

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1136

52nd Legislature
1991 Regular Session

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

**Speaker of the
House of Representatives**

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

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

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.

Chief Clerk

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

By House Committee on Commerce & Labor (originally sponsored by Representatives Haugen, O'Brien, Wilson, Wineberry, Spanel, Prince, Valle, H. Myers, Heavey, Scott, Cole, Zellinsky, Wood, Paris, Orr, Jacobsen, Leonard and May).

Read first time February 18, 1991.

1 AN ACT Relating to cosmetology; amending RCW 18.16.020, 18.16.030,
2 18.16.050, 18.16.060, 18.16.090, 18.16.100, 18.16.110, 18.16.130,
3 18.16.140, 18.16.150, 18.16.160, 18.16.200, 50.04.225, 51.12.020, and
4 82.04.360; adding new sections to chapter 18.16 RCW; creating a new
5 section; repealing RCW 18.16.040 and 18.16.120; prescribing penalties;
6 providing an effective date; and declaring an emergency.

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

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

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

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

14 (2) "Director" means the director of the department of licensing or
15 the director's designee.

1 (3) "The practice of cosmetology" means the practice of
2 (~~manicuring, the practice of barbering~~) cutting, trimming, styling,
3 shampooing, (~~and the~~) permanent waving, chemical relaxing or
4 straightening, bleaching, or coloring of the hair of the face, neck,
5 and scalp and manicuring and esthetics.

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

9 (5) "The practice of barbering" means the cutting, trimming,
10 arranging, dressing, curling, waving and shampooing hair of the face,
11 neck and scalp.

12 (6) "Barber" means a person licensed under this chapter to engage
13 in the practice of barbering (~~and who has completed eight hundred~~
14 ~~hours of instruction at a school licensed under this chapter~~)).

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

22 (8) "Manicurist" means a person (~~who has successfully completed~~
23 ~~five hundred hours of instruction at a school licensed under this~~
24 ~~chapter and who is licensed pursuant to this chapter~~) licensed under
25 this chapter to engage in the practice of manicuring.

26 (9) "Practice of esthetics" means skin care of the face, neck, and
27 hands involving hot compresses, massage, or the use of approved
28 electrical appliances or nonabrasive chemical compounds formulated for
29 professional application only, and the temporary removal of superfluous

1 hair by means of lotions, creams, or mechanical or electrical apparatus
2 or appliance on another person.

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

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

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

12 ~~((10))~~ (13) "Student" means a person sixteen years of age or
13 older who is enrolled in a school licensed under this chapter and
14 receives any phase of cosmetology, barbering, ~~((or))~~ esthetics or
15 manicuring instruction with or without tuition, fee, or cost, and who
16 does not receive any wage or commission.

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

1 ~~meets the requirements for licensure as a cosmetologist))~~ -operator
2 with a cosmetology endorsement.

3 ~~((12))~~ (15) "Instructor-operator-barber" means a person who gives
4 instruction in the practice of barbering and instructor training in a
5 school, has the same qualifications as a barber, has completed at least
6 five hundred hours of instruction in teaching techniques and lesson
7 planning in a school, and has passed an examination prepared or
8 selected by the board and administered by the director. An applicant
9 who holds a degree in education from an accredited postsecondary
10 institution and who is otherwise qualified shall upon application be
11 licensed as an instructor-operator with a barber endorsement.

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

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

1 (18) "~~((Special)) Vocational student~~" is a person ~~((who has~~
2 ~~academically completed the eleventh grade of high school,))~~ who in
3 cooperation with any senior high, vocational technical institute,
4 community college, or prep school, attends a cosmetology school and
5 participates in its student course of instruction and has the same
6 rights and duties as a student as defined in this chapter. ~~((The~~
7 ~~school shall have relatively corresponding rights and responsibilities,~~
8 ~~and))~~ The person must have academically completed the eleventh grade
9 of high school. Every such ~~((special)) vocational student shall~~
10 receive credit for all creditable hours of the approved course of
11 instruction received in the school of cosmetology upon graduation from
12 high school. Hours shall be credited to a ~~((special)) vocational~~
13 student if the student graduates from an accredited high school or
14 receives a certificate of educational competence ~~((before applying to~~
15 take the cosmetologist, barber, or manicurist license examination)).

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

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

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

27 (22) "Crossover training" means training approved by the director
28 as training hours that may be credited to current licensees for similar
29 training received in another profession licensed under this chapter.

1 (23) "Approved security" means surety bond, savings assignment, or
2 irrevocable letter of credit.

