

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2427

60th Legislature
2008 Regular Session

Passed by the House February 13, 2008
Yeas 93 Nays 1

Speaker of the House of Representatives

Passed by the Senate March 4, 2008
Yeas 48 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2427** 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**

SUBSTITUTE HOUSE BILL 2427

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House Commerce & Labor (originally sponsored by Representatives Kenney, Hankins, Dickerson, Conway, Ormsby, Pettigrew, Santos, Fromhold, Haler, Sullivan, Schual-Berke, Moeller, McCoy, Quall, Darneille, Morris, Williams, Skinner, Flannigan, Bailey, Kelley, Hunt, Campbell, Grant, Morrell, Chase, Barlow, and Green)

READ FIRST TIME 01/28/08.

1 AN ACT Relating to the cosmetology apprenticeship program; amending
2 RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.100, 18.16.180,
3 and 18.16.280; and reenacting and amending RCW 18.16.175.

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

5 **Sec. 1.** RCW 18.16.020 and 2003 c 400 s 2 are each amended to read
6 as follows:

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

9 (1) "Apprenticeship program" means ~~((an))~~ a state-approved
10 apprenticeship ~~((pilot))~~ program pursuant to chapter 49.04 RCW and
11 approved under RCW 18.16.280 for the ~~((practice))~~ training of
12 cosmetology, barbering, esthetics, and manicuring ~~((, which expires July~~
13 ~~1, 2006))~~.

14 (2) "Apprentice" means a person who is engaged in a state-approved
15 apprenticeship program and who ~~((may))~~ must receive a wage or
16 compensation while engaged in the program.

17 (3) "Apprenticeship training committee" means a committee approved
18 by the Washington apprenticeship and training council established in
19 chapter 49.04 RCW.

1 (4) "Department" means the department of licensing.
2 ~~((4))~~ (5) "Board" means the cosmetology, barbering, esthetics,
3 and manicuring advisory board.
4 ~~((5))~~ (6) "Director" means the director of the department of
5 licensing or the director's designee.
6 ~~((6))~~ (7) "The practice of cosmetology" means arranging,
7 dressing, cutting, trimming, styling, shampooing, permanent waving,
8 chemical relaxing, straightening, curling, bleaching, lightening,
9 coloring, waxing, tweezing, shaving, and mustache and beard design of
10 the hair of the face, neck, and scalp; temporary removal of superfluous
11 hair by use of depilatories, waxing, or tweezing; manicuring and
12 pedicuring, limited to cleaning, shaping, polishing, decorating, and
13 caring for and treatment of the cuticles and nails of the hands and
14 feet, excluding the application and removal of sculptured or otherwise
15 artificial nails; esthetics limited to toning the skin of the scalp,
16 stimulating the skin of the body by the use of preparations, tonics,
17 lotions, or creams; and tinting eyelashes and eyebrows.
18 ~~((7))~~ (8) "Cosmetologist" means a person licensed under this
19 chapter to engage in the practice of cosmetology.
20 ~~((8))~~ (9) "The practice of barbering" means the cutting,
21 trimming, arranging, dressing, curling, shampooing, shaving, and
22 mustache and beard design of the hair of the face, neck, and scalp.
23 ~~((9))~~ (10) "Barber" means a person licensed under this chapter to
24 engage in the practice of barbering.
25 ~~((10))~~ (11) "Practice of manicuring" means the cleaning, shaping,
26 polishing, decorating, and caring for and treatment of the cuticles and
27 the nails of the hands or feet, and the application and removal of
28 sculptured or otherwise artificial nails by hand or with mechanical or
29 electrical apparatus or appliances.
30 ~~((11))~~ (12) "Manicurist" means a person licensed under this
31 chapter to engage in the practice of manicuring.
32 ~~((12))~~ (13) "Practice of esthetics" means care of the skin by
33 application and use of preparations, antiseptics, tonics, essential
34 oils, or exfoliants, or by any device or equipment, electrical or
35 otherwise, or by wraps, compresses, cleansing, conditioning,
36 stimulation, pore extraction, or product application and removal; the
37 temporary removal of superfluous hair by means of lotions, creams,

1 mechanical or electrical apparatus, appliance, waxing, tweezing, or
2 depilatories; tinting of eyelashes and eyebrows; and lightening the
3 hair, except the scalp, on another person.

4 ~~((13))~~ (14) "Esthetician" means a person licensed under this
5 chapter to engage in the practice of esthetics.

6 ~~((14))~~ (15) "Instructor-trainee" means a person who is currently
7 licensed in this state as a cosmetologist, barber, manicurist, or
8 esthetician, and is enrolled in an instructor-trainee curriculum in a
9 school licensed under this chapter.

