
SENATE BILL 6579

State of Washington

56th Legislature

2000 Regular Session

By Senators Prentice, Haugen and Hale

Read first time 01/19/2000. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1 AN ACT Relating to cosmetology, barbering, manicuring, and
2 esthetics; amending RCW 18.16.010, 18.16.020, 18.16.030, 18.16.060,
3 18.16.080, 18.16.090, 18.16.100, 18.16.110, 18.16.140, 18.16.170,
4 18.16.175, 18.16.200, 18.16.210, 18.16.240, and 18.16.900; reenacting
5 and amending RCW 18.16.050; adding new sections to chapter 18.16 RCW;
6 repealing RCW 18.16.165, 18.16.180, and 18.16.190; prescribing
7 penalties; and providing an effective date.

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

9 **Sec. 1.** RCW 18.16.010 and 1984 c 208 s 1 are each amended to read
10 as follows:

11 The legislature recognizes that the practices of cosmetology,
12 barbering, manicuring, and esthetics involve(~~s~~) the use of tools and
13 chemicals which may be dangerous when mixed or applied improperly, and
14 therefore finds it necessary in the interest of the public health,
15 safety, and welfare to regulate (~~the~~) those practices (~~of~~
16 cosmetology) in this state.

17 **Sec. 2.** RCW 18.16.020 and 1991 c 324 s 1 are each amended to read
18 as follows:

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

3 (1) "Department" means the department of licensing.

4 (2) "Board" means the cosmetology, barbering, esthetics, and
5 manicuring advisory board.

6 ((+2)) (3) "Director" means the director of the department of
7 licensing or the director's designee.

8 ((+3)) (4) "The practice of cosmetology" means ~~((the practice of))~~
9 arranging, dressing, cutting, trimming, styling, shampooing, permanent
10 waving, chemical relaxing ((or)), straightening, curling, bleaching,
11 ((or)) lightening, coloring, waxing, tweezing, shaving, and mustache
12 and beard design of the hair of the face, neck, and scalp ((and));
13 temporary removal of superfluous hair by use of depilatories, waxing,
14 or tweezing; manicuring and pedicuring, limited to cleaning, shaping,
15 polishing, decorating, and caring for and treatment of the cuticles and
16 nails of the hands and feet, excluding the application and removal of
17 sculptured or otherwise artificial nails; esthetics limited to toning
18 the skin of the scalp, stimulating the skin of the body by the use of
19 preparations, tonics, lotions, or creams; and tinting eyelashes and
20 eyebrows.

21 ((+4)) (5) "Cosmetologist" means a person licensed under this
22 chapter to engage in the practice of cosmetology ~~((and who has~~
23 ~~completed sixteen hundred hours of instruction at a school licensed~~
24 ~~under this chapter))~~.

25 ((+5)) (6) "The practice of barbering" means the cutting,
26 trimming, arranging, dressing, curling, ~~((waving and))~~ shampooing,
27 shaving, and mustache and beard design of the hair of the face, neck,
28 and scalp.

29 ((+6)) (7) "Barber" means a person licensed under this chapter to
30 engage in the practice of barbering.

31 ((+7)) (8) "Practice of manicuring" means the cleaning, shaping,
32 ~~((or))~~ polishing ((of)), decorating, and caring for and treatment of
33 the cuticles and the nails of the hands or feet, and the application
34 and removal of sculptured or otherwise artificial nails by hand or with
35 mechanical or electrical apparatus or appliances.

36 ((+8)) (9) "Manicurist" means a person licensed under this chapter
37 to engage in the practice of manicuring.

38 ((+9)) (10) "Practice of esthetics" means ~~((skin care of the face,~~
39 ~~neck, and hands involving hot compresses, massage, or the use of~~

1 ~~approved electrical appliances or nonabrasive chemical compounds~~
2 ~~formulated for professional application only, and))~~ care of the skin by
3 application and use of preparations, antiseptics, tonics, essential
4 oils, or exfoliants, or by any device or equipment, electrical or
5 otherwise, or by wraps, compresses, cleansing, conditioning,
6 stimulation, pore extraction, or product application and removal; the
7 temporary removal of superfluous hair by means of lotions, creams,
8 ~~((or))~~ mechanical or electrical apparatus ~~((or))~~, appliance, waxing,
9 tweezing, or depilatories; tinting of eyelashes and eyebrows; and
10 lightening the hair, except the scalp, on another person.

