

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6341

Chapter 51, Laws of 2004

58th Legislature
2004 Regular Session

COSMETOLOGY

EFFECTIVE DATE: 3/22/04

Passed by the Senate March 9, 2004
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2004
YEAS 95 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved March 22, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 6341 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

March 22, 2004 - 4:37 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6341

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senate Committee on Commerce & Trade (originally sponsored by Senator Oke)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to cosmetology, barbering, manicuring, and
2 esthetics; amending RCW 18.16.110, 18.16.260, and 18.16.160; reenacting
3 and amending RCW 18.16.060, 18.16.200, and 18.16.030; adding a new
4 section to chapter 18.16 RCW; creating new sections; repealing RCW
5 18.16.165; and declaring an emergency.

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

7 **Sec. 1.** RCW 18.16.060 and 2002 c 111 s 5 and 2002 c 86 s 214 are
8 each reenacted and amended to read as follows:

9 (1) It is unlawful for any person to engage in a practice listed in
10 subsection (2) of this section unless the person has a license in good
11 standing as required by this chapter. A license issued under this
12 chapter shall be considered to be "in good standing" except when: (a)
13 The license has expired or has been canceled and has not been renewed
14 in accordance with RCW 18.16.110; (b) the license has been denied,
15 revoked, or suspended under RCW 18.16.210, 18.16.230, or 18.16.240, and
16 has not been reinstated; (c) the license is held by a person who has
17 not fully complied with an order of the director issued under RCW
18 18.16.210 requiring the licensee to pay restitution or a fine, or to

1 acquire additional training; or (d) the license has been placed on
2 inactive status at the request of the licensee, and has not been
3 reinstated in accordance with RCW 18.16.110(3).

4 (2) The director may take action under RCW 18.235.150 and
5 18.235.160 against any person who does any of the following without
6 first obtaining, and maintaining in good standing, the license required
7 by this chapter:

8 (a) Except as provided in subsection (~~((2))~~) (3) of this section,
9 engages in the commercial practice of cosmetology, barbering,
10 esthetics, or manicuring(~~(, or instructing)~~);

11 (b) Instructs in a school;

12 (c) Operates a school; or

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

14 (~~((2))~~) (3) A person who receives a license as an instructor may
15 engage in the commercial practice for which he or she held a license
16 when applying for the instructor license without also renewing the
17 previously held license. However, a person licensed as an instructor
18 whose license to engage in a commercial practice is not or at any time
19 was not renewed (~~(cannot)~~) may not engage in the commercial practice
20 previously permitted under that license unless that person renews the
21 previously held license.

22 NEW SECTION. Sec. 2. A new section is added to chapter 18.16 RCW
23 to read as follows:

24 (1) If the holder of an individual license in good standing submits
25 a written and notarized request that the licensee's cosmetology,
26 barber, manicurist, esthetician, or instructor license be placed on
27 inactive status, together with a fee equivalent to that established by
28 rule for a duplicate license, the department shall place the license on
29 inactive status until the expiration date of the license. If the date
30 of the request is no more than six months before the expiration date of
31 the license, a request for a two-year extension of the inactive status,
32 as provided under subsection (2) of this section, may be submitted at
33 the same time as the request under this subsection.

34 (2) If the holder of a license placed on inactive status under this
35 section submits, by the expiration date of the license, a written and
36 notarized request to extend that status for an additional two years,

1 the department shall, without additional fee, extend the expiration
2 date of: (a) The licensee's individual license; and (b) the inactive
3 status for two years from the expiration date of the license.

4 (3) A license placed on inactive status under this section may not
5 be extended more frequently than once in any twenty-four month period
6 or for more than six consecutive years.

7 (4) If, by the expiration date of a license placed on inactive
8 status under this section, a licensee is unable, or fails, to request
9 that the status be extended and the license is not renewed, the license
10 shall be canceled.

