CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1136

Chapter 324, Laws of 1991
(partial veto)

52nd Legislature
1991 Regular Session

COSMETOLOGY--REVISED LICENSING REQUIREMENTS

EFFECTIVE DATE: 7/28/91

Passed by the House March 18, 1991
Yeas 72 Nays 26

JOE KING
Speaker of the
House of Representatives

Passed by the Senate April 18, 1991
Yeas 35 Nays 9

JOEL PRITCHARD
President of the Senate

I, Alan Thompson, Chief Clerk of the
House of Representatives of the State
of Washington, do hereby certify that
the attached is ENGROSSED SUBSTITUTE
HOUSE BILL 1136 as passed by the House
of Representatives and the Senate on
the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

CERTIFICATE

Approved May 21, 1991, with
the exception of section 23,
which is vetoed.

May 21, 1991 - 10:38 a.m.

BOOTH GARDNER
Governor of the State of Washington

FILED

Secretary of State
State of Washington
# ENGROSSED SUBSTITUTE HOUSE BILL 1136

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session


Read first time February 18, 1991.

1 AN ACT Relating to cosmetology; amending RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.090, 18.16.100, 18.16.110, 18.16.130, 18.16.140, 18.16.150, 18.16.160, 18.16.200, 50.04.225, 51.12.020, and 82.04.360; adding new sections to chapter 18.16 RCW; creating a new section; repealing RCW 18.16.040 and 18.16.120; prescribing penalties; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 18.16.020 and 1984 c 208 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

1 (1) "Board" means the cosmetology, barbering, esthetics, and manicuring advisory board.

1 (2) "Director" means the director of the department of licensing or the director’s designee.
"The practice of cosmetology" means the practice of cutting, trimming, styling, shampooing, permanent waving, chemical relaxing or straightening, bleaching, or coloring of the hair of the face, neck, and scalp and manicuring and esthetics.

"Cosmetologist" means a person licensed under this chapter to engage in the practice of cosmetology and who has completed sixteen hundred hours of instruction at a school licensed under this chapter.

"The practice of barbering" means the cutting, trimming, arranging, dressing, curling, waving and shampooing hair of the face, neck and scalp.

"Barber" means a person licensed under this chapter to engage in the practice of barbering and who has completed eight hundred hours of instruction at a school licensed under this chapter.

"Practice of manicuring" means the cleaning, shaping, or polishing of the nails of the hands or feet, and the application and removal of artificial nails, skin care involving hot compresses, massage, or the use of electrical appliances or chemical compounds formulated for professional application only, and the temporary removal of superfluous hair by means of lotions, creams or mechanical or electrical apparatus or appliances on another person).

"Manicurist" means a person who has successfully completed five hundred hours of instruction at a school licensed under this chapter and who is licensed pursuant to this chapter licensed under this chapter to engage in the practice of manicuring.

"Practice of esthetics" means skin care of the face, neck, and hands involving hot compresses, massage, or the use of approved electrical appliances or nonabrasive chemical compounds formulated for professional application only, and the temporary removal of superfluous
hair by means of lotions, creams, or mechanical or electrical apparatus
or appliance on another person.

(10) "Esthetician" means a person licensed under this chapter to
engage in the practice of esthetics.

(11) "Instructor-trainee" means a person who is currently licensed
in this state as a cosmetologist, barber, manicurist, or esthetician,
and is enrolled in an approved instructor-trainee program in a school
licensed under this chapter.

(12) "School" means any establishment offering instruction in the
practice of cosmetology, or barbering, or esthetics, or manicuring, or
instructor-trainee to students and licensed under this chapter.

((10) (13) "Student" means a person sixteen years of age or
older who is enrolled in a school licensed under this chapter and
receives any phase of cosmetology, barbering, ((or)) esthetics or
manicuring instruction with or without tuition, fee, or cost, and who
does not receive any wage or commission.

((11) "Cosmetology instructor") (14) "Instructor-operator-
cosmetology" means a person who gives instruction in the practice of
cosmetology((, barbering and/or manicuring)) and instructor-training in
a school and who has the same qualifications as a cosmetologist ((and
who)) has completed at least five hundred hours of instruction in
((cosmetology)) teaching techniques and lesson planning in a school,
and has passed an examination prepared or selected by the board and
administered by the director. ((A person who applies for a license
under this section and who can show equivalent credentials to the five
hundred hour curriculum is exempt from the five hundred hour
requirement.)) An applicant who holds a degree in education from an
accredited postsecondary institution and who is otherwise qualified
shall upon application be licensed as an instructor ((if the applicant
meets the requirements for licensure as a cosmetologist)—operator
with a cosmetology endorsement.

