
HOUSE BILL 1745

State of Washington 60th Legislature 2007 Regular Session

By Representatives Takko, Skinner, Hunt, Eddy, Santos, Sells, Haigh, Wallace, Clibborn, Dickerson, Moeller and Chase

Read first time 01/26/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the practice of hairdressing; amending RCW
2 18.16.010, 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.100,
3 18.16.130, 18.16.170, 18.16.180, 18.16.190, 18.16.200, 18.16.290, and
4 18.16.900; and reenacting and amending RCW 18.16.175.

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

6 **Sec. 1.** RCW 18.16.010 and 2002 c 111 s 1 are each amended to read
7 as follows:

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

14 **Sec. 2.** RCW 18.16.020 and 2003 c 400 s 2 are each amended to read
15 as follows:

16 (~~As used in~~) The definitions in this section apply throughout
17 this chapter(~~, the following terms have the meanings indicated~~)
18 unless the context clearly requires otherwise(~~(+)~~).

1 (1) "Apprenticeship program" means an apprenticeship pilot program
2 approved under RCW 18.16.280 for the practice of cosmetology,
3 barbering, esthetics, and manicuring(~~(, which expires July 1, 2006)~~).

4 (2) "Apprentice" means a person engaged in a state-approved
5 apprenticeship program and who may receive a wage or compensation while
6 engaged in the program.

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

8 (4) "Board" means the cosmetology, hairdressing, barbering,
9 esthetics, and manicuring advisory board.

10 (5) "Director" means the director of the department of licensing or
11 the director's designee.

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

24 (7) "Cosmetologist" means a person licensed under this chapter to
25 engage in the practice of cosmetology.

26 (8) "The practice of hairdressing" means arranging, dressing,
27 cutting, trimming, styling, shampooing, permanent waving, chemical
28 relaxing, straightening, curling, bleaching, lightening, coloring,
29 waxing, tweezing, shaving, and mustache and beard design of the hair of
30 the face, neck, and scalp.

31 (9) "Hairdresser" means a person licensed under this chapter to
32 engage in the practice of hairdressing.

33 (10) "The practice of barbering" means the cutting, trimming,
34 arranging, dressing, curling, shampooing, shaving, and mustache and
35 beard design of the hair of the face, neck, and scalp.

36 (~~(+9)~~) (11) "Barber" means a person licensed under this chapter to
37 engage in the practice of barbering.

1 (~~(10)~~) (12) "Practice of manicuring" means the cleaning, shaping,
2 polishing, decorating, and caring for and treatment of the cuticles and
3 the nails of the hands or feet, and the application and removal of
4 sculptured or otherwise artificial nails by hand or with mechanical or
5 electrical apparatus or appliances.

6 (~~(11)~~) (13) "Manicurist" means a person licensed under this
7 chapter to engage in the practice of manicuring.

8 (~~(12)~~) (14) "Practice of esthetics" means care of the skin by
9 application and use of preparations, antiseptics, tonics, essential
10 oils, or exfoliants, or by any device or equipment, electrical or
11 otherwise, or by wraps, compresses, cleansing, conditioning,
12 stimulation, pore extraction, or product application and removal; the
13 temporary removal of superfluous hair by means of lotions, creams,
14 mechanical or electrical apparatus, appliance, waxing, tweezing, or
15 depilatories; tinting of eyelashes and eyebrows; and lightening the
16 hair, except the scalp, on another person.

17 (~~(13)~~) (15) "Esthetician" means a person licensed under this
18 chapter to engage in the practice of esthetics.

19 (~~(14)~~) (16) "Instructor-trainee" means a person who is currently
20 licensed in this state as a cosmetologist, hairstylist, barber,
21 manicurist, or esthetician, and is enrolled in an instructor-trainee
22 curriculum in a school licensed under this chapter.

23 (~~(15)~~) (17) "School" means any establishment that offers
24 curriculum of instruction in the practice of cosmetology, hairstyling,
25 barbering, esthetics, manicuring, or instructor-trainee to students and
26 is licensed under this chapter.