11 **Sec. 3.** RCW 18.16.110 and 2002 c 111 s 8 are each amended to read
12 as follows:

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

15 (2) Except as provided in RCW 18.16.260:

16 (a) Failure to renew a license ((before)) by its expiration date
17 subjects the holder to a penalty fee and payment of each year's renewal
18 fee, at the current rate((-)); and

19 (b) A person whose license has not been renewed within one year
20 after its expiration date shall have the license canceled and shall be
21 required to submit an application, pay the license fee, meet current
22 licensing requirements, and pass any applicable examination or
23 examinations, in addition to the other requirements of this chapter,
24 before the license may be reinstated.

25 (3) In lieu of the requirements of subsection (2)(a) of this
26 section, a license placed on inactive status under section 2 of this
27 act may be reinstated to good standing upon receipt by the department
28 of: (a) Payment of a renewal fee, without penalty, for a two-year
29 license commencing on the date the license is reinstated; and (b) if
30 the license was on inactive status during any time that the board finds
31 that a health or other requirement applicable to the license has
32 changed, evidence showing that the holder of the license has
33 successfully completed, from a school licensed under RCW 18.16.140, at
34 least the number of curriculum clock hours of instruction that the
35 board deems necessary for a licensee to be brought current with respect
36 to such changes, but in no case may the number of hours required under

1 this subsection exceed four hours per year that the license was on
2 inactive status.

3 (4) Nothing in this section authorizes a person whose license has
4 expired or is on inactive status to engage in a practice prohibited
5 under RCW 18.16.060 until the license is renewed or reinstated.

6 (5) Upon request and payment of an additional fee to be established
7 by rule by the director, the director shall issue a duplicate license
8 to an applicant.

9 **Sec. 4.** RCW 18.16.200 and 2002 c 111 s 12 and 2002 c 86 s 217 are
10 each reenacted and amended to read as follows:

11 In addition to the unprofessional conduct described in RCW
12 18.235.130, the director may take disciplinary action against any
13 applicant or licensee under this chapter ((may be subject to
14 disciplinary action by the director)) if the licensee or applicant:

15 (1) Has been found to have violated any provisions of chapter 19.86
16 RCW;

17 (2) Has engaged in ((the commercial)) a practice ((of cosmetology,
18 barbering, manicuring, esthetics, or instructed in or operated a
19 school)) prohibited under RCW 18.16.060 without first obtaining, and
20 maintaining in good standing, the license required by this chapter;

21 ((+2)) (3) Has engaged in the commercial practice of cosmetology,
22 barbering, manicuring, or esthetics in a school;

23 ((+3)) (4) Has not provided a safe, sanitary, and good moral
24 environment for students ((and)) in a school or the public;

25 (5) Has failed to display licenses required in this chapter; or

26 ((+4)) (6) Has violated any provision of this chapter or any rule
27 adopted under it.

28 **Sec. 5.** RCW 18.16.260 and 2002 c 111 s 16 are each amended to read
29 as follows:

30 (1)(a) Prior to July 1, ((2003)) 2005, (i) a cosmetology
31 licensee((s)) who held a license in good standing between June 30,
32 1999, and June 30, 2003, may request a renewal of the license or an
33 additional license in barbering, manicuring, and/or esthetics; and (ii)
34 a licensee who held a barber, manicurist, or esthetics license between
35 June 30, 1999, and June 30, 2003, may request a renewal of such
36 licenses held during that period.

1 (b) A license renewal fee, including, if applicable, a renewal fee,
2 at the current rate, for each year the licensee did not hold a license
3 in good standing between July 1, 2001, and the date of the renewal
4 request, must be paid prior to issuance of each type of license
5 requested. After June 30, ~~((2003))~~ 2005, any cosmetology licensee
6 wishing to renew an expired license or obtain additional licenses must
7 meet the applicable renewal, training, and examination requirements of
8 this chapter.

9 ~~((Prior to July 1, 2003, students enrolled in a licensed school~~
10 ~~in an approved cosmetology curriculum may apply for the examination in~~
11 ~~cosmetology, manicuring, and esthetics. An examination fee must be~~
12 ~~paid for each examination selected. After June 30, 2003, students~~
13 ~~enrolled in a licensed school in an approved cosmetology curriculum may~~
14 ~~not apply for examination in manicuring and esthetics without meeting~~
15 ~~the training requirements of this chapter.))~~ The director may, as
16 provided in RCW 43.24.140, modify the duration of any additional
17 license granted under this section to make all licenses issued to a
18 person expire on the same date.