(15) "Instructor-operator-barber" means a person who gives
instruction in the practice of barbering and instructor training in a
school, has the same qualifications as a barber, has completed at least
five hundred hours of instruction in teaching techniques and lesson
planning in a school, and has passed an examination prepared or
selected by the board and administered by the director. An applicant
who holds a degree in education from an accredited postsecondary
institution and who is otherwise qualified shall upon application be
licensed as an instructor-operator with a barber endorsement.

(16) "Instructor-operator-manicure" means a person who gives
instruction in the practice of manicuring and instructor training in a
school, has the same qualifications as a manicurist, has completed at
least five hundred hours of instruction in teaching techniques and
lesson planning in a school, and has passed an examination prepared or
selected by the board and administered by the director. An applicant
who holds a degree in education from an accredited postsecondary
institution and who is otherwise qualified shall upon application be
licensed as an instructor-operator with a manicurist endorsement.

(17) "Instructor-operator-esthetics" means a person who gives
instruction in the practice of esthetics and instructor training in a
school, has the same qualifications as an esthetician, has completed at
least five hundred hours of instruction in teaching techniques and
lesson planning in a school, and has passed an examination prepared or
selected by the board and administered by the director. An applicant
who holds a degree in education from an accredited postsecondary
institution and who is otherwise qualified shall upon application be
licensed as an instructor-operator with an esthetics endorsement.
((Special)) Vocational student" is a person ((who has academically completed the eleventh grade of high school,)) who in cooperation with any senior high, vocational technical institute, community college, or prep school, attends a cosmetology school and participates in its student course of instruction and has the same rights and duties as a student as defined in this chapter. ((The school shall have relatively corresponding rights and responsibilities, and)) The person must have academically completed the eleventh grade of high school. Every such ((special)) vocational student shall receive credit for all creditable hours of the approved course of instruction received in the school of cosmetology upon graduation from high school. Hours shall be credited to a ((special)) vocational student if the student graduates from an accredited high school or receives a certificate of educational competence ((before applying to take the cosmetologist, barber, or manicurist license examination)).

(19) "Booth renter" means a person who performs cosmetology, barbering, esthetics, or manicuring services where the use of the salon/shop facilities is contingent upon compensation to the owner of the salon/shop facilities and the person receives no compensation or other consideration from the owner for the services performed.

(20) "Person" means any individual, partnership, professional service corporation, joint stock association, joint venture, or any other entity authorized to do business in this state.

(21) "Salon/shop" means any building, structure, or motor home or any part thereof, other than a school, where the commercial practice of cosmetology, barbering, esthetics, or manicuring is conducted.

(22) "Crossover training" means training approved by the director as training hours that may be credited to current licensees for similar training received in another profession licensed under this chapter.
(23) "Approved security" means surety bond, savings assignment, or irrevocable letter of credit.

(24) "Mobile operator" means any person possessing a valid cosmetology, barbering, manicuring, or esthetician’s license that provides services in a mobile salon/shop.

(25) "Personal service operator" means any person possessing a valid cosmetology, barbering, manicuring, or esthetician’s license that provides services for clients in the client’s home, office, or other location that is convenient for the client.

Sec. 2. RCW 18.16.030 and 1984 c 208 s 7 are each amended to read as follows:

In addition to any other duties imposed by law, the director shall have the following powers and duties:

(1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(2) To adopt rules necessary to implement this chapter;

(3) To investigate alleged violations of this chapter and consumer complaints involving the practice of cosmetology, barbering, esthetics, or manicuring, schools offering training in these areas, and salons/shops and booth renters offering these services;

(4) To issue subpoenas, statements of charges, statements of intent, final orders, stipulated agreements, and any other legal remedies necessary to enforce this chapter;

(5) To issue cease and desist letters and letters of warning for infractions of this chapter;

(6) To conduct all disciplinary proceedings, impose sanctions, and assess fines for violations of this chapter or any rules adopted under it;
((5)) (7) To prepare and administer or approve the preparation and administration of licensing examinations;

((6)) (8) To establish minimum safety and sanitation standards for schools, cosmetologists, barbers, manicurists, estheticians, and salons/shops;

((7)) (9) To establish minimum instruction guidelines for the training of students;

((8)) Shall keep all student training records submitted by the school on file for at least five years or until the student is licensed;

((9))) (10) To maintain the official department record of applicants and licensees;

(11) To delegate in writing to a designee the authority to issue subpoenas, statements of charges, and any other documents necessary to enforce this chapter;

(12) To establish by rule the procedures for an appeal of an examination failure;

(13) To employ such administrative, investigative, and clerical staff as needed to implement this chapter;

(14) To set license expiration dates and renewal periods for all licenses ((under)) consistent with this chapter; and

(15) To make information available to the department of revenue to assist in collecting taxes from persons required to be licensed under this chapter.