27 (~~(16)~~) (18) "Student" means a person sixteen years of age or
28 older who is enrolled in a school licensed under this chapter and
29 receives instruction in any of the curricula of cosmetology,
30 hairstyling, barbering, esthetics, manicuring, or instructor-training
31 with or without tuition, fee, or cost, and who does not receive any
32 wage or commission.

33 (~~(17)~~) (19) "Instructor" means a person who gives instruction in
34 a school in a curriculum in which he or she holds a license under this
35 chapter, has completed at least five hundred hours of instruction in
36 teaching techniques and lesson planning in a school, and has passed a
37 licensing examination approved or administered by the director. An
38 applicant who holds a degree in education from an accredited

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

9 ~~((+18+))~~ (20) "Person" means any individual, partnership,
10 professional service corporation, joint stock association, joint
11 venture, or any other entity authorized to do business in this state.

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

20 ~~((+20+))~~ (22) "Crossover training" means training approved by the
21 director as training hours that may be credited to current licensees
22 for similar training received in another profession licensed under this
23 chapter.

24 ~~((+21+))~~ (23) "Approved security" means surety bond.

25 ~~((+22+))~~ (24) "Personal services" means a location licensed under
26 this chapter where the practice of cosmetology, hairdressing,
27 barbering, manicuring, or esthetics is performed for clients in the
28 client's home, office, or other location that is convenient for the
29 client.

30 ~~((+23+))~~ (25) "Individual license" means a cosmetology,
31 hairdresser, barber, manicurist, esthetician, or instructor license
32 issued under this chapter.

33 ~~((+24+))~~ (26) "Location license" means a license issued under this
34 chapter for a salon/shop, school, personal services, or mobile unit.

35 ~~((+25+))~~ (27) "Mobile unit" is a location license under this
36 chapter where the practice of cosmetology, hairdressing, barbering,
37 esthetics, or manicuring is conducted in a mobile structure. Mobile

1 units must conform to the health and safety standards set by rule under
2 this chapter.

3 ~~((+26+))~~ (28) "Curriculum" means the courses of study taught at a
4 school, set by rule under this chapter, and approved by the department.
5 After consulting with the board, the director may set by rule a
6 percentage of hours in a curriculum, up to a maximum of ten percent,
7 that could include hours a student receives while training in a
8 salon/shop under a contract approved by the department. Each
9 curriculum must include at least the following required hours:

- 10 (a) Cosmetologist, one thousand six hundred hours;
- 11 (b) Barber, one thousand hours;
- 12 (c) Hairdresser, one thousand fourteen hundred hours;
- 13 (d) Manicurist, six hundred hours;
- 14 ~~((+d+))~~ (e) Esthetician, six hundred hours;
- 15 ~~((+e+))~~ (f) Instructor-trainee, five hundred hours.

16 ~~((+27+))~~ (29) "Student monthly report" means the student record of
17 daily activities and the number of hours completed in each course of a
18 curriculum that is prepared monthly by the school and provided to the
19 student, audited annually by the department, and kept on file by the
20 school for three years.

21 **Sec. 3.** RCW 18.16.030 and 2004 c 51 s 7 are each amended to read
22 as follows:

23 In addition to any other duties imposed by law, including RCW
24 18.235.030 and 18.235.040, the director shall have the following powers
25 and duties:

- 26 (1) To set all license, examination, and renewal fees in accordance
27 with RCW 43.24.086;
- 28 (2) To adopt rules necessary to implement this chapter;
- 29 (3) To prepare and administer or approve the preparation and
30 administration of licensing examinations;
- 31 (4) To establish minimum safety and sanitation standards for
32 schools, instructors, cosmetologists, hairdressers, barbers,
33 manicurists, estheticians, salons/shops, personal services, and mobile
34 units;
- 35 (5) To establish curricula for the training of students under this
36 chapter;

1 (6) To maintain the official department record of applicants and
2 licensees;

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

5 (8) To set license expiration dates and renewal periods for all
6 licenses consistent with this chapter;

