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SENATE BILL 6341

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State of Washington

58th Legislature

2004 Regular Session

By Senator Oke

Read first time 01/19/2004. Referred to Committee on Commerce & Trade.

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

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

1        ~~(2)~~ Has engaged in ~~((the commercial))~~ a practice ~~((of cosmetology,~~  
2 ~~barbering, manicuring, esthetics, or instructed in or operated a~~  
3 ~~school))~~ prohibited under RCW 18.16.060(1) without first obtaining, and  
4 maintaining in good standing, the license required by this chapter;  
5        ~~((2))~~ (3) Has engaged in the commercial practice of cosmetology,  
6 barbering, manicuring, or esthetics in a school;  
7        ~~((3))~~ (4) Has not provided a safe, sanitary, and good moral  
8 environment for students ~~((and))~~ in a school or the public;  
9        (5) Has failed to display licenses required in this chapter; or  
10        ~~((4))~~ (6) Has violated any provision of this chapter or any rule  
11 adopted under it.

12        **Sec. 4.** RCW 18.16.260 and 2002 c 111 s 16 are each amended to read  
13 as follows:

14        (1) Prior to July 1, ~~((2003))~~ 2005, a cosmetology licensee~~((s))~~ who  
15 held a license in good standing that expired on or after June 30, 1999,  
16 may request a renewal of the license or an additional license in  
17 barbering, manicuring, and/or esthetics. A license renewal fee must be  
18 paid prior to issuance of each type of license requested. After June  
19 30, ~~((2003))~~ 2005, any cosmetology licensee wishing to renew an expired  
20 license or obtain additional licenses must meet the applicable renewal,  
21 training, and examination requirements of this chapter. The director  
22 may, as provided in RCW 43.24.140, modify the duration of any  
23 additional license granted under this subsection to make all licenses  
24 issued to a person expire on the same date.

25        (2) Prior to July 1, 2003, students enrolled in a licensed school  
26 in an approved cosmetology curriculum may apply for the examination in  
27 cosmetology, manicuring, and esthetics. An examination fee must be  
28 paid for each examination selected. After June 30, 2003, students  
29 enrolled in a licensed school in an approved cosmetology curriculum may  
30 not apply for examination in manicuring and esthetics without meeting  
31 the training requirements of this chapter.

32        NEW SECTION. **Sec. 5.** The department of licensing shall:

33        (1) Within ninety days after the effective date of this section,  
34 notify each licensee under this chapter and each person holding a  
35 cosmetology license as of June 30, 1999, of the provisions of this act

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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