
SUBSTITUTE HOUSE BILL 1136

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; repealing RCW
5 18.16.040 and 18.16.120; prescribing penalties; making an
6 appropriation; 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 or structure, or any part
25 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 **Sec. 2.** RCW 18.16.030 and 1984 c 208 s 7 are each amended to read
4 as follows:

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

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

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

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

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

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

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

22 ~~((+5))~~ (7) To prepare and administer or approve the preparation
23 and administration of licensing examinations;

24 ~~((+6))~~ (8) To establish minimum safety and sanitation standards
25 for schools, cosmetologists, barbers, manicurists, estheticians, and
26 salons/shops;

27 ~~((+7))~~ (9) To establish minimum instruction guidelines for the
28 training of students;

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

4 ~~(9))~~ (10) To maintain the official department record of applicants
5 and licensees;

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

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

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

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

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

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

20 There is created a state cosmetology, barbering, esthetics, and
21 manicuring advisory board consisting of five members appointed by the
22 governor who shall advise the director concerning the administration of
23 this chapter. Four members of the board shall ~~((be barbers or~~
24 ~~cosmetologists who are licensed under this chapter and))~~ include a
25 minimum of two instructors with the balance made up of currently
26 practicing licensees who have been engaged in the practice of
27 manicuring, esthetics, barbering, or cosmetology for at least three
28 years ~~((or who have qualified under RCW 18.16.120(1)))~~. One member of
29 the board shall be a consumer who is unaffiliated with the cosmetology,

1 barbering, esthetics, or manicuring industry. The term of office for
2 board members is three years. (~~The terms of the first board members,~~
3 ~~however, shall be staggered to ensure an orderly succession of new~~
4 ~~board members thereafter.~~) Any board member may be removed for just
5 cause. The director may appoint a new member to fill any vacancy on
6 the committee for the remainder of the unexpired term. No board member
7 may serve more than two consecutive terms, whether full or partial.

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

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

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

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

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

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

22 (d) Operates a salon/shop. Each booth renter shall be considered
23 to be operating an independent salon/shop and shall obtain a separate
24 salon/shop license.

25 (2) A person licensed as a cosmetology instructor-operator may
26 engage in the commercial practice of cosmetology without maintaining a
27 cosmetologist license. A person licensed as a barbering instructor-
28 operator may engage in the commercial practice of barbering without
29 maintaining a barber license. A person licensed as a manicuring

1 instructor-operator may engage in the commercial practice of manicuring
2 without maintaining a manicurist license. A person licensed as an
3 esthetician instructor-operator may engage in the commercial practice
4 of esthetics without maintaining an esthetician license.

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

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

16 ~~All examination papers completed by the applicant shall be kept on~~
17 ~~file by the director for a period of at least one year and shall be~~
18 ~~available for inspection by the applicant or the applicant's agent))~~
19 establish by rule the minimum passing score for all examinations and
20 the requirements for reexamination of applicants who fail the
21 examination or examinations.

22 The director shall take steps to ensure that after completion of
23 the required course, applicants may promptly take the examination and
24 receive the results of the examination.

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

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

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

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

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

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

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

21 (4) The director may consult with the state board of health and the
22 department of labor and industries in establishing training and
23 examination requirements.

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

26 (1) The director shall issue the appropriate license to ~~((each))~~
27 any applicant who ((has applied for a license and complied with)) meets
28 the requirements ((established under)) as outlined in this chapter
29 ((for that license)). Failure to renew a license before its expiration

1 date subjects the holder to a penalty fee and payment of each year's
2 renewal fee, at the current rate, up to a maximum of four years as
3 established by the director in accordance with RCW 43.24.086. A person
4 whose license has not been renewed for ((three)) four years shall be
5 required to ((retake)) submit an application, fee, meet current
6 licensing requirements, and pass the applicable examination or
7 examinations before the license may be ((reissued)) reinstated:
8 PROVIDED, That the director may waive this requirement for good cause
9 shown. To renew a salon/shop license, the licensee shall provide proof
10 of insurance as required by section 15(1)(h) of this act.

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

14 NEW SECTION. Sec. 8. (1) All licenses issued prior to January 1,
15 1992, shall remain in effect until renewal or January 1, 1993,
16 whichever is earlier.

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

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

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

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

8 (3) Schools must update their curricula to comply with this chapter
9 by July 1, 1992. No students may be enrolled in the programs under the
10 previous law if they cannot complete their training prior to January 1,
11 1993, to allow them to apply for examination under subsection (2) of
12 this section.

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

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

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

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

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

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

26 Any person who is properly licensed in any state, territory, or
27 possession of the United States, or foreign country shall be (~~issued~~
28 ~~a license under this chapter without~~) eligible for examination if the

1 applicant submits the approved application and fee and provides proof
2 to the director that he or she is currently licensed in good standing
3 as a cosmetologist, barber, manicurist, esthetician, instructor, or the
4 equivalent in that jurisdiction ((and has completed a course of
5 training equivalent to that required under this chapter)). Upon
6 passage of the required examinations the appropriate license will be
7 issued.

