
SUBSTITUTE HOUSE BILL 1085

State of Washington 62nd Legislature 2011 Regular Session

By House Business & Financial Services (originally sponsored by Representatives Angel and Kirby)

READ FIRST TIME 01/28/11.

1 AN ACT Relating to creating a hair design license; and amending RCW
2 18.16.010, 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.130,
3 18.16.170, 18.16.175, 18.16.180, 18.16.190, 18.16.200, and 18.16.290.

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

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

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

12 **Sec. 2.** RCW 18.16.020 and 2008 c 20 s 1 are each amended to read
13 as follows:

14 As used in this chapter, the following terms have the meanings
15 indicated unless the context clearly requires otherwise:

16 (1) "Apprenticeship program" means a state-approved apprenticeship
17 program pursuant to chapter 49.04 RCW and approved under RCW 18.16.280

1 for the training of cosmetology, hair design, barbering, esthetics, and
2 manicuring.

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

6 (3) "Apprenticeship training committee" means a committee approved
7 by the Washington apprenticeship and training council established in
8 chapter 49.04 RCW.

9 (4) "Department" means the department of licensing.

10 (5) "Board" means the cosmetology, hair design, barbering,
11 esthetics, and manicuring advisory board.

12 (6) "Director" means the director of the department of licensing or
13 the director's designee.

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

26 (8) "Cosmetologist" means a person licensed under this chapter to
27 engage in the practice of cosmetology.

28 (9) "Practice of hair design" means arranging, dressing, cutting,
29 trimming, styling, braiding, extensions, weaving, singeing, shampooing,
30 permanent waving, chemical relaxing, straightening, curling, bleaching,
31 lightening, coloring, and mustache and beard design, and massage of the
32 scalp.

33 (10) "Hair designer" means a person licensed under this chapter to
34 engage in the practice of hair design.

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

1 ~~((10))~~ (12) "Barber" means a person licensed under this chapter
2 to engage in the practice of barbering.

3 ~~((11))~~ (13) "Practice of manicuring" means the cleaning, shaping,
4 polishing, decorating, and caring for and treatment of the cuticles and
5 the nails of the hands or feet, and the application and removal of
6 sculptured or otherwise artificial nails by hand or with mechanical or
7 electrical apparatus or appliances.

8 ~~((12))~~ (14) "Manicurist" means a person licensed under this
9 chapter to engage in the practice of manicuring.

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

19 ~~((14))~~ (16) "Esthetician" means a person licensed under this
20 chapter to engage in the practice of esthetics.

21 ~~((15))~~ (17) "Instructor-trainee" means a person who is currently
22 licensed in this state as a cosmetologist, hair designer, barber,
23 manicurist, or esthetician, and is enrolled in an instructor-trainee
24 curriculum in a school licensed under this chapter.

25 ~~((16))~~ (18) "School" means any establishment that offers
26 curriculum of instruction in the practice of cosmetology, hair design,
27 barbering, esthetics, manicuring, or instructor-trainee to students and
28 is licensed under this chapter.

29 ~~((17))~~ (19) "Student" means a person sixteen years of age or
30 older who is enrolled in a school licensed under this chapter and
31 receives instruction in any of the curricula of cosmetology, hair
32 design, barbering, esthetics, manicuring, or instructor-training with
33 or without tuition, fee, or cost, and who does not receive any wage or
34 commission.

35 ~~((18))~~ (20) "Instructor" means a person who gives instruction in
36 a school, or who provides classroom theory training to apprentices in
37 locations other than in a school, in a curriculum in which he or she
38 holds a license under this chapter, has completed at least five hundred

1 hours of instruction in teaching techniques and lesson planning in a
2 school, and has passed a licensing examination approved or administered
3 by the director. An applicant who holds a degree in education from an
4 accredited postsecondary institution shall upon application be licensed
5 as an instructor to give instruction in a school, or to provide
6 classroom theory training to apprentices in locations other than in a
7 school, in a curriculum in which he or she holds a license under this
8 chapter. An applicant who holds an instructional credential from an
9 accredited community or technical college and who has passed a
10 licensing examination approved or administered by the director shall
11 upon application be licensed as an instructor to give instruction in a
12 school, or to provide classroom theory training to apprentices in
13 locations other than in a school, in a curriculum in which he or she
14 holds a license under this chapter. To be approved as an "instructor"
15 in an approved apprenticeship program, the instructor must be a
16 competent instructor as defined in rules adopted under chapter 49.04
17 RCW.

18 ~~((+19+))~~ (21) "Apprentice trainer" means a person who gives
19 training to an apprentice in an approved apprenticeship program and who
20 is approved under RCW 18.16.280.

21 ~~((+20+))~~ (22) "Person" means any individual, partnership,
22 professional service corporation, joint stock association, joint
23 venture, or any other entity authorized to do business in this state.