Sec. 3. RCW 18.16.050 and 1984 c 208 s 9 are each amended to read as follows:

There is created a state cosmetology, barbering, esthetics, and manicuring advisory board consisting of five members appointed by the governor who shall advise the director concerning the administration of
this chapter. Four members of the board shall (be barbers or
cosmetologists who are licensed under this chapter and) include a
minimum of two instructors with the balance made up of currently
practicing licensees who have been engaged in the practice of
manicuring, esthetics, barbering, or cosmetology for at least three
years (or who have qualified under RCW 18.16.120(1)). One member of
the board shall be a consumer who is unaffiliated with the cosmetology,
barbering, esthetics, or manicuring industry. The term of office for
board members is three years. (The terms of the first board members,
however, shall be staggered to ensure an orderly succession of new
board members thereafter.) Any board member may be removed for just
cause. The director may appoint a new member to fill any vacancy on
the committee for the remainder of the unexpired term. No board member
may serve more than two consecutive terms, whether full or partial.

Board members shall be entitled to compensation (at the rate of
fifty dollars per day) pursuant to RCW 43.03.240 for each day spent
conducting official business and to reimbursement for travel expenses
as provided by RCW 43.03.050 and 43.03.060.

Sec. 4. RCW 18.16.060 and 1984 c 208 s 3 are each amended to read
as follows:

(1) The director shall impose a fine of
one thousand dollars on any person who does any of the
following without first obtaining the license required by this chapter:

(a) Except as provided in subsection (2) of this section,
commercial practice of cosmetology, barbering, esthetics,
manicuring, or instructing;

(b) Instructs in a school;

(c) Operates a school; or
(d) Operates a salon/shop. Each booth renter shall be considered to be operating an independent salon/shop and shall obtain a separate salon/shop license.

(2) A person licensed as a cosmetology instructor-operator may engage in the commercial practice of cosmetology without maintaining a cosmetologist license. A person licensed as a barbering instructor-operator may engage in the commercial practice of barbering without maintaining a barber license. A person licensed as a manicuring instructor-operator may engage in the commercial practice of manicuring without maintaining a manicurist license. A person licensed as an esthetician instructor-operator may engage in the commercial practice of esthetics without maintaining an esthetician license.

Sec. 5. RCW 18.16.090 and 1984 c 208 s 10 are each amended to read as follows:

Examinations for licensure under this chapter shall be conducted monthly at such times and places as the director determines appropriate. Examinations shall consist of tests designed to reasonably measure the applicant’s knowledge of safe and sanitary practice. The director shall ((annually announce the dates and locations of examinations scheduled for that year. Passing grades shall be based upon a standard of one hundred percent. An applicant who receives a passing grade as determined by the board is entitled to the appropriate license for which the applicant was examined.

All examination papers completed by the applicant shall be kept on file by the director for a period of at least one year and shall be available for inspection by the applicant or the applicant’s agent)) establish by rule the minimum passing score for all examinations and the requirements for reexamination of applicants who fail the examination or examinations.
The director shall take steps to ensure that after completion of the required course, applicants may promptly take the examination and receive the results of the examination.

Sec. 6. RCW 18.16.100 and 1984 c 208 s 5 are each amended to read as follows:

(1) Upon payment of the proper fee, the director shall issue the appropriate license to any person who:

((1)) (a) Is at least seventeen years of age or older;

((2)) (b) Has completed a sixteen hundred hour course of training in cosmetology, an eight hundred hour course of training in barbering, or a five hundred hour course of training in manicuring. The required curriculum shall be determined by the director in consultation with the board)

((3)) (c) Has completed and graduated from a course approved by the director of sixteen hundred hours of training in cosmetology, one thousand hours of training in barbering, five hundred hours of training in manicuring, five hundred hours of training in esthetics, and/or five hundred hours of training as an instructor-trainee; and

((4)) (c) Has received a passing grade on ((a)) the appropriate licensing examination approved or administered by the director.