10 ~~((15))~~ (16) "School" means any establishment that offers
11 curriculum of instruction in the practice of cosmetology, barbering,
12 esthetics, manicuring, or instructor-trainee to students and is
13 licensed under this chapter.

14 ~~((16))~~ (17) "Student" means a person sixteen years of age or
15 older who is enrolled in a school licensed under this chapter and
16 receives instruction in any of the curricula of cosmetology, barbering,
17 esthetics, manicuring, or instructor-training with or without tuition,
18 fee, or cost, and who does not receive any wage or commission.

19 ~~((17))~~ (18) "Instructor" means a person who gives instruction in
20 a school, or who provides classroom theory training to apprentices in
21 locations other than in a school, in a curriculum in which he or she
22 holds a license under this chapter, has completed at least five hundred
23 hours of instruction in teaching techniques and lesson planning in a
24 school, and has passed a licensing examination approved or administered
25 by the director. An applicant who holds a degree in education from an
26 accredited postsecondary institution shall upon application be licensed
27 as an instructor to give instruction in a school, or to provide
28 classroom theory training to apprentices in locations other than in a
29 school, in a curriculum in which he or she holds a license under this
30 chapter. An applicant who holds an instructional credential from an
31 accredited community or technical college and who has passed a
32 licensing examination approved or administered by the director shall
33 upon application be licensed as an instructor to give instruction in a
34 school, or to provide classroom theory training to apprentices in
35 locations other than in a school, in a curriculum in which he or she
36 holds a license under this chapter. To be approved as an "instructor"
37 in an approved apprenticeship program, the instructor must be a

1 competent instructor as defined in rules adopted under chapter 49.04
2 RCW.

3 ~~((+18+))~~ (19) "Apprentice trainer" means a person who gives
4 training to an apprentice in an approved apprenticeship program and who
5 is approved under RCW 18.16.280.

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

9 ~~((+19+))~~ (21) "Salon/shop" means any building, structure, or any
10 part thereof, other than a school, where the commercial practice of
11 cosmetology, barbering, esthetics, or manicuring is conducted; provided
12 that any person, except employees of a salon/shop, who operates from a
13 salon/shop is required to meet all salon/shop licensing requirements
14 and may participate in the apprenticeship program when certified (~~by~~
15 ~~the advisory committee~~) as established by the (~~department of labor~~
16 ~~and industries~~) Washington state apprenticeship and training council
17 established in chapter 49.04 RCW.

18 ~~((+20+))~~ (22) "Approved apprenticeship shop" means a salon/shop
19 that has been approved under RCW 18.16.280 and chapter 49.04 RCW to
20 participate in an apprenticeship program.

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

24 ~~((+21+))~~ (24) "Approved security" means surety bond.

25 ~~((+22+))~~ (25) "Personal services" means a location licensed under
26 this chapter where the practice of cosmetology, barbering, manicuring,
27 or esthetics is performed for clients in the client's home, office, or
28 other location that is convenient for the client.

29 ~~((+23+))~~ (26) "Individual license" means a cosmetology, barber,
30 manicurist, esthetician, or instructor license issued under this
31 chapter.

32 ~~((+24+))~~ (27) "Location license" means a license issued under this
33 chapter for a salon/shop, school, personal services, or mobile unit.

34 ~~((+25+))~~ (28) "Mobile unit" is a location license under this
35 chapter where the practice of cosmetology, barbering, esthetics, or
36 manicuring is conducted in a mobile structure. Mobile units must
37 conform to the health and safety standards set by rule under this
38 chapter.

1 ~~((26))~~ (29) "Curriculum" means the courses of study taught at a
2 school, or in an approved apprenticeship program established by the
3 Washington state apprenticeship and training council and conducted in
4 an approved salon/shop, set by rule under this chapter, and approved by
5 the department. After consulting with the board, the director may set
6 by rule a percentage of hours in a curriculum, up to a maximum of ten
7 percent, that could include hours a student receives while training in
8 a salon/shop under a contract approved by the department. Each
9 curriculum must include at least the following required hours:

10 (a) School curriculum:

11 (i) Cosmetologist, one thousand six hundred hours;

12 ~~((b))~~ (ii) Barber, one thousand hours;

13 ~~((c))~~ (iii) Manicurist, six hundred hours;

14 ~~((d))~~ (iv) Esthetician, six hundred hours;

15 ~~((e))~~ (v) Instructor-trainee, five hundred hours.