24 ~~((+21+))~~ (23) "Salon/shop" means any building, structure, or any
25 part thereof, other than a school, where the commercial practice of
26 cosmetology, hair design, barbering, esthetics, or manicuring is
27 conducted; provided that any person, except employees of a salon/shop,
28 who operates from a salon/shop is required to meet all salon/shop
29 licensing requirements and may participate in the apprenticeship
30 program when certified as established by the Washington state
31 apprenticeship and training council established in chapter 49.04 RCW.

32 ~~((+22+))~~ (24) "Approved apprenticeship shop" means a salon/shop
33 that has been approved under RCW 18.16.280 and chapter 49.04 RCW to
34 participate in an apprenticeship program.

35 ~~((+23+))~~ (25) "Crossover training" means training approved by the
36 director as training hours that may be credited to current licensees
37 for similar training received in another profession licensed under this
38 chapter.

1 ~~((24))~~ (26) "Approved security" means surety bond.

2 ~~((25))~~ (27) "Personal services" means a location licensed under
3 this chapter where the practice of cosmetology, hair design, barbering,
4 manicuring, or esthetics is performed for clients in the client's home,
5 office, or other location that is convenient for the client.

6 ~~((26))~~ (28) "Individual license" means a cosmetology, hair
7 design, barber, manicurist, esthetician, or instructor license issued
8 under this chapter.

9 ~~((27))~~ (29) "Location license" means a license issued under this
10 chapter for a salon/shop, school, personal services, or mobile unit.

11 ~~((28))~~ (30) "Mobile unit" is a location license under this
12 chapter where the practice of cosmetology, hair design, barbering,
13 esthetics, or manicuring is conducted in a mobile structure. Mobile
14 units must conform to the health and safety standards set by rule under
15 this chapter.

16 ~~((29))~~ (31) "Curriculum" means the courses of study taught at a
17 school, or in an approved apprenticeship program established by the
18 Washington state apprenticeship and training council and conducted in
19 an approved salon/shop, set by rule under this chapter, and approved by
20 the department. After consulting with the board, the director may set
21 by rule a percentage of hours in a curriculum, up to a maximum of ten
22 percent, that could include hours a student receives while training in
23 a salon/shop under a contract approved by the department. Each
24 curriculum must include at least the following required hours:

25 (a) School curriculum:

26 (i) Cosmetologist, one thousand six hundred hours;

27 (ii) Hair designer, one thousand four hundred hours;

28 ~~(iii)~~ (iii) Barber, one thousand hours;

29 ~~((iii))~~ (iv) Manicurist, six hundred hours;

30 ~~((iv))~~ (v) Esthetician, six hundred hours;

31 ~~((v))~~ (vi) Instructor-trainee, five hundred hours.

32 (b) Apprentice training curriculum:

33 (i) Cosmetologist, two thousand hours;

34 (ii) Hair designer, one thousand eight hundred hours;

35 ~~(iii)~~ (iii) Barber, one thousand two hundred hours;

36 ~~((iii))~~ (iv) Manicurist, eight hundred hours;

37 ~~((iv))~~ (v) Esthetician, eight hundred hours.

1 (~~(+30+)~~) (32) "Student monthly report" means the student record of
2 daily activities and the number of hours completed in each course of a
3 curriculum that is prepared monthly by the school and provided to the
4 student, audited annually by the department, and kept on file by the
5 school for three years.

6 (~~(+31+)~~) (33) "Apprentice monthly report" means the apprentice
7 record of daily activities and the number of hours completed in each
8 course of a curriculum that is prepared monthly by the approved
9 apprenticeship program and provided to the apprentice, audited annually
10 by the department, and kept on file by the approved apprenticeship
11 program for three years.

12 **Sec. 3.** RCW 18.16.030 and 2008 c 20 s 2 are each amended to read
13 as follows:

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

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

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

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

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

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

34 (9) To ensure that all informational notices produced and mailed by
35 the department regarding statutory and regulatory changes affecting any
36 particular class of licensees are mailed to each licensee in good

1 standing or on inactive status in the affected class whose mailing
2 address on record with the department has not resulted in mail being
3 returned as undeliverable for any reason; and

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

7 **Sec. 4.** RCW 18.16.050 and 2008 c 20 s 3 are each amended to read
8 as follows:

9 (1) There is created a state cosmetology, hair design, barbering,
10 esthetics, and manicuring advisory board consisting of a maximum of ten
11 members appointed by the director. These members of the board shall
12 include: A representative of private schools licensed under this
13 chapter; a representative from an approved apprenticeship program
14 conducted in an approved salon/shop; a representative of public
15 vocational technical schools licensed under this chapter; a consumer
16 who is unaffiliated with the cosmetology, hair design, barbering,
17 esthetics, or manicuring industry; and six members who are currently
18 practicing licensees who have been engaged in the practice of
19 manicuring, esthetics, barbering, hair design, or cosmetology for at
20 least three years. Members shall serve a term of three years. Any
21 board member may be removed for just cause. The director may appoint
22 a new member to fill any vacancy on the board for the remainder of the
23 unexpired term.