11 ~~((10))~~ (11) "Esthetician" means a person licensed under this
12 chapter to engage in the practice of esthetics.

13 ~~((11))~~ (12) "Instructor-trainee" means a person who is currently
14 licensed in this state as a cosmetologist, barber, manicurist, or
15 esthetician, and is enrolled in an ~~((approved instructor-trainee~~
16 ~~program))~~ instructor-trainee curriculum in a school licensed under this
17 chapter.

18 ~~((12))~~ (13) "School" means any establishment ~~((offering))~~ that
19 offers curriculum of instruction in the practice of cosmetology, ~~((or))~~
20 barbering, ~~((or))~~ esthetics, ~~((or))~~ manicuring, or instructor-trainee
21 to students and is licensed under this chapter.

22 ~~((13))~~ (14) "Student" means a person sixteen years of age or
23 older who is enrolled in a school licensed under this chapter and
24 receives ~~((any phase))~~ instruction in any of the curricula of
25 cosmetology, barbering, esthetics ~~((or))~~, manicuring ~~((instruction))~~,
26 or instructor-training with or without tuition, fee, or cost, and who
27 does not receive any wage or commission.

28 ~~((14) "Instructor-operator-cosmetology))~~ (15) "Instructor" means
29 a person who gives instruction in ~~((the practice of cosmetology and~~
30 ~~instructor training in a school and who has the same qualifications as~~
31 ~~a cosmetologist,))~~ a school in a curriculum in which he or she holds a
32 license under this chapter, has completed at least five hundred hours
33 of instruction in teaching techniques and lesson planning in a school,
34 has one year of experience practicing in the licensed practice, and has
35 passed ~~((an))~~ a licensing examination ~~((prepared or selected by the~~
36 ~~board and))~~ approved or administered by the director. An applicant who
37 holds a degree in education from an accredited postsecondary
38 institution ~~((and who is otherwise qualified))~~ shall upon application
39 be licensed as an ~~((instructor-operator with a cosmetology~~

1 endorsement)) instructor to give instruction in a school in a
2 curriculum in which he or she holds a license under this chapter. An
3 applicant who holds an instructional credential from an accredited
4 community or technical college and who has passed a licensing
5 examination approved or administered by the director shall upon
6 application be licensed as an instructor to give instruction in a
7 school in a curriculum in which he or she holds a license under this
8 chapter.

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

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

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

36 ~~(18) "Vocational student" is a person who in cooperation with any~~
37 ~~senior high, vocational technical institute, community college, or prep~~
38 ~~school, attends a cosmetology school and participates in its student~~
39 ~~course of instruction and has the same rights and duties as a student~~

1 as defined in this chapter. The person must have academically
2 completed the eleventh grade of high school. Every such vocational
3 student shall receive credit for all creditable hours of the approved
4 course of instruction received in the school of cosmetology upon
5 graduation from high school. Hours shall be credited to a vocational
6 student if the student graduates from an accredited high school or
7 receives a certificate of educational competence.

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

13 (20)) (16) "Person" means any individual, partnership,
14 professional service corporation, joint stock association, joint
15 venture, or any other entity authorized to do business in this state.

16 ((21)) (17) "Salon/shop" means any building, structure, ((or
17 motor home)) or any part thereof, other than a school, where the
18 commercial practice of cosmetology, barbering, esthetics, or manicuring
19 is conducted; provided that any person, except employees of a
20 salon/shop, who operates from a salon/shop is required to meet all
21 salon/shop licensing requirements.

22 ((22)) (18) "Crossover training" means training approved by the
23 director as training hours that may be credited to current licensees
24 for similar training received in another profession licensed under this
25 chapter.

26 ((23)) (19) "Approved security" means surety bond((, savings
27 assignment, or irrevocable letter of credit)).

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

31 (25)) (20) "Personal services ((operator))" means ((any person
32 possessing a valid)) a location licensed under this chapter where the
33 practice of cosmetology, barbering, manicuring, or ((esthetician's
34 license that provides services)) esthetics is performed for clients in
35 the client's home, office, or other location that is convenient for the
36 client.

37 (21) "Individual license" means a cosmetology, barber, manicurist,
38 esthetician, or instructor license issued under this chapter.