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

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

16 **Sec. 4.** RCW 18.16.050 and 2002 c 111 s 4 are each amended to read
17 as follows:

18 (1) There is created a state cosmetology, hairdressing, barbering,
19 esthetics, and manicuring advisory board consisting of nine members
20 appointed by the director. These members of the board shall include:
21 A representative of private schools licensed under this chapter; a
22 representative of public vocational technical schools licensed under
23 this chapter; a consumer who is unaffiliated with the cosmetology,
24 hairdressing, barbering, esthetics, or manicuring industry; and six
25 members who are currently practicing licensees who have been engaged in
26 the practice of manicuring, esthetics, barbering, hairdressing, or
27 cosmetology for at least three years. Members shall serve a term of
28 three years. Any board member may be removed for just cause. The
29 director may appoint a new member to fill any vacancy on the board for
30 the remainder of the unexpired term.

31 (2) Board members shall be entitled to compensation pursuant to RCW
32 43.03.240 for each day spent conducting official business and to
33 reimbursement for travel expenses as provided by RCW 43.03.050 and
34 43.03.060.

35 (3) The board may seek the advice and input of officials from the
36 following state agencies: (a) The workforce training and education

1 coordinating board; (b) the department of employment security; (c) the
2 department of labor and industries; (d) the department of health; (e)
3 the department of licensing; and (f) the department of revenue.

4 **Sec. 5.** RCW 18.16.060 and 2004 c 51 s 1 are each amended to read
5 as follows:

6 (1) It is unlawful for any person to engage in a practice listed in
7 subsection (2) of this section unless the person has a license in good
8 standing as required by this chapter. A license issued under this
9 chapter shall be considered to be "in good standing" except when: (a)
10 The license has expired or has been canceled and has not been renewed
11 in accordance with RCW 18.16.110; (b) the license has been denied,
12 revoked, or suspended under RCW 18.16.210, 18.16.230, or 18.16.240, and
13 has not been reinstated; (c) the license is held by a person who has
14 not fully complied with an order of the director issued under RCW
15 18.16.210 requiring the licensee to pay restitution or a fine, or to
16 acquire additional training; or (d) the license has been placed on
17 inactive status at the request of the licensee, and has not been
18 reinstated in accordance with RCW 18.16.110(3).

19 (2) The director may take action under RCW 18.235.150 and
20 18.235.160 against any person who does any of the following without
21 first obtaining, and maintaining in good standing, the license required
22 by this chapter:

23 (a) Except as provided in subsection (3) of this section, engages
24 in the commercial practice of cosmetology, hairdressing, barbering,
25 esthetics, or manicuring;

26 (b) Instructs in a school;

27 (c) Operates a school; or

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

29 (3) A person who receives a license as an instructor may engage in
30 the commercial practice for which he or she held a license when
31 applying for the instructor license without also renewing the
32 previously held license. However, a person licensed as an instructor
33 whose license to engage in a commercial practice is not or at any time
34 was not renewed may not engage in the commercial practice previously
35 permitted under that license unless that person renews the previously
36 held license.

1 **Sec. 6.** RCW 18.16.100 and 2003 c 400 s 5 are each amended to read
2 as follows:

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

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

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

15 (ii) Has successfully completed a state-approved apprenticeship
16 training program; 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.

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 location license to the applicant.

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

29 **Sec. 7.** RCW 18.16.130 and 1991 c 324 s 10 are each amended to read
30 as follows:

31 Any person who is properly licensed in any state, territory, or
32 possession of the United States, or foreign country shall be eligible
33 for examination if the applicant submits the approved application and
34 fee and provides proof to the director that he or she is currently
35 licensed in good standing as a cosmetologist, hairdresser, barber,
36 manicurist, esthetician, instructor, or the equivalent in that

1 jurisdiction. Upon passage of the required examinations the
2 appropriate license will be issued.

