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HOUSE BILL 1985

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Kenney, Lisk, Conway, Clements, Edmonds, Wood and Bush

Read first time 02/12/2001. Referred to Committee on Commerce & Labor.

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 18.16.090, 18.16.100, 18.16.110, 18.16.140, 18.16.170, 18.16.175,  
4 18.16.200, 18.16.210, 18.16.240, and 18.16.900; reenacting and amending  
5 RCW 18.16.050; adding new sections to chapter 18.16 RCW; prescribing  
6 penalties; and providing an effective date.

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

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

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

16 **Sec. 2.** RCW 18.16.020 and 1991 c 324 s 1 are each amended to read  
17 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 and has passed ((an)) a licensing examination ((prepared or selected by  
35 the board and)) approved or administered by the director. An applicant  
36 who holds a degree in education from an accredited postsecondary  
37 institution ((and who is otherwise qualified)) shall upon application  
38 be licensed as an ((instructor-operator with a cosmetology  
39 endorsement)) instructor to give instruction in a school in a

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

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

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

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

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

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

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

12 ~~(20))~~ (16) "Person" means any individual, partnership,  
13 professional service corporation, joint stock association, joint  
14 venture, or any other entity authorized to do business in this state.

15 ~~((21))~~ (17) "Salon/shop" means any building, structure, ~~((or~~  
16 ~~motor home))~~ or any part thereof, other than a school, where the  
17 commercial practice of cosmetology, barbering, esthetics, or manicuring  
18 is conducted; provided that any person, except employees of a  
19 salon/shop, who operates from a salon/shop is required to meet all  
20 salon/shop licensing requirements.

21 ~~((22))~~ (18) "Crossover training" means training approved by the  
22 director as training hours that may be credited to current licensees  
23 for similar training received in another profession licensed under this  
24 chapter.

25 ~~((23))~~ (19) "Approved security" means surety bond ~~((, savings~~  
26 ~~assignment, or irrevocable letter of credit))~~.

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

30 ~~(25))~~ (20) "Personal services ~~((operator))~~" means ~~((any person~~  
31 ~~possessing a valid))~~ a location licensed under this chapter where the  
32 practice of cosmetology, barbering, manicuring, or ~~((esthetician's~~  
33 license that provides services)) esthetics is performed for clients in  
34 the client's home, office, or other location that is convenient for the  
35 client.

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

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

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

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

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

12       (b) Barber, one thousand hours;

13       (c) Manicurist, six hundred hours;

14       (d) Esthetician, six hundred hours;

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

16       (25) "Student monthly report" means the student record of daily  
17 activities and the number of objectives 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 1991 c 324 s 2 are each amended to read  
22 as follows:

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

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

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

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

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

37       (5) To issue cease and desist ~~((letters))~~ orders and ~~((letters of~~  
38 warning)) notices of correction for infractions of this chapter;

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

4 (7) To prepare and administer or approve the preparation and  
5 administration of licensing examinations;

6 (8) To establish minimum safety and sanitation standards for  
7 schools, instructors, cosmetologists, barbers, manicurists,  
8 estheticians, ((and)) salons/shops, personal services, and mobile  
9 units;

10 (9) To establish ((~~minimum instruction guidelines~~)) curricula for  
11 the training of students under this chapter;

12 (10) To maintain the official department record of applicants and  
13 licensees;

14 (11) To delegate in writing to a designee the authority to issue  
15 subpoenas, statements of charges, cease and desist orders, and any  
16 other documents necessary to enforce this chapter;

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

19 (13) To employ such administrative, investigative, inspection,  
20 audit, and clerical staff as needed to implement this chapter;

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

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

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

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

1 may be removed for just cause. The director may appoint a new member  
2 to fill any vacancy on the board for the remainder of the unexpired  
3 term.

4 (2) Board members shall be entitled to compensation pursuant to RCW  
5 43.03.240 for each day spent conducting official business and to  
6 reimbursement for travel expenses as provided by RCW 43.03.050 and  
7 43.03.060.

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

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

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

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

22 (b) Instructs in a school;

23 (c) Operates a school; or

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

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

27 (2) A person who receives a license~~((d))~~ as ~~((a cosmetology  
28 instructor operator))~~ an instructor may engage in the commercial  
29 practice ~~((of cosmetology))~~ for which he or she held a license when  
30 applying for the instructor license without ~~((maintaining a  
31 cosmetologist))~~ renewing the previously held license. ~~((A person  
32 licensed as a barbering instructor operator may engage in the  
33 commercial practice of barbering without maintaining a barber license.  
34 A person licensed as a manicuring instructor operator may engage in the  
35 commercial practice of manicuring without maintaining a manicurist  
36 license. A person licensed as an esthetician instructor operator may  
37 engage in the commercial practice of esthetics without maintaining an  
38 esthetician license.))~~ A person whose license is not or at any time

1 was not renewed cannot engage in the commercial practice previously  
2 permitted under that license unless that person renews the previously  
3 held license.