1 (22) "Location license" means a license issued under this chapter
2 for a salon/shop, school, personal services, or mobile unit.

3 (23) "Mobile unit" is a location license under this chapter where
4 the practice of cosmetology, barbering, esthetics, or manicuring is
5 conducted in a mobile structure. Mobile units must conform to the
6 health and safety standards set by rule under this chapter.

7 (24) "Curriculum" means the courses of study taught at a school,
8 set by rule under this chapter, and approved by the department. After
9 consulting with the board, the director may set by rule a percentage of
10 hours in a curriculum that may be hours a student receives while
11 training in a salon/shop under a contract approved by the department.
12 Each curriculum must include at least the following required hours:

13 (a) Cosmetologist, one thousand six hundred hours;

14 (b) Barber, one thousand hours;

15 (c) Manicurist, six hundred hours;

16 (d) Esthetician, six hundred hours;

17 (e) Instructor-trainee, five hundred hours.

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

23 **Sec. 3.** RCW 18.16.030 and 1991 c 324 s 2 are each amended to read
24 as follows:

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

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

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

30 (3) To investigate alleged violations of this chapter and consumer
31 complaints involving the practice under this chapter of cosmetology,
32 barbering, esthetics, ~~((or))~~ manicuring, or instructing, and schools
33 offering ~~((training))~~ course curricula in these ~~((areas))~~ practices,
34 and salons/shops ~~((and booth renters offering))~~, personal services, or
35 mobile units where these ~~((services))~~ practices are conducted;

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

- 1 (5) To issue cease and desist (~~((letters))~~) orders and (~~((letters of~~
2 ~~warning))~~) notices of correction for infractions of this chapter;
- 3 (6) To conduct all disciplinary proceedings, impose sanctions, and
4 assess fines for violations of this chapter or any rules adopted under
5 it;
- 6 (7) To prepare and administer or approve the preparation and
7 administration of licensing examinations;
- 8 (8) To establish minimum safety and sanitation standards for
9 schools, instructors, cosmetologists, barbers, manicurists,
10 estheticians, ((and)) salons/shops, personal services, and mobile
11 units;
- 12 (9) To establish (~~((minimum instruction guidelines))~~) curricula for
13 the training of students under this chapter;
- 14 (10) To maintain the official department record of applicants and
15 licensees;
- 16 (11) To delegate in writing to a designee the authority to issue
17 subpoenas, statements of charges, cease and desist orders, and any
18 other documents necessary to enforce this chapter;
- 19 (12) To establish by rule the procedures for an appeal of an
20 examination failure;
- 21 (13) To employ such administrative, investigative, inspection,
22 audit, and clerical staff as needed to implement this chapter;
- 23 (14) To set license expiration dates and renewal periods for all
24 licenses consistent with this chapter; and
- 25 (15) To make information available to the department of revenue to
26 assist in collecting taxes from persons required to be licensed under
27 this chapter.

28 **Sec. 4.** RCW 18.16.050 and 1998 c 245 s 5 and 1998 c 20 s 1 are
29 each reenacted and amended to read as follows:

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

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

6 (2) Board members shall be entitled to compensation pursuant to RCW
7 43.03.240 for each day spent conducting official business and to
8 reimbursement for travel expenses as provided by RCW 43.03.050 and
9 43.03.060.

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

15 **Sec. 5.** RCW 18.16.060 and 1991 c 324 s 4 are each amended to read
16 as follows:

17 (1) The director shall impose a fine of one thousand dollars on any
18 person who ~~((does))~~, after a hearing provided for in RCW 18.16.210, has
19 been found to have done any of the following without first obtaining
20 the license required by this chapter:

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

24 (b) Instructs in a school;

25 (c) Operates a school; or

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

27 ~~((Each booth renter shall be considered to be operating an independent
28 salon/shop and shall obtain a separate salon/shop license.))~~

29 (2) A person who receives a license~~((d))~~ as ~~((a cosmetology
30 instructor operator))~~ an instructor may engage in the commercial
31 practice ~~((of cosmetology))~~ for which he or she held a license when
32 applying for the instructor license without ~~((maintaining a
33 cosmetologist))~~ renewing the previously held license. ~~((A person
34 licensed as a barbering instructor operator may engage in the
35 commercial practice of barbering without maintaining a barber license.
36 A person licensed as a manicuring instructor operator may engage in the
37 commercial practice of manicuring without maintaining a manicurist
38 license. A person licensed as an esthetician instructor operator may~~

1 ~~engage in the commercial practice of esthetics without maintaining an~~
2 ~~esthetician license.))~~ A person whose license is not or at any time
3 was not renewed cannot engage in the commercial practice previously
4 permitted under that license unless that person renews the previously
5 held license.