16 ~~((27))~~ (b) Apprentice training curriculum:

17 (i) Cosmetologist, two thousand hours;

18 (ii) Barber, one thousand two hundred hours;

19 (iii) Manicurist, eight hundred hours;

20 (iv) Esthetician, eight hundred hours.

21 (30) "Student monthly report" means the student record of daily
22 activities and the number of hours completed in each course of a
23 curriculum that is prepared monthly by the school and provided to the
24 student, audited annually by the department, and kept on file by the
25 school for three years.

26 (31) "Apprentice monthly report" means the apprentice record of
27 daily activities and the number of hours completed in each course of a
28 curriculum that is prepared monthly by the approved apprenticeship
29 program and provided to the apprentice, audited annually by the
30 department, and kept on file by the approved apprenticeship program for
31 three years.

32 **Sec. 2.** RCW 18.16.030 and 2004 c 51 s 7 are each amended to read
33 as follows:

34 In addition to any other duties imposed by law, including RCW
35 18.235.030 and 18.235.040, the director shall have the following powers
36 and duties:

- 1 (1) To set all license, examination, and renewal fees in accordance
2 with RCW 43.24.086;
- 3 (2) To adopt rules necessary to implement this chapter;
- 4 (3) To prepare and administer or approve the preparation and
5 administration of licensing examinations;
- 6 (4) To establish minimum safety and sanitation standards for
7 schools, instructors, cosmetologists, barbers, manicurists,
8 estheticians, salons/shops, personal services, and mobile units;
- 9 (5) To establish curricula for the training of students and
10 apprentices under this chapter;
- 11 (6) To maintain the official department record of applicants and
12 licensees;
- 13 (7) To establish by rule the procedures for an appeal of an
14 examination failure;
- 15 (8) To set license expiration dates and renewal periods for all
16 licenses consistent with this chapter;
- 17 (9) To ensure that all informational notices produced and mailed by
18 the department regarding statutory and regulatory changes affecting any
19 particular class of licensees are mailed to each licensee in good
20 standing or on inactive status in the affected class whose mailing
21 address on record with the department has not resulted in mail being
22 returned as undeliverable for any reason; and
- 23 (10) To make information available to the department of revenue to
24 assist in collecting taxes from persons required to be licensed under
25 this chapter.

26 **Sec. 3.** RCW 18.16.050 and 2002 c 111 s 4 are each amended to read
27 as follows:

- 28 (1) There is created a state cosmetology, barbering, esthetics, and
29 manicuring advisory board consisting of (~~nine~~) a maximum of ten
30 members appointed by the director. These members of the board shall
31 include: A representative of private schools licensed under this
32 chapter; a representative from an approved apprenticeship program
33 conducted in an approved salon/shop; a representative of public
34 vocational technical schools licensed under this chapter; a consumer
35 who is unaffiliated with the cosmetology, barbering, esthetics, or
36 manicuring industry; and six members who are currently practicing
37 licensees who have been engaged in the practice of manicuring,

1 esthetics, barbering, or cosmetology for at least three years. Members
2 shall serve a term of three years. Any board member may be removed for
3 just cause. The director may appoint a new member to fill any vacancy
4 on the board for the remainder of the unexpired term.

5 (2) Board members shall be entitled to compensation pursuant to RCW
6 43.03.240 for each day spent conducting official business and to
7 reimbursement for travel expenses as provided by RCW 43.03.050 and
8 43.03.060.

9 (3) The board may seek the advice and input of officials from the
10 following state agencies: (a) The work force training and education
11 coordinating board; (b) the department of employment security; (c) the
12 department of labor and industries; (d) the department of health; (e)
13 the department of licensing; and (f) the department of revenue.

14 **Sec. 4.** RCW 18.16.060 and 2004 c 51 s 1 are each amended to read
15 as follows:

16 (1) It is unlawful for any person to engage in a practice listed in
17 subsection (2) of this section unless the person has a license in good
18 standing as required by this chapter. A license issued under this
19 chapter shall be considered to be "in good standing" except when:

20 (a) The license has expired or has been canceled and has not been
21 renewed in accordance with RCW 18.16.110;

22 (b) The license has been denied, revoked, or suspended under RCW
23 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated;

24 (c) The license is held by a person who has not fully complied with
25 an order of the director issued under RCW 18.16.210 requiring the
26 licensee to pay restitution or a fine, or to acquire additional
27 training; or

28 (d) The license has been placed on inactive status at the request
29 of the licensee, and has not been reinstated in accordance with RCW
30 18.16.110(3).