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

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

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

15 ((2) ~~Proof that~~) (b) A copy of the school's curriculum
16 ~~((satisfies))~~ satisfying the training guidelines established by the
17 director;

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

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

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

25 ((6)) (e) A surety bond, irrevocable letter of credit, or savings
26 assignment in an amount not less than ((one)) ten thousand dollars, or
27 ((five)) ten percent of the annual gross tuition collected by the
28 school, whichever is greater. The ((bond)) approved security shall not
29 exceed ((twenty-five)) fifty thousand dollars and shall run to the

1 state of Washington for the protection of unearned prepaid student
2 tuition. The school shall attest to its gross tuition at least
3 annually on forms provided by the department. When a new school
4 license is being applied for, the applicant will estimate its annual
5 gross tuition to establish a bond amount. This subsection shall not
6 apply to community colleges and vocational technical schools.

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

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

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

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

19 From time to time as deemed necessary by the director, ~~((all))~~
20 schools ~~((shall be surveyed))~~ may be audited for compliance with this
21 chapter. If the director determines that ~~((any))~~ a licensed school is
22 not maintaining the standards required according to this chapter,
23 written notice thereof~~((, in writing,))~~ shall be given to the school.
24 A school which fails to correct these conditions to the satisfaction of
25 the director within a reasonable time shall~~((, upon due notice to the~~
26 ~~school,))~~ be subject to penalties imposed ~~((by the director))~~ under RCW
27 18.16.210.

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

3 In addition to any other legal remedy, any student or instructor-
4 trainee having a claim against a school may bring suit upon the
5 ~~((surety bond))~~ approved security required in RCW ~~((18.16.140(6)))~~
6 18.16.140(1)(e) in the superior or district court of Thurston county or
7 the county in which the educational services were offered by the
8 school. Action upon the ~~((bond))~~ approved security shall be commenced
9 by filing the complaint with the clerk of the appropriate superior or
10 district court within one year from the date of the cancellation of the
11 ~~((bond))~~ approved security: PROVIDED, That no action shall be
12 maintained upon the ~~((bond))~~ approved security for any claim which has
13 been barred by any nonclaim statute or statute of limitations of this
14 state. Service of process in an action upon the ~~((bond))~~ approved
15 security shall be exclusively by service upon the director. Two copies
16 of the complaint shall be served by registered or certified mail upon
17 the director at the time the suit is started. Such service shall
18 constitute service on the ~~((surety))~~ approved security and the school.
19 The director shall transmit the complaint or a copy thereof to the
20 school at the address listed in the director's records and to the
21 surety within forty-eight hours after it has been received. The
22 ~~((surety))~~ approved security shall not be liable in an aggregate amount
23 in excess of the amount named in the ~~((bond))~~ approved security. In
24 any action on ~~((a bond))~~ an approved security, the prevailing party is
25 entitled to reasonable attorney's fees and costs.

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

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

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

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

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

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

10 (4) Has performed services in an unsafe or unsanitary manner;
11 ~~((or))~~

12 (5) Has aided and abetted unlicensed activity;

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

16 (7) Has engaged in the commercial practice of cosmetology in a
17 school;

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

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

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

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

25 NEW SECTION. **Sec. 15.** (1) A salon/shop shall meet the
26 following minimum requirements:

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

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

3 (c) Be operated under the direct supervision of a licensed
4 cosmetologist except that a salon/shop that is limited to barbering may
5 be directly supervised by a barber, a salon/shop that is limited to
6 manicuring may be directly supervised by a manicurist, and a salon/shop
7 that is limited to esthetics may be directly supervised by an
8 esthetician;

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

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

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

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

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

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

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

27 (3) At least once every two years or upon receipt of a written
28 complaint that a salon/shop has violated any provisions of this chapter
29 or the rules adopted under this chapter, the director shall inspect the
30 salon/shop. If the director determines that any salon/shop is not in

1 compliance with this chapter, the director shall send written notice to
2 the salon/shop. A salon/shop which fails to correct the conditions to
3 the satisfaction of the director within a reasonable time shall, upon
4 due notice, be subject to the penalties imposed by the director under
5 RCW 18.16.210. The director may enter any salon/shop during business
6 hours for the purpose of inspection. The director may contract with
7 health authorities of local governments to conduct the inspections
8 under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

19 (5) Sole proprietors or partners: PROVIDED, That after July 26,
20 1981, sole proprietors or partners who for the first time register
21 under chapter 18.27 RCW or become licensed for the first time under
22 chapter 19.28 RCW shall be included under the mandatory coverage
23 provisions of this title subject to the provisions of RCW 51.32.030.
24 These persons may elect to withdraw from coverage under RCW 51.12.115.

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

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

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

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

14 (10) Services performed by a booth renter as defined in RCW
15 18.16.020. However, a person exempted under this subsection may elect
16 coverage under RCW 51.32.030.

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

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

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

24 NEW SECTION. **Sec. 20.** It is a violation of this chapter for
25 any person to engage in the commercial practice of cosmetology,
26 barbering, esthetics, or manicuring, except in a licensed salon/shop.

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

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

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

11 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
12 each repealed:

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

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

15 NEW SECTION. **Sec. 25.** The sum of dollars, or as much
16 thereof as may be necessary, is appropriated from the general fund to
17 the department of licensing for the biennium ending June 30, 1993, to
18 carry out the purposes of this act. The amount used shall be repaid to
19 the general fund from fees imposed as a result of this act prior to the
20 end of the biennium ending June 30, 1995.