6 **Sec. 6.** RCW 18.16.080 and 1984 c 208 s 19 are each amended to read
7 as follows:

8 (1) Nothing in this chapter prohibits any person authorized under
9 the laws of this state from performing any service for which the person
10 may be licensed, nor prohibits any person from performing services as
11 an electrologist if that person has been otherwise certified,
12 registered, or trained as an electrologist.

13 (2) This chapter does not apply to persons employed in the care or
14 treatment of patients in hospitals or employed in the care of residents
15 of nursing homes and similar residential care facilities.

16 (3) This chapter does not apply to persons who provide services
17 described under this chapter when the services are incidental to those
18 provided:

19 (a) Through licensed home health, hospice, or home care agencies;

20 (b) By individual providers under contract with the department of
21 social and health services under chapter 74.09 or 74.39A RCW; or

22 (c) By personal aides providing services under RCW 74.39.007,
23 74.39.050, 74.39.060, 74.39.070, or 74.39A.050.

24 **Sec. 7.** RCW 18.16.090 and 1991 c 324 s 5 are each amended to read
25 as follows:

26 Examinations for licensure under this chapter shall be conducted
27 ~~((monthly))~~ at such times and places as the director determines
28 appropriate. Examinations shall consist of tests designed to
29 reasonably measure the applicant's knowledge of safe and sanitary
30 practices and may also include the applicant's knowledge of this
31 chapter and rules adopted pursuant to this chapter. The director may
32 establish by rule a practical examination in addition to any other
33 examination. The director shall establish by rule the minimum passing
34 score for all examinations and the requirements for reexamination of
35 applicants who fail the examination or examinations. The director may
36 allow an independent person to conduct the examinations at the expense
37 of the applicants.

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. 8.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to read
5 as follows:

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

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

10 (b) Has completed and graduated from a ~~((course))~~ school licensed
11 under this chapter in a curriculum approved by the director of sixteen
12 hundred hours of training in cosmetology, one thousand hours of
13 training in barbering, ~~((five))~~ six hundred hours of training in
14 manicuring, ~~((five))~~ six hundred hours of training in esthetics, and/or
15 five hundred hours of training as an instructor-trainee, or has met the
16 requirements in RCW 18.16.020 or 18.16.130; and

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

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

23 (3) Upon completion of an application approved by the department,
24 certification of insurance, and payment of the proper fee, the director
25 shall issue a ~~((salon/shop))~~ location license to the ~~((operator of a~~
26 ~~salon/shop if the salon/shop meets the other requirements of this~~
27 ~~chapter as demonstrated by information submitted by the operator))~~
28 applicant.

29 (4) The director may consult with the state board of health and the
30 department of labor and industries in establishing training and
31 examination requirements.

32 **Sec. 9.** RCW 18.16.110 and 1991 c 324 s 7 are each amended to read
33 as follows:

34 (1) The director shall issue the appropriate license to any
35 applicant who meets the requirements as outlined in this chapter.

36 (2) Failure to renew a license before its expiration date subjects
37 the holder to a penalty fee and payment of each year's renewal fee, at

1 the current rate(~~(, up to a maximum of four years as established by the~~
2 ~~director in accordance with RCW 43.24.086)~~). A person whose license
3 has not been renewed (~~(for four years)~~) within one year after its
4 expiration date shall have the license canceled and shall be required
5 to submit an application, pay the license fee, meet current licensing
6 requirements, and pass ((the)) any applicable examination or
7 examinations, in addition to the other requirements of this chapter,
8 ~~before the license may be reinstated((: PROVIDED, That the director~~
9 ~~may waive this requirement for good cause shown. To renew a salon/shop~~
10 ~~license, the licensee shall provide proof of insurance as required by~~
11 ~~RCW 18.16.175(1)(h))~~).

12 ((+2)) (3) Upon request and payment of an additional fee to be
13 established by rule by the director, the director shall issue a
14 duplicate license to an applicant.