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

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

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

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

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

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

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

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

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

26 (6) To conduct all disciplinary proceedings, impose sanctions, and
27 assess fines for violations of this chapter or any rules adopted under
28 it;

1 ~~((5))~~ (7) To prepare and administer or approve the preparation
2 and administration of licensing examinations;

3 ~~((6))~~ (8) To establish minimum safety and sanitation standards
4 for schools, cosmetologists, barbers, manicurists, estheticians, and
5 salons/shops;

6 ~~((7))~~ (9) To establish minimum instruction guidelines for the
7 training of students;

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

11 (9)) (10) To maintain the official department record of applicants
12 and licensees;

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

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

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

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

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

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

27 There is created a state cosmetology, barbering, esthetics, and
28 manicuring advisory board consisting of five members appointed by the
29 governor who shall advise the director concerning the administration of

1 this chapter. Four members of the board shall ~~((be barbers or~~
2 ~~cosmetologists who are licensed under this chapter and))~~ include a
3 minimum of two instructors with the balance made up of currently
4 practicing licensees who have been engaged in the practice of
5 manicuring, esthetics, barbering, or cosmetology for at least three
6 years ~~((or who have qualified under RCW 18.16.120(1)))~~. One member of
7 the board shall be a consumer who is unaffiliated with the cosmetology,
8 barbering, esthetics, or manicuring industry. The term of office for
9 board members is three years. ~~((The terms of the first board members,~~
10 ~~however, shall be staggered to ensure an orderly succession of new~~
11 ~~board members thereafter.))~~ Any board member may be removed for just
12 cause. The director may appoint a new member to fill any vacancy on
13 the committee for the remainder of the unexpired term. No board member
14 may serve more than two consecutive terms, whether full or partial.

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

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

21 ~~((It is a misdemeanor for))~~ (1) The director shall impose a fine of
22 one thousand dollars on any person ~~((to do))~~ who does any of the
23 following without first obtaining the license required by this chapter:

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

27 ~~((2))~~ (b) Instructs in a school; ~~((or~~

28 ~~(3))~~ (c) Operates a school; or

1 (d) Operates a salon/shop. Each booth renter shall be considered
2 to be operating an independent salon/shop and shall obtain a separate
3 salon/shop license.

4 (2) A person licensed as a cosmetology instructor-operator may
5 engage in the commercial practice of cosmetology without maintaining a
6 cosmetologist license. A person licensed as a barbering instructor-
7 operator may engage in the commercial practice of barbering without
8 maintaining a barber license. A person licensed as a manicuring
9 instructor-operator may engage in the commercial practice of manicuring
10 without maintaining a manicurist license. A person licensed as an
11 esthetician instructor-operator may engage in the commercial practice
12 of esthetics without maintaining an esthetician license.

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

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

24 ~~All examination papers completed by the applicant shall be kept on~~
25 ~~file by the director for a period of at least one year and shall be~~
26 ~~available for inspection by the applicant or the applicant's agent))~~
27 establish by rule the minimum passing score for all examinations and
28 the requirements for reexamination of applicants who fail the
29 examination or examinations.

1 The director shall take steps to ensure that after completion of
2 the required course, applicants may promptly take the examination and
3 receive the results of the examination.

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

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

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

9 ~~((2) Has completed a sixteen hundred hour course of training in~~
10 ~~cosmetology, an eight hundred hour course of training in barbering, or~~
11 ~~a five hundred hour course of training in manicuring. The required~~
12 ~~curriculum shall be determined by the director in consultation with the~~
13 ~~board))~~ (b) Has completed and graduated from a course approved by the
14 director of sixteen hundred hours of training in cosmetology, one
15 thousand hours of training in barbering, five hundred hours of training
16 in manicuring, five hundred hours of training in esthetics, and/or five
17 hundred hours of training as an instructor-trainee; and

18 ~~((3))~~ (c) Has received a passing grade on ((a)) the appropriate
19 licensing examination approved or administered by the director.

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

24 (3) Upon payment of the proper fee, the director shall issue a
25 salon/shop license to the operator of a salon/shop if the salon/shop
26 meets the other requirements of this chapter as demonstrated by
27 information submitted by the operator.

1 (4) The director may consult with the state board of health and the
2 department of labor and industries in establishing training and
3 examination requirements.

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

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

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

23 NEW SECTION. Sec. 8. (1) All licenses issued prior to January 1,
24 1992, shall remain in effect until renewal or January 1, 1993,
25 whichever is earlier.