31 (2) The director may take action under RCW 18.235.150 and
32 18.235.160 against any person who does any of the following without
33 first obtaining, and maintaining in good standing, the license required
34 by this chapter:

35 (a) Except as provided in subsections (3) and (4) of this section,
36 engages in the commercial practice of cosmetology, barbering,
37 esthetics, or manicuring;

1 (b) Instructs in a school;

2 (c) Operates a school; or

3 (d) Operates a salon/shop, personal services, or mobile unit.

4 (3) A person who receives a license as an instructor may engage in
5 the commercial practice for which he or she held a license when
6 applying for the instructor license without also renewing the
7 previously held license. However, a person licensed as an instructor
8 whose license to engage in a commercial practice is not or at any time
9 was not renewed may not engage in the commercial practice previously
10 permitted under that license unless that person renews the previously
11 held license.

12 (4) An apprentice actively enrolled in an apprenticeship program
13 for cosmetology, barbering, esthetics, or manicuring may engage in the
14 commercial practice as required for the apprenticeship program.

15 **Sec. 5.** RCW 18.16.100 and 2003 c 400 s 5 are each amended to read
16 as follows:

17 (1) Upon completion of an application approved by the department
18 and payment of the proper fee, the director shall issue the appropriate
19 license to any person who:

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

21 (b)(i) Has completed and graduated from a school licensed under
22 this chapter in a curriculum approved by the director (~~(of sixteen~~
23 ~~hundred hours of training in cosmetology, one thousand hours of~~
24 ~~training in barbering, six hundred hours of training in manicuring, six~~
25 ~~hundred hours of training in esthetics, and/or five hundred hours of~~
26 ~~training as an instructor-trainee)) consisting of the hours of training
27 required under this chapter for a school curriculum, or has met the
28 requirements in RCW 18.16.020 or 18.16.130; or~~

29 (ii) Has successfully completed a state-approved apprenticeship
30 (~~(training))~~ program consisting of the hours of training required under
31 this chapter for the apprentice training curriculum; and

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

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

1 (3) Upon completion of an application approved by the department,
2 certification of insurance, and payment of the proper fee, the director
3 shall issue a location license to the applicant.

4 (4) The director may consult with the state board of health and the
5 department of labor and industries in establishing training,
6 apprenticeship, and examination requirements.

7 **Sec. 6.** RCW 18.16.175 and 2002 c 111 s 11 and 2002 c 86 s 216 are
8 each reenacted and amended to read as follows:

9 (1) A salon/shop or mobile unit shall meet the following minimum
10 requirements:

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

13 (b) Provide and maintain for the use of its customers adequate
14 toilet facilities located within or adjacent to the salon/shop or
15 mobile unit;

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

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

22 (e) Provide for safe storage and labeling of chemicals used in the
23 practices under this chapter;

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

25 (g) Certify that the salon/shop or mobile unit is covered by a
26 public liability insurance policy in an amount not less than one
27 hundred thousand dollars for combined bodily injury and property damage
28 liability.

29 (2) The director may by rule determine other requirements that are
30 necessary for safety and sanitation of salons/shops, personal services,
31 or mobile units. The director may consult with the state board of
32 health and the department of labor and industries in establishing
33 minimum salon/shop, personal services, and mobile unit safety
34 requirements.

35 (3) Personal services license holders shall certify coverage of a
36 public liability insurance policy in an amount not less than one

1 hundred thousand dollars for combined bodily injury and property damage
2 liability.

3 (4) Upon receipt of a written complaint that a salon/shop or mobile
4 unit has violated any provisions of this chapter, chapter 18.235 RCW,
5 or the rules adopted under either chapter, or at least once every two
6 years for an existing salon/shop or mobile unit, the director or the
7 director's designee shall inspect each salon/shop or mobile unit. If
8 the director determines that any salon/shop or mobile unit is not in
9 compliance with this chapter, the director shall send written notice to
10 the salon/shop or mobile unit. A salon/shop or mobile unit which fails
11 to correct the conditions to the satisfaction of the director within a
12 reasonable time shall, upon due notice, be subject to the penalties
13 imposed by the director under RCW 18.235.110. The director may enter
14 any salon/shop or mobile unit during business hours for the purpose of
15 inspection. The director may contract with health authorities of local
16 governments to conduct the inspections under this subsection.

17 (5) A salon/shop, personal services, or mobile unit shall obtain a
18 certificate of registration from the department of revenue.

19 (6) This section does not prohibit the use of motor homes as mobile
20 units if the motor home meets the health and safety standards of this
21 section.

22 (7) Salon/shop or mobile unit licenses issued by the department
23 must be posted in the salon/shop or mobile unit's reception area.