15 **Sec. 10.** RCW 18.16.140 and 1991 c 324 s 11 are each amended to
16 read as follows:

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

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

23 (b) A copy of the school's curriculum satisfying the (~~(training~~
24 ~~guidelines)) curriculum requirements established by the director;~~

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

28 (~~(A description and floor plan of the school's physical~~
29 ~~equipment and facilities;~~

30 (~~(e))~~) A surety bond(~~(, irrevocable letter of credit, or savings~~
31 ~~assignment)) in an amount not less than ten thousand dollars, or ten
32 percent of the annual gross tuition collected by the school, whichever
33 is greater. The approved security shall not exceed fifty thousand
34 dollars and shall run to the state of Washington for the protection of
35 unearned prepaid student tuition. The school shall attest to its gross
36 tuition at least annually on forms provided by the department. When a
37 new school license is being applied for, the applicant will estimate~~

1 its annual gross tuition to establish a bond amount. This subsection
2 shall not apply to community colleges and vocational technical schools.

3 Upon approval of the application and documents, the director shall
4 issue a license to operate a school (~~with the appropriate~~
5 ~~certification or certifications~~)).

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

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

13 (4) School and instructor licenses issued by the department shall
14 be posted in the reception area of the school.

15 **Sec. 11.** RCW 18.16.170 and 1991 c 324 s 9 are each amended to read
16 as follows:

17 (1) Subject to subsection (2) of this section, licenses issued
18 under this chapter expire as follows:

19 (a) A salon/shop, personal services, or mobile unit license expires
20 one year from issuance or when the insurance required by RCW
21 18.16.175(1)((~~h~~)) (g) expires, whichever occurs first;

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

23 (c) Cosmetologist, barber, manicurist, esthetician, and instructor
24 licenses expire two years from issuance.

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

28 **Sec. 12.** RCW 18.16.175 and 1997 c 178 s 2 are each amended to read
29 as follows:

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

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

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

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

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

10 ~~((e))~~ (d) Meet the zoning requirements of the county, city, or
11 town, as appropriate;

12 ~~((f))~~ (e) Provide for safe storage and labeling of chemicals used
13 in the practices ~~((of cosmetology))~~ under this chapter;

14 ~~((g))~~ (f) Meet all applicable local and state fire codes; and

15 ~~((h) Provide proof)~~ (g) Certify that the salon/shop or mobile
16 unit is covered by a public liability insurance policy in an amount not
17 less than one hundred thousand dollars for combined bodily injury and
18 property damage liability~~((; and))~~.

19 ~~((i) Other requirements which)~~ (2) The director may by rule
20 determine~~((s))~~ other requirements that are necessary for safety and
21 sanitation of salons/shops, personal services, or mobile units. The
22 director may consult with the state board of health and the department
23 of labor and industries in establishing minimum salon/shop, personal
24 services, and mobile unit safety requirements.

25 ~~((2) A salon/shop shall post the notice to customers described in~~
26 ~~RCW 18.16.180.))~~

27 (3) Personal services license holders shall certify coverage of a
28 public liability insurance policy in an amount not less than one
29 hundred thousand dollars for combined bodily injury and property damage
30 liability.

31 (4) Upon receipt of a written complaint that a salon/shop or mobile
32 unit has violated any provisions of this chapter or the rules adopted
33 under this chapter or at least once every two years for an existing
34 salon/shop or mobile unit, the director or the director's designee
35 shall inspect each salon/shop or mobile unit. If the director
36 determines that any salon/shop or mobile unit is not in compliance with
37 this chapter, the director shall send written notice to the salon/shop
38 or mobile unit. A salon/shop or mobile unit which fails to correct the
39 conditions to the satisfaction of the director within a reasonable time

1 shall, upon due notice, be subject to the penalties imposed by the
2 director under RCW 18.16.210. The director may enter any salon/shop or
3 mobile unit during business hours for the purpose of inspection. The
4 director may contract with health authorities of local governments to
5 conduct the inspections under this subsection.

6 ~~((4))~~ (5) A salon/shop, ~~((including a salon/shop operated by a
7 booth renter,))~~ personal services, or mobile unit shall obtain a
8 certificate of registration from the department of revenue.

9 ~~((5))~~ (6) This section does not prohibit the use of motor homes
10 as mobile ~~((salon/shops))~~ units if the motor home meets the health and
11 safety standards of this section.