26 (a) On or before renewal of each individual's license the licensee
27 will be allowed to designate the license to be issued. A licensed
28 cosmetologist may request licenses in cosmetology, barbering,

1 manicuring, and esthetics. A manicurist may request licenses in
2 manicuring and esthetics. An instructor may request endorsements in
3 cosmetology, barbering, manicuring, and esthetics.

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

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

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

16 (3) Schools must update their curricula to comply with this chapter
17 by July 1, 1992. No students may be enrolled in the programs under the
18 previous law if they cannot complete their training prior to January 1,
19 1993, to allow them to apply for examination under subsection (2) of
20 this section.

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

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

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

27 (c) Cosmetologist, barber, manicurist, and instructor licenses
28 expire two years from issuance.

1 (2) The director may provide for expiration dates other than those
2 set forth in subsection (1) of this section for the purpose of
3 establishing staggered renewal periods.

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

6 Any person who is properly licensed in any state, territory, or
7 possession of the United States, or foreign country shall be ~~((issued~~
8 ~~a license under this chapter without))~~ eligible for examination if the
9 applicant submits the approved application and fee and provides proof
10 to the director that he or she is currently licensed in good standing
11 as a cosmetologist, barber, manicurist, esthetician, instructor, or the
12 equivalent in that jurisdiction ((and has completed a course of
13 training equivalent to that required under this chapter)). Upon
14 passage of the required examinations the appropriate license will be
15 issued.

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

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

21 ~~((1))~~ (a) The names and addresses of all owners, managers, and
22 instructors;

23 ~~((2) Proof that))~~ (b) A copy of the school's curriculum
24 ~~((satisfies))~~ satisfying the training guidelines established by the
25 director;

26 ~~((3) The catalogs, brochures, and contract forms the school~~
27 ~~proposes to use;~~

1 ~~(4)~~) (c) A sample copy of the school's catalog, brochure,
2 enrollment contract, and cancellation and refund policies that will be
3 used or distributed by the school to students and the public;

4 ~~((5))~~ (d) A description and floor plan of the school's physical
5 equipment and facilities;

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

17 Upon ~~((proper))~~ approval of the application and ~~((payment of fees))~~
18 documents, the director shall issue a license to operate a school with
19 the appropriate certification or certifications.

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

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

27 **Sec. 12.** RCW 18.16.150 and 1984 c 208 s 8 are each amended to read
28 as follows:

1 From time to time as deemed necessary by the director, ~~((all))~~
2 schools ~~((shall be surveyed))~~ may be audited for compliance with this
3 chapter. If the director determines that ~~((any))~~ a licensed school is
4 not maintaining the standards required according to this chapter,
5 written notice thereof~~((, in writing,))~~ shall be given to the school.
6 A school which fails to correct these conditions to the satisfaction of
7 the director within a reasonable time shall~~((, upon due notice to the~~
8 ~~school,))~~ be subject to penalties imposed ~~((by the director))~~ under RCW
9 18.16.210.

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

12 In addition to any other legal remedy, any student or instructor-
13 trainee having a claim against a school may bring suit upon the
14 ~~((surety bond))~~ approved security required in RCW ~~((18.16.140(6))~~
15 18.16.140(1)(e) in the superior or district court of Thurston county or
16 the county in which the educational services were offered by the
17 school. Action upon the ~~((bond))~~ approved security shall be commenced
18 by filing the complaint with the clerk of the appropriate superior or
19 district court within one year from the date of the cancellation of the
20 ~~((bond))~~ approved security: PROVIDED, That no action shall be
21 maintained upon the ~~((bond))~~ approved security for any claim which has
22 been barred by any nonclaim statute or statute of limitations of this
23 state. Service of process in an action upon the ~~((bond))~~ approved
24 security shall be exclusively by service upon the director. Two copies
25 of the complaint shall be served by registered or certified mail upon
26 the director at the time the suit is started. Such service shall
27 constitute service on the ~~((surety))~~ approved security and the school.
28 The director shall transmit the complaint or a copy thereof to the
29 school at the address listed in the director's records and to the

1 surety within forty-eight hours after it has been received. The
2 (~~surety~~) approved security shall not be liable in an aggregate amount
3 in excess of the amount named in the (~~bond~~) approved security. In
4 any action on (~~a bond~~) an approved security, the prevailing party is
5 entitled to reasonable attorney's fees and costs.