(2) A person currently licensed under this chapter may qualify for examination and licensure, after the required examination is passed, in another category if he or she has completed the crossover training course approved by the director.

(3) Upon payment of the proper fee, the director shall issue a salon/shop license to the operator of a salon/shop if the salon/shop meets the other requirements of this chapter as demonstrated by information submitted by the operator.
(4) The director may consult with the state board of health and the
department of labor and industries in establishing training and
examination requirements.

Sec. 7. RCW 18.16.110 and 1984 c 208 s 12 are each amended to read
as follows:

(1) The director shall issue the appropriate license to ((each))
any applicant who ((has applied for a license and complied with)) meets
the requirements ((established under)) as outlined in this chapter
((for that license)). Failure to renew a license before its expiration
date subjects the holder to a penalty fee and payment of each year’s
renewal fee, at the current rate, up to a maximum of four years as
established by the director in accordance with RCW 43.24.086. A person
whose license has not been renewed for ((three)) four years shall be
required to ((retake)) submit an application, fee, meet current
licensing requirements, and pass the applicable examination or
examinations before the license may be ((reissued)) reinstated:
PROVIDED, That the director may waive this requirement for good cause
shown. To renew a salon/shop license, the licensee shall provide proof
of insurance as required by section 15(1)(h) of this act.

(2) Upon request and payment of an additional fee to be established
by the director, the director shall issue a duplicate license to an
applicant.

NEW SECTION. Sec. 8. (1) All licenses issued prior to January 1,
1992, shall remain in effect until renewal or January 1, 1993,
whichever is earlier.

(a) On or before renewal of each individual’s license the licensee
will be allowed to designate the license to be issued. A licensed
cosmetologist may request licenses in cosmetology, barbering,
manicuring, and esthetics. A manicurist may request licenses in manicuring and esthetics. An instructor may request endorsements in cosmetology, barbering, manicuring, and esthetics.

(b) A renewal fee is required for each license type requested. A licensed cosmetologist requesting all four licenses shall pay four renewal fees. An instructor shall be issued one license with endorsements for the multiple areas that they teach with only one renewal fee required.

(c) After January 1, 1993, any licensee wishing to obtain additional licenses or endorsements to their licenses shall meet the training and examination requirements of this chapter.

(2) Students currently enrolled in a licensed school in an approved course as of January 1, 1992, may apply for the examination or examinations in any type or any combination of types of licenses when they complete the appropriate course.

(3) Schools must update their curricula to comply with this chapter by July 1, 1992. No students may be enrolled in the programs under the previous law if they cannot complete their training prior to January 1, 1993, to allow them to apply for examination under subsection (2) of this section.

NEW SECTION. Sec. 9. (1) Subject to subsection (2) of this section, licenses issued under this chapter expire as follows:

(a) A salon/shop license expires one year from issuance or when the insurance required by section 15(1)(h) of this act expires, whichever occurs first;

(b) A school license expires one year from issuance; and

(c) Cosmetologist, barber, manicurist, and instructor licenses expire two years from issuance.
(2) The director may provide for expiration dates other than those set forth in subsection (1) of this section for the purpose of establishing staggered renewal periods.

Sec. 10. RCW 18.16.130 and 1984 c 208 s 11 are each amended to read as follows:

Any person who is properly licensed in any state, territory, or possession of the United States, or foreign country shall be eligible for examination if the applicant submits the approved application and fee and provides proof to the director that he or she is currently licensed in good standing as a cosmetologist, barber, manicurist, esthetician, instructor, or the equivalent in that jurisdiction. Upon passage of the required examinations the appropriate license will be issued.

Sec. 11. RCW 18.16.140 and 1987 c 445 s 1 are each amended to read as follows:

(1) Any person wishing to operate a school shall, before opening such a school, file with the director for approval a license application and fee containing the following information:

(a) The names and addresses of all owners, managers, and instructors;

(b) A copy of the school’s curriculum satisfying the training guidelines established by the director;

(c) The catalogs, brochures, and contract forms the school proposes to use.
(c) A sample copy of the school’s catalog, brochure, enrollment contract, and cancellation and refund policies that will be used or distributed by the school to students and the public; 

(d) A description and floor plan of the school’s physical equipment and facilities; 

(e) A surety bond, irrevocable letter of credit, or savings assignment in an amount not less than ten thousand dollars, or ten percent of the annual gross tuition collected by the school, whichever is greater. The approved security shall not exceed fifty thousand dollars and shall run to the state of Washington for the protection of unearned prepaid student tuition. The school shall attest to its gross tuition at least annually on forms provided by the department. When a new school license is being applied for, the applicant will estimate its annual gross tuition to establish a bond amount. This subsection shall not apply to community colleges and vocational technical schools.

