: A.R.S. §§ 28-3228 and 41-1072 et seq.
3. A list of all previous notices appearing in the Register addressing the proposed rule:  
Notice of Rulemaking Docket Opening: 4 A.A.R. 2845, October 2, 1998
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:  
Name: Jeanne Hann  
Address: Arizona Department of Administration  
1400 West Washington Street, Suite 270  
Phoenix, Arizona 85007  
Telephone: (602) 542-2006  
Fax: (602) 542-1486
5. An explanation of the rule, including the agency's reasons for initiating the rule:  
The agency is complying with A.R.S. §§ 41-1072 et seq, which require all agencies that issue licenses to establish time-frames within which they will either grant or deny each type of license issued.
6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:  
None.
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:  
Not applicable.
8. The preliminary summary of the economic, small business, and consumer impact:  
The rule imposes an administrative burden on the agency. Because the agency already issues the certifications involved, the time-frames will have a minimal economic impact on the agency. The rule imposes no burden on small business or consumers. The rule provides certainty regarding the amount of time required for certification to those who seek certification and those who employ them. The economic impact on other state agencies, such as the Office of the Secretary of State and the Governor's Regulatory Review Council, is expected to be minimal.
9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:  
Name:- Allen Malanowski  
Address: Arizona Department of Administration

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1400 West Washington Street, Suite 270  
Phoenix, Arizona 85007

Telephone: (602) 542-2017

Fax: (602) 542-1486

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

No oral proceeding is scheduled. Under A.R.S. § 41-1023(C), an oral proceeding will be scheduled if a written request is submitted to the person identified in item 4 within 30 day after publication of this notice. Oral and written comments about the proposed rule may be submitted to the person identified in item 4 until 5 p.m. on November 20, 1998.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None.

**12. Incorporations by reference and their location in the rules:**

None.

**13. The full text of the rules follows:**

**TITLE 17. TRANSPORTATION**

**CHAPTER 9. DEPARTMENT OF ADMINISTRATION**

**SCHOOL BUSES**

**ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS**

Section

**R17-9-109. Time-frames for Making Certification Determinations**

**ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS**

**R17-9-109. Time-frames for Making Certification Determinations**

**A. For certification as a school bus driver, classroom instructor, or behind-the-wheel instructor, the time-frames required by A.R.S. § 41-1072 et seq. are:**

1. Overall time-frame: 60 days.
2. Administrative completeness review time-frame: 45 days, and
3. Substantive review time-frame: 15 days.

**B. An administratively complete application for certification consists of all the information and documents listed in:**

1. R17-9-102(A) for a school bus driver,
2. R17-9-103(A) for a classroom instructor, and
3. R17-9-103(C) for a behind-the-wheel instructor.

**C. An administrative completeness review time-frame, as described in A.R.S. § 41-1072(1) and listed in subsection (A)(2), begins on the date the Department receives an application.**

1. If the application is not administratively complete when received, the Department shall send a notice of deficiency to the applicant. The deficiency notice shall state the documents and information needed to complete the application.
2. Within 120 days from the date on which the deficiency notice is postmarked, the applicant shall submit to the Department the missing documents and information. The time-frame for the Department to finish the administrative completeness review is suspended from the date the deficiency notice is postmarked until the date the Department receives the missing documents and information.
3. If the applicant fails to provide the missing documents and information within the time provided, the Depart-

ment shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R17-9-102 or R17-9-103.

**4. If the application is administratively complete, the Department shall send a written notice of administrative completeness to the applicant.**

**D. A substantive review time-frame, as described in A.R.S. § 41-1072(3) and listed in subsection (A)(3), begins on the date the notice of administrative completeness is postmarked.**

1. During the substantive review time-frame, the Department may make 1 comprehensive written request for additional information.
2. The applicant shall submit to the Department the additional information identified in the comprehensive written request within 20 days from the date on which the comprehensive written request is postmarked. The time-frame for the Department to finish the substantive review of the application is suspended from the postmark date on the comprehensive written request for additional information until the Department receives the additional information.
3. If the applicant fails to submit the additional information requested within the time provided, the Department shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R17-9-102 or R17-9-103.
4. When the substantive review is complete, the Department shall inform the applicant in writing of its decision whether to certify the applicant.
  - a. The Department shall deny certification if it determines that the applicant does not meet all substantive criteria for certification required by statute and rule. An applicant who is denied certification may appeal the Department's decision under A.R.S. § 41-1092 et seq. and any rules adopted under A.R.S. § 41-1092.01(C)(4).
  - b. The Department shall grant certification if it determines that the applicant meets all substantive criteria for certification required by statute and rule.