

HOUSE No. 200

By Mr. Atsalis of Barnstable, petition of Demetrius J. Atsalis for legislation to further regulate the licensing of schools of cosmetology. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT REGULATING THE LICENSING OF COSMETOLOGY SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 112 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by inserting after section
3 87BB the following section:—

4 87BB½. Refund Policy: The condition of licensure each school
5 must maintain a cancellation and settlement policy that must pro-
6 vide a full refund of monies paid by a student receiving federal,
7 state, private funds if:

8 (1) the student cancels the enrollment agreement or contract
9 within 72 hours (until midnight of the third day excluding Satur-
10 days, Sundays, and legal holidays) after the enrollment contract is
11 signed by the prospective student; or

12 (2) the enrollment of the student was procured as the result of
13 any misrepresentation in advertising, promotional materials of the
14 school, or representation by the owners or representatives of the
15 school.

16 In addition, as a condition of licensure, each school must main-
17 tain a policy for the refund of the unused portion of tuition, fees,
18 and other charges in the event the student, after expiration of the
19 72 hour cancellation privilege, fails to enter the course, with-
20 draws, or is discontinued at any time prior to completion.

21 If tuition and fees are collected in advance of a student's partic-
22 ipation in a course, and if, after expiration of the 72 hour cancella-
23 tion privilege, the student does not enter the school, not more than
24 \$100.00 shall be retained by the school.

25 A Student who enrolls in a school program, and if, after expira-
26 tion of the 72 hour cancellation privilege, the student withdraws
27 from the school, the school may retain \$100 of tuition and fees
28 and the student is eligible to receive a refund of the remaining
29 tuition and fees in the following manner:

30 (1.) During the first week or one-tenth of the course, whichever
31 is less, ninety percent of the remaining tuition and fees;

32 (2.) After the first week or one-tenth of the course, whichever is
33 less, but within the first three weeks of the course, eighty percent
34 of the remaining tuition and fees;

35 (3.) After the first three weeks of the course, but within the first
36 quarter of the course, seventy-five percent of the remaining tuition
37 and fees;

38 (4.) During the second quarter of the course, fifty percent of the
39 remaining tuition and fees;

40 (5.) During the third quarter of the course, ten percent of the
41 remaining tuition and fees; and

42 (6.) During the last quarter of the course, the student may be
43 considered obligated for the full amount of the tuition and fees;

44 Refunds of items of extra expense to the students, such as
45 instructional supplies, books, student activities, laboratory fees,
46 service charges, rentals, deposits, and all such other miscellaneous
47 charges will be made in a reasonable manner acceptable to the
48 Board.

49 The effective date of the termination for refund purposes will
50 be the earliest of the following:

51 (1.) the last date of attendance, if the student is terminated by
52 the school;

53 (2.) the date of receipt of written notice from the student; or

54 (3.) ten school days following the last date of attendance.

55 All refunds will be made within sixty days.