

FINAL BILL REPORT

ESHB 1136

PARTIAL VETO

C 324 L 91

Synopsis As Enacted

Brief Description: Revising provisions regulating cosmetology.

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).

House Committee on Commerce & Labor
House Committee on Revenue
Senate Committee on Commerce & Labor
Senate Committee on Ways & Means

Background:

Licensing: Cosmetologists, barbers, and manicurists provide for the care of hair, skin, and nails. Individuals performing cosmetology, barbering, and manicuring activities must be licensed by the Department of Licensing.

Training requirements: Cosmetologists, barbers and manicurists must complete a specified number of hours of schooling and must pass an examination in order to be licensed. The schooling requirements are: 1,600 hours for cosmetologists; 800 hours for barbers; and 500 hours for manicurists.

Salon/shops: Salon/shops and booth renters are not regulated by the State. Regulation of shop owners was eliminated by the Legislature in 1984.

Licenses and renewals: All licenses are valid for one year.

Out-of-state applicants: A person who is licensed as a cosmetologist, barber, manicurist, or the equivalent in another jurisdiction may receive a Washington cosmetologist license if he or she has completed a course of training equivalent to that required by Washington law. There is no provision dealing with the transfer of an out-of-state cosmetology instructor's license.

Bonding: Schools are required to post a surety bond of \$1,000 or 5 percent of the annual gross tuition collected, whichever is more.

Disciplinary authority: The director's disciplinary authority does not include subpoena power, nor does it include the power to impose penalties for unlicensed practice.

Booth renters: Some shop owners rent a portion or all of their booths to individual licensees. Booth renters are not licensed as such, and it is not always clear whether the booth renter or shop owner is required to pay for industrial insurance or business and occupation taxes.

Summary:

Licensing: Separate licensing of cosmetologists, barbers, manicurists, estheticians and instructor-operators is established. Instructor-operators may instruct and practice in the areas in which they are licensed.

Training requirements: The schooling requirements for licensees are: 1,600 hours for cosmetologists; 1,000 hours for barbers; 500 hours for manicurists; 500 hours for estheticians; and 500 hours for instructor-trainees. The department may consult with the State Board of Health and the Department of Labor and Industries in developing the examination and training requirements.

Salon/shops: Salon/shop operators and booth renters are required to obtain a license. Minimum safety and sanitation standards are set for these establishments. The department may consult with the Board of Health and the Department of Labor and Industries regarding minimum salon/shop safety requirements. Mobile operators and personal service operators, who perform the services at the client's home, office, or other convenient location may receive a license. Mobile operators are subject to the same safety and sanitation requirements as are the salon/shops. The director must inspect a salon/shop upon receipt of a written complaint that the salon/shop has violated any provision of this chapter.

Licenses and renewals: Salon/shop licenses and instructor licenses are valid for one year. Cosmetologist, barber, manicurist, esthetician and instructor licenses are valid for two years. A person with a lapsed license may renew that license upon payment of a penalty and all fees for up to four years.

Out-of-state applicants: Out-of-state applicants may obtain a Washington state license by passing the state examination. A person is eligible to sit for the examination if he or she is currently licensed in good standing in another jurisdiction.

Bonding: Schools must maintain an approved security of at least \$10,000 or 10 percent of the annual gross tuition collected, whichever is more. "Approved security" is defined as a surety bond, savings assignment, or irrevocable letter of credit.

Disciplinary authority: The disciplinary authority of the director of licensing is expanded to include subpoena power and the power to assess fines for unlicensed practice, aiding and abetting unlicensed practice, non-cooperation with the department in an investigation and not providing a safe and sanitary environment for students or the public.

Booth renters: Booth renters are deemed to be independent contractors for purposes of unemployment insurance, industrial insurance and business and occupations taxes.

Appropriation: Start up money will be appropriated from the general fund to be repaid by fees. The bill is null and void if specific funding is not appropriated in the omnibus appropriations act.

Other housekeeping changes are made.

Votes on Final Passage:

House	72	26	
Senate	35	9	(Senate amended)
House	84	10	(House concurred)

Effective: July 1, 1991

Partial Veto Summary: The section declaring an emergency and establishing an effective date of July 1, 1991 is vetoed. (See VETO MESSAGE)