4 **Sec. 6.** RCW 18.16.090 and 1991 c 324 s 5 are each amended to read  
5 as follows:

6 Examinations for licensure under this chapter shall be conducted  
7 (~~monthly~~) at such times and places as the director determines  
8 appropriate. Examinations shall consist of tests designed to  
9 reasonably measure the applicant's knowledge of safe and sanitary  
10 practices and may also include the applicant's knowledge of this  
11 chapter and rules adopted pursuant to this chapter. The director may  
12 establish by rule a performance examination in addition to any other  
13 examination. The director shall establish by rule the minimum passing  
14 score for all examinations and the requirements for reexamination of  
15 applicants who fail the examination or examinations. The director may  
16 allow an independent person to conduct the examinations at the expense  
17 of the applicants.

18 The director shall take steps to ensure that after completion of  
19 the required course, applicants may promptly take the examination and  
20 receive the results of the examination.

21 **Sec. 7.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to read  
22 as follows:

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

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

27 (b) Has completed and graduated from a (~~course~~) school licensed  
28 under this chapter in a curriculum approved by the director of sixteen  
29 hundred hours of training in cosmetology, one thousand hours of  
30 training in barbering, (~~five~~) six hundred hours of training in  
31 manicuring, (~~five~~) six hundred hours of training in esthetics, and/or  
32 five hundred hours of training as an instructor-trainee, or has met the  
33 requirements in RCW 18.16.020 or 18.16.130; and

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

36 (2) A person currently licensed under this chapter may qualify for  
37 examination and licensure, after the required examination is passed, in

1 another category if he or she has completed the crossover training  
2 course (~~(approved by the director)~~).

3 (3) Upon completion of an application approved by the department,  
4 certification of insurance, and payment of the proper fee, the director  
5 shall issue a (~~(salon/shop)~~) location license to the (~~(operator of a~~  
6 ~~salon/shop if the salon/shop meets the other requirements of this~~  
7 ~~chapter as demonstrated by information submitted by the operator)~~)  
8 applicant.

9 (4) The director may consult with the state board of health and the  
10 department of labor and industries in establishing training and  
11 examination requirements.

12 **Sec. 8.** RCW 18.16.110 and 1991 c 324 s 7 are each amended to read  
13 as follows:

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

16 (2) Failure to renew a license before its expiration date subjects  
17 the holder to a penalty fee and payment of each year's renewal fee, at  
18 the current rate(~~(, up to a maximum of four years as established by the~~  
19 ~~director in accordance with RCW 43.24.086)~~). A person whose license  
20 has not been renewed (~~(for four years)~~) within one year after its  
21 expiration date shall have the license canceled and shall be required  
22 to submit an application, pay the license fee, meet current licensing  
23 requirements, and pass ((the)) any applicable examination or  
24 examinations, in addition to the other requirements of this chapter,  
25 before the license may be reinstated(~~(: PROVIDED, That the director~~  
26 ~~may waive this requirement for good cause shown. To renew a salon/shop~~  
27 ~~license, the licensee shall provide proof of insurance as required by~~  
28 ~~RCW 18.16.175(1)(h))~~).

29 (~~((2))~~) (3) Upon request and payment of an additional fee to be  
30 established by rule by the director, the director shall issue a  
31 duplicate license to an applicant.

32 **Sec. 9.** RCW 18.16.140 and 1991 c 324 s 11 are each amended to read  
33 as follows:

34 (1) Any person wishing to operate a school shall, before opening  
35 such a school, pay the license fee and file with the director for  
36 approval a license application ((and fee)) containing the following  
37 information:

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

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

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

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

10 (~~e~~)) A surety bond(~~(, irrevocable letter of credit, or savings~~  
11 ~~assignment~~)) in an amount not less than ten thousand dollars, or ten  
12 percent of the annual gross tuition collected by the school, whichever  
13 is greater. The approved security shall not exceed fifty thousand  
14 dollars and shall run to the state of Washington for the protection of  
15 unearned prepaid student tuition. The school shall attest to its gross  
16 tuition at least annually on forms provided by the department. When a  
17 new school license is being applied for, the applicant will estimate  
18 its annual gross tuition to establish a bond amount. This subsection  
19 shall not apply to community colleges and vocational technical schools.

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

23 (2) Changes to the information provided by schools shall be  
24 submitted to the department within fifteen days of the implementation  
25 date.

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

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

32 **Sec. 10.** RCW 18.16.170 and 1991 c 324 s 9 are each amended to read  
33 as follows:

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

36 (a) A salon/shop, personal services, or mobile unit license expires  
37 one year from issuance or when the insurance required by RCW  
38 18.16.175(1)((h)) (g) expires, whichever occurs first;

1 (b) A school license expires one year from issuance; and  
2 (c) Cosmetologist, barber, manicurist, esthetician, and instructor  
3 licenses expire two years from issuance.

