
HOUSE BILL 2305

State of Washington 58th Legislature 2004 Regular Session

By Representatives McMahan, Crouse, Boldt, Hinkle, McMorris,
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Committee on Commerce & Labor.

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 and 18.16.200; reenacting RCW 18.16.030;
4 creating a new section; and declaring an emergency.

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

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

8 (1) It is unlawful for any person to engage in a practice listed in
9 subsection (2) of this section unless the person has a license in good
10 standing as required by this chapter.

11 (2) The director may take action under RCW 18.235.150 and
12 18.235.160 against any person who does any of the following without
13 first obtaining, and maintaining in good standing, the license required
14 by this chapter:

15 (a) Except as provided in subsection ((+2)) (3) of this section,
16 engages in the commercial practice of cosmetology, barbering,
17 esthetics, or manicuring(~~(, or instructing)~~);

18 (b) Instructs in a school;

19 (c) Operates a school; or

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

2 ((+2)) (3) A person who receives a license as an instructor may
3 engage in the commercial practice for which he or she held a license
4 when applying for the instructor license without also renewing the
5 previously held license. However, a person licensed as an instructor
6 whose license to engage in a commercial practice is not or at any time
7 was not renewed ((cannot)) may not engage in the commercial practice
8 previously permitted under that license unless that person renews the
9 previously held license.

10 **Sec. 2.** RCW 18.16.110 and 2002 c 111 s 8 are each amended to read
11 as follows:

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

14 (2) Failure to renew a license before its expiration date subjects
15 the holder to a penalty fee and payment of each year's renewal fee, at
16 the current rate. Except as provided in RCW 18.16.260(1), a person
17 whose license has not been renewed within one year after its expiration
18 date shall have the license canceled and shall be required to submit an
19 application, pay the license fee, meet current licensing requirements,
20 and pass any applicable examination or examinations, in addition to the
21 other requirements of this chapter, before the license may be
22 reinstated. This subsection does not permit a person whose license has
23 expired to engage in a practice prohibited under RCW 18.16.060(1) until
24 the license is renewed or reinstated.

25 (3) Upon request and payment of an additional fee to be established
26 by rule by the director, the director shall issue a duplicate license
27 to an applicant.

28 **Sec. 3.** RCW 18.16.200 and 2002 c 111 s 12 and 2002 c 86 s 217 are
29 each reenacted and amended to read as follows:

30 In addition to the unprofessional conduct described in RCW
31 18.235.130, the director may take disciplinary action against any
32 applicant or licensee under this chapter ((may be subject to
33 disciplinary action by the director)) if the licensee or applicant:

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

1 by mailing a notice as specified in this section to the licensee's last
2 known mailing address;

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

4 (a) A summary of this act, including a summary of the requirements
5 for renewing and obtaining additional licenses;

6 (b) A telephone number within the department for obtaining further
7 information;

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

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

13 **Sec. 6.** RCW 18.16.030 and 2002 c 111 s 3 and 2002 c 86 s 213 are
14 each reenacted to read as follows:

15 In addition to any other duties imposed by law, including RCW
16 18.235.030 and 18.235.040, the director shall have the following powers
17 and duties:

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

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

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

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

26 (5) To establish curricula for the training of students under this
27 chapter;

28 (6) To maintain the official department record of applicants and
29 licensees;

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

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

34 (9) To make information available to the department of revenue to
35 assist in collecting taxes from persons required to be licensed under
36 this chapter.

1 **Sec. 7.** RCW 18.16.160 and 1991 c 324 s 13 are each amended to read
2 as follows:

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

25 The director shall maintain a record, available for public
26 inspection, of all suits commenced under this chapter upon approved
27 security.

28 NEW SECTION. **Sec. 8.** 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.

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