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

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

17 **Sec. 13.** RCW 18.16.200 and 1991 c 324 s 14 are each amended to
18 read as follows:

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

21 (1) Has been found guilty of a crime ~~((related to the practice of
22 cosmetology, barbering, esthetics, manicuring, or instructing))~~ within
23 the prior ten years involving moral turpitude or has been found to have
24 violated any provision of chapter 19.86 RCW;

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

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

28 (4) Has performed services in an unsafe or unsanitary manner;

29 (5) Has aided and abetted unlicensed activity;

30 (6) Has engaged in the commercial practice of cosmetology,
31 barbering, manicuring, or esthetics, or has instructed in or operated
32 a school, salon/shop, personal services, or mobile unit without first
33 obtaining the license required by this chapter;

34 (7) Has engaged in the commercial practice of cosmetology,
35 barbering, manicuring, or esthetics in a school;

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

38 (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 inspection, investigation, or disciplinary procedure;
3 ((or))
4 (11) Failed to display licenses required in this chapter; or
5 (12) Has violated any provision of this chapter or any rule adopted
6 under it.

7 **Sec. 14.** RCW 18.16.210 and 1984 c 208 s 14 are each amended to
8 read as follows:

9 If, following a hearing, the director finds that any person or an
10 applicant or licensee has violated any provision of this chapter or any
11 rule adopted under it, the director may impose one or more of the
12 following penalties:

- 13 (1) Denial of a license or renewal;
14 (2) Revocation or suspension of a license;
15 (3) A fine of not more than five hundred dollars per violation;
16 (4) Issuance of a reprimand or letter of censure;
17 (5) Placement of the licensee on probation for a fixed period of
18 time;
19 (6) Restriction of the licensee's authorized scope of practice;
20 (7) Requiring the licensee to make restitution or a refund as
21 determined by the director to any individual injured by the violation;
22 or
23 (8) Requiring the licensee to obtain additional training or
24 instruction.

25 NEW SECTION. **Sec. 15.** A new section is added to chapter 18.16 RCW
26 to read as follows:

27 (1) Any person or business that conducts activities as defined in
28 this chapter and violates any provision of this chapter is guilty of a
29 gross misdemeanor.

30 (2) The director may refer evidence concerning violations of this
31 chapter to the attorney general or the proper prosecuting attorney who
32 may, with or without this reference, institute appropriate criminal
33 proceedings.

34 NEW SECTION. **Sec. 16.** A new section is added to chapter 18.16 RCW
35 to read as follows:

1 The legislature finds that the practices covered by this chapter
2 are matters vitally affecting the public interest for the purpose of
3 applying the consumer protection act, chapter 19.86 RCW. A violation
4 of this chapter is not reasonable in relation to the development and
5 preservation of business and is an unfair or deceptive act in trade or
6 commerce and an unfair method of competition for the purpose of
7 applying the consumer protection act, chapter 19.86 RCW.

8 **Sec. 17.** RCW 18.16.240 and 1997 c 58 s 815 are each amended to
9 read as follows:

10 The department shall immediately suspend the license of a person
11 who has been certified pursuant to RCW 74.20A.320 by the department of
12 social and health services as a person who is not in compliance with a
13 support order (~~((or a residential or visitation order))~~). If the person
14 has continued to meet all other requirements for reinstatement during
15 the suspension, reissuance of the license shall be automatic upon the
16 department's receipt of a release issued by the department of social
17 and health services stating that the licensee is in compliance with the
18 order.

19 NEW SECTION. **Sec. 18.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 18.16.165 (Licenses issued, students enrolled before
22 January 1, 1992--Curricula updates) and 1991 c 324 s 8;

23 (2) RCW 18.16.180 (Salon/shop--Notice required) and 1991 c 324 s
24 16; and

25 (3) RCW 18.16.190 (Location of practice--Penalty--Placebound
26 clients) and 1991 c 324 s 20.

27 **Sec. 19.** RCW 18.16.900 and 1984 c 208 s 20 are each amended to
28 read as follows:

29 This act shall be known and may be cited as the "Washington
30 cosmetologists, barbers, ~~((and))~~ manicurists, and estheticians act".

31 NEW SECTION. **Sec. 20.** This act takes effect January 1, 2001.

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