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

7 **Sec. 11.** RCW 18.16.175 and 1997 c 178 s 2 are each amended to read  
8 as follows:

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

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

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

16 ~~(c) ((Be operated under the direct supervision of a licensed~~  
17 ~~cosmetologist except that a salon/shop that is limited to barbering may~~  
18 ~~be directly supervised by a barber, a salon/shop that is limited to~~  
19 ~~manicuring may be directly supervised by a manicurist, and a salon/shop~~  
20 ~~that is limited to esthetics may be directly supervised by an~~  
21 ~~esthetician;~~

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

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

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

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

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

34 ~~((i) Other requirements which))~~ (2) The director may by rule  
35 determine~~((s))~~ other requirements that are necessary for safety and  
36 sanitation of salons/shops, personal services, or mobile units. The  
37 director may consult with the state board of health and the department

1 of labor and industries in establishing minimum salon/shop, personal  
2 services, and mobile unit safety requirements.

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

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

9 (4) Upon receipt of a written complaint that a salon/shop or mobile  
10 unit has violated any provisions of this chapter or the rules adopted  
11 under this chapter or at least once every two years for an existing  
12 salon/shop or mobile unit, the director or the director's designee  
13 shall inspect each salon/shop or mobile unit. If the director  
14 determines that any salon/shop or mobile unit is not in compliance with  
15 this chapter, the director shall send written notice to the salon/shop  
16 or mobile unit. A salon/shop or mobile unit which fails to correct the  
17 conditions to the satisfaction of the director within a reasonable time  
18 shall, upon due notice, be subject to the penalties imposed by the  
19 director under RCW 18.16.210. The director may enter any salon/shop or  
20 mobile unit during business hours for the purpose of inspection. The  
21 director may contract with health authorities of local governments to  
22 conduct the inspections under this subsection.

23 ~~((4))~~ (5) A salon/shop, ((including a salon/shop operated by a  
24 booth renter,)) personal services, or mobile unit shall obtain a  
25 certificate of registration from the department of revenue.

26 ~~((5))~~ (6) This section does not prohibit the use of motor homes  
27 as mobile ~~((salon/shops))~~ units if the motor home meets the health and  
28 safety standards of this section.

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

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

34 **Sec. 12.** RCW 18.16.200 and 1991 c 324 s 14 are each amended to  
35 read as follows:

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

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

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

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

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

9 (5) Has aided and abetted unlicensed activity;

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

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

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

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

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

22 (11) Failed to display licenses required in this chapter; or

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

25 **Sec. 13.** RCW 18.16.210 and 1984 c 208 s 14 are each amended to  
26 read as follows:

27 If, following a hearing, the director finds that any person or an  
28 applicant or licensee has violated any provision of this chapter or any  
29 rule adopted under it, the director may impose one or more of the  
30 following penalties:

31 (1) Denial of a license or renewal;

32 (2) Revocation or suspension of a license;

33 (3) A fine of not more than five hundred dollars per violation;

34 (4) Issuance of a reprimand or letter of censure;

35 (5) Placement of the licensee on probation for a fixed period of  
36 time;

37 (6) Restriction of the licensee's authorized scope of practice;

1 (7) Requiring the licensee to make restitution or a refund as  
2 determined by the director to any individual injured by the violation;  
3 or

4 (8) Requiring the licensee to obtain additional training or  
5 instruction.

6 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.16 RCW  
7 to read as follows:

8 The legislature finds that the practices covered by this chapter  
9 are matters vitally affecting the public interest for the purpose of  
10 applying the consumer protection act, chapter 19.86 RCW. A violation  
11 of this chapter is not reasonable in relation to the development and  
12 preservation of business and is an unfair or deceptive act in trade or  
13 commerce and an unfair method of competition for the purpose of  
14 applying the consumer protection act, chapter 19.86 RCW.

15 **Sec. 15.** RCW 18.16.240 and 1997 c 58 s 815 are each amended to  
16 read as follows:

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

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

28 (1) Prior to July 1, 2003, cosmetology licensees may request a  
29 license in manicuring and esthetics. A license renewal fee must be  
30 paid prior to issuance of each type of license requested. After June  
31 30, 2003, any cosmetology licensee wishing to obtain additional  
32 licenses must meet the training and examination requirements of this  
33 chapter.

34 (2) Prior to July 1, 2003, students enrolled in a licensed school  
35 in an approved cosmetology curriculum may apply for the examination in  
36 cosmetology, manicuring, and esthetics. An examination fee must be

1 paid for each examination selected. After June 30, 2003, students  
2 enrolled in a licensed school in an approved cosmetology curriculum may  
3 not apply for examination in manicuring and esthetics without meeting  
4 the training requirements of this chapter.

5 **Sec. 17.** RCW 18.16.900 and 1984 c 208 s 20 are each amended to  
6 read as follows:

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

9 NEW SECTION. **Sec. 18.** This act takes effect January 1, 2002.

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