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

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

11 Any applicant or licensee under this chapter may be subject to
12 disciplinary action by the director if the licensee or applicant:

13 (1) Has been found guilty of a crime related to the practice of
14 cosmetology, barbering, (~~or~~) esthetics, manicuring, or instructing;

15 (2) Has made a material misstatement or omission in connection with
16 an original application or renewal;

17 (3) Has engaged in false or misleading advertising;

18 (4) Has performed services in an unsafe or unsanitary manner;
19 (~~or~~)

20 (5) Has aided and abetted unlicensed activity;

21 (6) Has engaged in the commercial practice of cosmetology,
22 barbering, manicuring, esthetics, or instructed in or operated a school
23 without first obtaining the license required by this chapter;

24 (7) Has engaged in the commercial practice of cosmetology in a
25 school;

26 (8) Has not provided a safe, sanitary, and good moral environment
27 for students and public;

28 (9) Has not provided records as required by this chapter;

1 (10) Has not cooperated with the department in supplying records or
2 assisting in an investigation or disciplinary procedure; or

3 (11) Has violated any provision of this chapter or any rule adopted
4 under it.

5 NEW SECTION. Sec. 15. (1) A salon/shop shall meet the
6 following minimum requirements:

7 (a) Maintain an outside entrance separate from any rooms used for
8 sleeping or residential purposes;

9 (b) Provide and maintain for the use of its customers adequate
10 toilet facilities located within or adjacent to the salon/shop;

11 (c) Be operated under the direct supervision of a licensed
12 cosmetologist except that a salon/shop that is limited to barbering may
13 be directly supervised by a barber, a salon/shop that is limited to
14 manicuring may be directly supervised by a manicurist, and a salon/shop
15 that is limited to esthetics may be directly supervised by an
16 esthetician;

17 (d) Any room used wholly or in part as a salon/shop shall not be
18 used for residential purposes, except that toilet facilities may be
19 used jointly for residential and business purposes;

20 (e) Meet the zoning requirements of the county, city, or town, as
21 appropriate;

22 (f) Provide for safe storage and labeling of chemicals used in the
23 practice of cosmetology;

24 (g) Meet all applicable local and state fire codes;

25 (h) Provide proof that the salon/shop is covered by a public
26 liability insurance policy in an amount not less than one hundred
27 thousand dollars for combined bodily injury and property damage
28 liability; and

1 (i) Other requirements which the director determines are necessary
2 for safety and sanitation of salons/shops. The director may consult
3 with the state board of health and the department of labor and
4 industries in establishing minimum salon/shop safety requirements.

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

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

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

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

24 NEW SECTION. **Sec. 16.** The director shall prepare and provide
25 to all licensed salons/shops a notice to consumers. At a minimum, the
26 notice shall state that cosmetology, barber, esthetics, and manicure
27 salons/shops are required to be licensed, that salons/shops are
28 required to maintain minimum safety and sanitation standards, that
29 customer complaints regarding salons/shops may be reported to the

1 department, and a telephone number and address where complaints may be
2 made.

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

5 The term "employment" does not include services performed in a
6 barber shop or cosmetology shop by persons licensed under chapter 18.16
7 RCW if((÷

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

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

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

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

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

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

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

26 (4) Any person performing services in return for aid or sustenance
27 only, received from any religious or charitable organization.

1 (5) Sole proprietors or partners: PROVIDED, That after July 26,
2 1981, sole proprietors or partners who for the first time register
3 under chapter 18.27 RCW or become licensed for the first time under
4 chapter 19.28 RCW shall be included under the mandatory coverage
5 provisions of this title subject to the provisions of RCW 51.32.030.
6 These persons may elect to withdraw from coverage under RCW 51.12.115.

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

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

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

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

25 (10) Services performed by a booth renter as defined in RCW
26 18.16.020. However, a person exempted under this subsection may elect
27 coverage under RCW 51.32.030.

28 **Sec. 19.** RCW 82.04.360 and 1961 c 15 s 82.04.360 are each amended
29 to read as follows:

1 (1) This chapter shall not apply to any person in respect to his or
2 her employment in the capacity of an employee or servant as
3 distinguished from that of an independent contractor.

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

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

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

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

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

24 NEW SECTION. Sec. 24. The following acts or parts of acts are
25 each repealed:

1 (1) RCW 18.16.040 and 1984 c 208 s 17; and

2 (2) RCW 18.16.120 and 1984 c 208 s 18.

3 NEW SECTION. **Sec. 25.** If specific funding for the purposes of
4 this act, referencing this act by bill number, is not provided by June
5 30, 1991, in the omnibus appropriations act, this act shall be null and
6 void.