Upon approval of the application and payment of fees documents, the director shall issue a license to operate a school with the appropriate certification or certifications.

(2) Changes to the information provided by schools shall be submitted to the department within fifteen days of the implementation date.

(3) A change involving the controlling interest of the school requires a new license application and fee. The new application shall include all required documentation, proof of ownership change, and be approved prior to a license being issued.

Sec. 12. RCW 18.16.150 and 1984 c 208 s 8 are each amended to read as follows:
From time to time as deemed necessary by the director, all schools may be audited for compliance with this chapter. If the director determines that a licensed school is not maintaining the standards required according to this chapter, written notice thereof shall be given to the school. A school which fails to correct these conditions to the satisfaction of the director within a reasonable time shall be subject to penalties imposed under RCW 18.16.210.

Sec. 13. RCW 18.16.160 and 1984 c 208 s 16 are each amended to read as follows:

In addition to any other legal remedy, any student or instructor-trainee having a claim against a school may bring suit upon the approved security required in RCW 18.16.140(6) in the superior or district court of Thurston county or the county in which the educational services were offered by the school. Action upon the approved security shall be commenced by filing the complaint with the clerk of the appropriate superior or district court within one year from the date of the cancellation of the approved security: PROVIDED, That no action shall be maintained upon the approved security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Service of process in an action upon the approved security shall be exclusively by service upon the director. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the approved security and the school. The director shall transmit the complaint or a copy thereof to the school at the address listed in the director’s records and to the
surety within forty-eight hours after it has been received. The
((surety)) approved security shall not be liable in an aggregate amount
in excess of the amount named in the ((bond)) approved security. In
any action on ((a bond)) an approved security, the prevailing party is
entitled to reasonable attorney’s fees and costs.

The director shall maintain a record, available for public
inspection, of all suits commenced under this chapter upon ((surety
bonds)) approved security.

Sec. 14. RCW 18.16.200 and 1984 c 208 s 13 are each amended to
read as follows:

Any applicant or licensee under this chapter may be subject to
disciplinary action by the director if the licensee or applicant:
(1) Has been found guilty of a crime related to the practice of
cosmetology, barbering, ((or)) esthetics, manicuring, or instructing;
(2) Has made a material misstatement or omission in connection with
an original application or renewal;
(3) Has engaged in false or misleading advertising;
(4) Has performed services in an unsafe or unsanitary manner;
((or))
(5) Has aided and abetted unlicensed activity;
(6) Has engaged in the commercial practice of cosmetology,
barbering, manicuring, esthetics, or instructed in or operated a school
without first obtaining the license required by this chapter;
(7) Has engaged in the commercial practice of cosmetology in a
school;
(8) Has not provided a safe, sanitary, and good moral environment
for students and public;
(9) Has not provided records as required by this chapter;
(10) Has not cooperated with the department in supplying records or
assisting in an investigation or disciplinary procedure; or
(11) Has violated any provision of this chapter or any rule adopted
under it.

NEW SECTION. Sec. 15. (1) A salon/shop shall meet the
following minimum requirements:
(a) Maintain an outside entrance separate from any rooms used for
sleeping or residential purposes;
(b) Provide and maintain for the use of its customers adequate
toilet facilities located within or adjacent to the salon/shop;
(c) Be operated under the direct supervision of a licensed
cosmetologist except that a salon/shop that is limited to barbering may
be directly supervised by a barber, a salon/shop that is limited to
manicuring may be directly supervised by a manicurist, and a salon/shop
that is limited to esthetics may be directly supervised by an
esthetician;
(d) Any room used wholly or in part as a salon/shop shall not be
used for residential purposes, except that toilet facilities may be
used jointly for residential and business purposes;
(e) Meet the zoning requirements of the county, city, or town, as
appropriate;
(f) Provide for safe storage and labeling of chemicals used in the
practice of cosmetology;
(g) Meet all applicable local and state fire codes;
(h) Provide proof that the salon/shop is covered by a public
liability insurance policy in an amount not less than one hundred
thousand dollars for combined bodily injury and property damage
liability; and
(i) Other requirements which the director determines are necessary for safety and sanitation of salons/shops. The director may consult with the state board of health and the department of labor and industries in establishing minimum salon/shop safety requirements.