24 (8) Cosmetology, barbering, esthetics, and manicuring licenses
25 issued by the department must be posted at the licensed person's work
26 station.

27 **Sec. 7.** RCW 18.16.180 and 1991 c 324 s 16 are each amended to read
28 as follows:

29 (1) The director shall prepare and provide to all licensed
30 salons/shops a notice to consumers. At a minimum, the notice shall
31 state that cosmetology, barber, esthetics, and manicure salons/shops
32 are required to be licensed, that salons/shops are required to maintain
33 minimum safety and sanitation standards, that customer complaints
34 regarding salons/shops may be reported to the department, and a
35 telephone number and address where complaints may be made.

36 (2) An approved apprenticeship shop must post a notice to consumers
37 in the reception area of the salon/shop stating that services may be

1 provided by an apprentice. At a minimum, the notice must state: "This
2 shop is a participant in a state-approved apprenticeship program.
3 Apprentices in this program are in training and have not yet received
4 a license."

5 **Sec. 8.** RCW 18.16.280 and 2006 c 162 s 2 are each amended to read
6 as follows:

7 ~~((A cosmetology apprenticeship pilot program is hereby created.~~

8 ~~(1) An advisory committee is created that may consist of~~
9 ~~representatives from individuals and businesses licensed under chapter~~
10 ~~18.16 RCW; cosmetology, barbering, esthetics, and manicuring advisory~~
11 ~~board members; department of labor and industries; department of~~
12 ~~licensing; United States department of labor apprenticeship; and other~~
13 ~~interested parties.~~

14 ~~(a) The advisory committee shall meet to review progress of the~~
15 ~~cosmetology apprenticeship pilot program.~~

16 ~~(b) The department of labor and industries apprenticeship council~~
17 ~~shall coordinate the activities of the advisory committee. The~~
18 ~~advisory committee shall issue annual reports on the progress of the~~
19 ~~apprenticeship program to interested parties and shall issue a final~~
20 ~~report regarding the outcome of the apprenticeship program to be~~
21 ~~presented to the appropriate committees of the house of representatives~~
22 ~~and senate by December 31, 2005. The advisory committee shall submit~~
23 ~~an updated report, including an evaluation of the effectiveness of the~~
24 ~~apprenticeship program, to the appropriate committees of the house of~~
25 ~~representatives and senate by December 31, 2007.~~

26 ~~(2) Up to twenty salons approved by the department of labor and~~
27 ~~industries apprenticeship council may participate in the apprenticeship~~
28 ~~program. The participating salons shall proportionately represent the~~
29 ~~geographic diversity of Washington state, including rural and urban~~
30 ~~areas, and salons located in both eastern and western Washington.~~

31 ~~(3))~~ (1) An approved cosmetology apprenticeship program is hereby
32 created. The apprenticeship program allows for the direct entry of
33 individuals into a training program approved as provided in this
34 chapter and chapter 49.04 RCW.

35 (2) The department of licensing shall adopt rules, including a
36 mandatory requirement that apprentices complete in-classroom theory

1 courses as a part of their training, to provide for the licensure of
2 participants of the apprenticeship program.

3 ~~((4) The cosmetology apprenticeship pilot program expires July 1,~~
4 ~~2008.))~~ (3) Apprenticeship salon/shops participating in the
5 apprenticeship program must:

6 (a) Be approved as an approved apprenticeship program conducted in
7 an approved salon/shop by the Washington state apprenticeship and
8 training council in accordance with chapter 49.04 RCW; and

9 (b) Provide the department with the names of all individuals acting
10 as apprentice trainers.

11 (4) To act as an apprentice trainer, an individual must be approved
12 by the department. To be approved, the trainer must hold a current
13 license in the practice for which he or she is providing training and
14 must have held that license for a minimum of three consecutive years.

15 (5) If an approved apprenticeship program or apprenticeship shop
16 implements changes affecting the information required to be provided to
17 the department under this section or rules adopted under this section,
18 the revised information must be submitted to the department before
19 implementing the changes.

20 (6) The director or the director's designee shall audit and inspect
21 approved apprenticeship shops for compliance with this chapter at least
22 annually. If the director determines that an approved apprenticeship
23 shop is not maintaining the standards required by this chapter, written
24 notice thereof must be given to the approved apprenticeship program and
25 apprenticeship shop. An approved apprenticeship shop that fails to
26 correct the conditions listed in the notice to the satisfaction of the
27 director within a reasonable time may be subject to penalties imposed
28 under RCW 18.235.110.

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