19 NEW SECTION. Sec. 6. The department of licensing shall:

20 (1) Within ninety days after the effective date of this section,
21 notify each person who held a cosmetology, barber, manicurist, or
22 esthetician license between June 30, 1999, and June 30, 2003, of the
23 provisions of this act by mailing a notice as specified in this section
24 to the licensee's last known mailing address;

25 (2) Include in the notice required by this section:

26 (a) A summary of this act, including a summary of the requirements
27 for (i) renewing and obtaining additional licenses; and (ii) requesting
28 placement on inactive status;

29 (b) A telephone number within the department for obtaining further
30 information;

31 (c) The department's internet address; and

32 (d) On the outside of the notice, a facsimile of the state seal,
33 the department's return address, and the words "Notice of Legislative
34 Changes -- Cosmetology, Barbering, Manicuring, and Esthetics Licensing
35 Information Enclosed" in conspicuous bold face type.

1 **Sec. 7.** RCW 18.16.030 and 2002 c 111 s 3 and 2002 c 86 s 213 are
2 each reenacted and amended to read as follows:

3 In addition to any other duties imposed by law, including RCW
4 18.235.030 and 18.235.040, the director shall have the following powers
5 and duties:

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

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

9 (3) To prepare and administer or approve the preparation and
10 administration of licensing examinations;

11 (4) To establish minimum safety and sanitation standards for
12 schools, instructors, cosmetologists, barbers, manicurists,
13 estheticians, salons/shops, personal services, and mobile units;

14 (5) To establish curricula for the training of students under this
15 chapter;

16 (6) To maintain the official department record of applicants and
17 licensees;

18 (7) To establish by rule the procedures for an appeal of an
19 examination failure;

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

22 (9) To ensure that all informational notices produced and mailed by
23 the department regarding statutory and regulatory changes affecting any
24 particular class of licensees are mailed to each licensee in good
25 standing or on inactive status in the affected class whose mailing
26 address on record with the department has not resulted in mail being
27 returned as undeliverable for any reason; and

28 (10) To make information available to the department of revenue to
29 assist in collecting taxes from persons required to be licensed under
30 this chapter.

31 **Sec. 8.** RCW 18.16.160 and 1991 c 324 s 13 are each amended to read
32 as follows:

33 In addition to any other legal remedy, any student or instructor-
34 trainee having a claim against a school may bring suit upon the
35 approved security required in RCW 18.16.140(1)(~~(e)~~) (d) in the
36 superior or district court of Thurston county or the county in which
37 the educational services were offered by the school. Action upon the

1 approved security shall be commenced by filing the complaint with the
2 clerk of the appropriate superior or district court within one year
3 from the date of the cancellation of the approved security: PROVIDED,
4 That no action shall be maintained upon the approved security for any
5 claim which has been barred by any nonclaim statute or statute of
6 limitations of this state. Service of process in an action upon the
7 approved security shall be exclusively by service upon the director.
8 Two copies of the complaint shall be served by registered or certified
9 mail upon the director at the time the suit is started. Such service
10 shall constitute service on the approved security and the school. The
11 director shall transmit the complaint or a copy thereof to the school
12 at the address listed in the director's records and to the surety
13 within forty-eight hours after it has been received. The approved
14 security shall not be liable in an aggregate amount in excess of the
15 amount named in the approved security. In any action on an approved
16 security, the prevailing party is entitled to reasonable attorney's
17 fees and costs.

18 The director shall maintain a record, available for public
19 inspection, of all suits commenced under this chapter upon approved
20 security.

21 NEW SECTION. **Sec. 9.** RCW 18.16.165 (Licenses issued, students
22 enrolled before January 1, 1992--Curricula updates) and 1991 c 324 s 8
23 are each repealed.

24 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
25 this act, referencing this act by bill or chapter number, is not
26 provided by June 30, 2004, in the omnibus appropriations act, this act
27 is null and void.

28 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and takes effect
31 immediately.

Passed by the Senate March 9, 2004.

Passed by the House March 3, 2004.

Approved by the Governor March 22, 2004.

Filed in Office of Secretary of State March 22, 2004.