3 **Sec. 8.** RCW 18.16.170 and 2002 c 111 s 10 are each amended to read
4 as follows:

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

7 (a) A salon/shop, personal services, or mobile unit license expires
8 one year from issuance or when the insurance required by RCW
9 18.16.175(1)(g) expires, whichever occurs first;

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

11 (c) Cosmetologist, hairdresser, barber, manicurist, esthetician,
12 and instructor licenses expire two years from issuance.

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

16 **Sec. 9.** RCW 18.16.175 and 2002 c 111 s 11 and 2002 c 86 s 216 are
17 each reenacted and amended to read as follows:

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

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

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

25 (c) Any room used wholly or in part as a salon/shop or mobile unit
26 shall not be used for residential purposes, except that toilet
27 facilities may be used jointly for residential and business purposes;

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

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

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

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

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

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

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

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

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

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

32 (8) Cosmetology, hairdressing, barbering, esthetics, and manicuring
33 licenses issued by the department must be posted at the licensed
34 person's work station.

35 **Sec. 10.** RCW 18.16.180 and 1991 c 324 s 16 are each amended to
36 read as follows:

37 The director shall prepare and provide to all licensed salons/shops

1 a notice to consumers. At a minimum, the notice shall state that
2 cosmetology, hairstylist, barber, esthetics, and manicure salons/shops
3 are required to be licensed, that salons/shops are required to maintain
4 minimum safety and sanitation standards, that customer complaints
5 regarding salons/shops may be reported to the department, and a
6 telephone number and address where complaints may be made.

7 **Sec. 11.** RCW 18.16.190 and 1991 c 324 s 20 are each amended to
8 read as follows:

9 It is a violation of this chapter for any person to engage in the
10 commercial practice of cosmetology, hairstyling, barbering, esthetics,
11 or manicuring, except in a licensed salon/shop or the home, office, or
12 other location selected by the client for obtaining the services of a
13 personal service operator, or with the appropriate individual license
14 when delivering services to placebound clients. Placebound clients are
15 defined as persons who are ill, disabled, or otherwise unable to travel
16 to a salon/shop.

17 **Sec. 12.** RCW 18.16.200 and 2004 c 51 s 4 are each amended to read
18 as follows:

19 In addition to the unprofessional conduct described in RCW
20 18.235.130, the director may take disciplinary action against any
21 applicant or licensee under this chapter if the licensee or applicant:

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

24 (2) Has engaged in a practice prohibited under RCW 18.16.060
25 without first obtaining, and maintaining in good standing, the license
26 required by this chapter;

27 (3) Has engaged in the commercial practice of cosmetology,
28 hairstyling, barbering, manicuring, or esthetics in a school;

29 (4) Has not provided a safe, sanitary, and good moral environment
30 for students in a school or the public;

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

32 (6) Has violated any provision of this chapter or any rule adopted
33 under it.

34 **Sec. 13.** RCW 18.16.290 and 2004 c 51 s 2 are each amended to read
35 as follows:

1 (1) If the holder of an individual license in good standing submits
2 a written and notarized request that the licensee's cosmetology,
3 hairstylist, barber, manicurist, esthetician, or instructor license be
4 placed on inactive status, together with a fee equivalent to that
5 established by rule for a duplicate license, the department shall place
6 the license on inactive status until the expiration date of the
7 license. If the date of the request is no more than six months before
8 the expiration date of the license, a request for a two-year extension
9 of the inactive status, as provided under subsection (2) of this
10 section, may be submitted at the same time as the request under this
11 subsection.

12 (2) If the holder of a license placed on inactive status under this
13 section submits, by the expiration date of the license, a written and
14 notarized request to extend that status for an additional two years,
15 the department shall, without additional fee, extend the expiration
16 date of: (a) The licensee's individual license; and (b) the inactive
17 status for two years from the expiration date of the license.

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

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

25 **Sec. 14.** RCW 18.16.900 and 2002 c 111 s 17 are each amended to
26 read as follows:

27 This act shall be known and may be cited as the "Washington
28 cosmetologists, hairstylists, barbers, manicurists, and estheticians
29 act".

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