(2) A salon/shop shall post the notice to customers described in section 16 of this act.

(3) Upon receipt of a written complaint that a salon/shop has violated any provisions of this chapter or the rules adopted under this chapter, the director shall inspect the salon/shop. If the director determines that any salon/shop is not in compliance with this chapter, the director shall send written notice to the salon/shop. A salon/shop which fails to correct the conditions to the satisfaction of the director within a reasonable time shall, upon due notice, be subject to the penalties imposed by the director under RCW 18.16.210. The director may enter any salon/shop during business hours for the purpose of inspection. The director may contract with health authorities of local governments to conduct the inspections under this subsection.

(4) A salon/shop, including a salon/shop operated by a booth renter, shall obtain a certificate of registration from the department of revenue.

(5) This section does not prohibit the use of motor homes as mobile salon/shops if the motor home meets the health and safety standards of this section.

NEW SECTION. Sec. 16. The director shall prepare and provide to all licensed salons/shops a notice to consumers. At a minimum, the notice shall state that cosmetology, barber, esthetics, and manicure salons/shops are required to be licensed, that salons/shops are required to maintain minimum safety and sanitation standards, that customer complaints regarding salons/shops may be reported to the
department, and a telephone number and address where complaints may be made.

Sec. 17. RCW 50.04.225 and 1985 c 7 s 117 are each amended to read as follows:

The term "employment" does not include services performed in a barber shop or cosmetology shop by persons licensed under chapter 18.16 RCW if:

(1) The use of the shop facilities by the individual performing the services is contingent upon compensation to the shop owner; and

(2) The individual performing the services receives no compensation or other consideration from the owner for the services performed) the person is a booth renter as defined in RCW 18.16.020.

Sec. 18. RCW 51.12.020 and 1987 c 316 s 2 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.
(5) Sole proprietors or partners: PROVIDED, That after July 26, 1981, sole proprietors or partners who for the first time register under chapter 18.27 RCW or become licensed for the first time under chapter 19.28 RCW shall be included under the mandatory coverage provisions of this title subject to the provisions of RCW 51.32.030. These persons may elect to withdraw from coverage under RCW 51.12.115.

(6) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8) Any officer of a corporation elected and empowered in accordance with the articles of incorporation or bylaws of a corporation who at all times during the period involved is also a director and shareholder of the corporation. However, any corporation may elect to cover such officers who are in fact employees of the corporation in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a booth renter as defined in RCW 18.16.020. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

Sec. 19. RCW 82.04.360 and 1961 c 15 s 82.04.360 are each amended to read as follows:
(1) This chapter shall not apply to any person in respect to his or her employment in the capacity of an employee or servant as distinguished from that of an independent contractor.

(2) A booth renter, as defined by RCW 18.16.020, is an independent contractor for purposes of this chapter.

NEW SECTION. Sec. 20. It is a violation of this chapter for any person to engage in the commercial practice of cosmetology, barbering, esthetics, or manicuring, except in a licensed salon/shop or the home, office, or other location selected by the client for obtaining the services of a personal service operator, or with the appropriate individual license when delivering services to placebound clients. Placebound clients are defined as persons who are ill, disabled, or otherwise unable to travel to a salon/shop.

NEW SECTION. Sec. 21. Sections 8, 9, 15, 16, and 20 of this act are each added to chapter 18.16 RCW.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

*Sec. 23 was vetoed, see message at end of chapter.
NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) RCW 18.16.040 and 1984 c 208 s 17; and
(2) RCW 18.16.120 and 1984 c 208 s 18.

NEW SECTION. Sec. 25. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

Passed the House March 18, 1991.
Passed the Senate April 18, 1991.
Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.
Filed in Office of Secretary of State May 21, 1991.

Note: Governor’s explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 23, Engrossed Substitute House Bill No. 1136 entitled:

"AN ACT Relating to cosmetology."

Engrossed Substitute House Bill No. 1136 seeks to address certain inadequacies in current law and thereby protect consumers. Section 23 creates a July 1, 1991 effective date. The concerns addressed by this bill, however, are not so urgent as to warrant this provision. Further, the Department of Licensing has stated it will take between six months and one year to fully implement the bill. For this reason, I have vetoed this section.

With the exception of section 23, Engrossed Substitute House Bill No. 1136 is approved."