24 (2) Board members shall be entitled to compensation pursuant to RCW
25 43.03.240 for each day spent conducting official business and to
26 reimbursement for travel expenses as provided by RCW 43.03.050 and
27 43.03.060.

28 (3) The board may seek the advice and input of officials from the
29 following state agencies: (a) The workforce training and education
30 coordinating board; (b) the (~~department of~~) employment security
31 department; (c) the department of labor and industries; (d) the
32 department of health; (e) the department of licensing; and (f) the
33 department of revenue.

34 **Sec. 5.** RCW 18.16.060 and 2008 c 20 s 4 are each amended to read
35 as follows:

36 (1) It is unlawful for any person to engage in a practice listed in

1 subsection (2) of this section unless the person has a license in good
2 standing as required by this chapter. A license issued under this
3 chapter shall be considered to be "in good standing" except when:

4 (a) The license has expired or has been canceled and has not been
5 renewed in accordance with RCW 18.16.110;

6 (b) The license has been denied, revoked, or suspended under RCW
7 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated;

8 (c) The license is held by a person who has not fully complied with
9 an order of the director issued under RCW 18.16.210 requiring the
10 licensee to pay restitution or a fine, or to acquire additional
11 training; or

12 (d) The license has been placed on inactive status at the request
13 of the licensee, and has not been reinstated in accordance with RCW
14 18.16.110(3).

15 (2) The director may take action under RCW 18.235.150 and
16 18.235.160 against any person who does any of the following without
17 first obtaining, and maintaining in good standing, the license required
18 by this chapter:

19 (a) Except as provided in subsections (3) and (4) of this section,
20 engages in the commercial practice of cosmetology, hair design,
21 barbering, esthetics, or manicuring;

22 (b) Instructs in a school;

23 (c) Operates a school; or

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

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

33 (4) An apprentice actively enrolled in an apprenticeship program
34 for cosmetology, hair design, barbering, esthetics, or manicuring may
35 engage in the commercial practice as required for the apprenticeship
36 program.

1 **Sec. 6.** RCW 18.16.130 and 1991 c 324 s 10 are each amended to read
2 as follows:

3 Any person who is properly licensed in any state, territory, or
4 possession of the United States, or foreign country shall be eligible
5 for examination if the applicant submits the approved application and
6 fee and provides proof to the director that he or she is currently
7 licensed in good standing as a cosmetologist, hair designer, barber,
8 manicurist, esthetician, instructor, or the equivalent in that
9 jurisdiction. Upon passage of the required examinations the
10 appropriate license will be issued.

11 **Sec. 7.** RCW 18.16.170 and 2002 c 111 s 10 are each amended to read
12 as follows:

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

15 (a) A salon/shop, personal services, or mobile unit license expires
16 one year from issuance or when the insurance required by RCW
17 18.16.175(1)(g) expires, whichever occurs first;

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

19 (c) Cosmetologist, hair designer, barber, manicurist, esthetician,
20 and instructor licenses expire two years from issuance.

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

24 **Sec. 8.** RCW 18.16.175 and 2008 c 20 s 6 are each amended to read
25 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (8) Cosmetology, hair design, barbering, esthetics, and manicuring
4 licenses issued by the department must be posted at the licensed
5 person's work station.

6 **Sec. 9.** RCW 18.16.180 and 2008 c 20 s 7 are each amended to read
7 as follows:

8 (1) The director shall prepare and provide to all licensed
9 salons/shops a notice to consumers. At a minimum, the notice shall
10 state that cosmetology, hair design, barber, esthetics, and manicure
11 salons/shops are required to be licensed, that salons/shops are
12 required to maintain minimum safety and sanitation standards, that
13 customer complaints regarding salons/shops may be reported to the
14 department, and a telephone number and address where complaints may be
15 made.

16 (2) An approved apprenticeship shop must post a notice to consumers
17 in the reception area of the salon/shop stating that services may be
18 provided by an apprentice. At a minimum, the notice must state: "This
19 shop is a participant in a state-approved apprenticeship program.
20 Apprentices in this program are in training and have not yet received
21 a license."

22 **Sec. 10.** RCW 18.16.190 and 1991 c 324 s 20 are each amended to
23 read as follows:

24 It is a violation of this chapter for any person to engage in the
25 commercial practice of cosmetology, hair design, barbering, esthetics,
26 or manicuring, except in a licensed salon/shop or the home, office, or
27 other location selected by the client for obtaining the services of a
28 personal service operator, or with the appropriate individual license
29 when delivering services to placebound clients. Placebound clients are
30 defined as persons who are ill, disabled, or otherwise unable to travel
31 to a salon/shop.

32 **Sec. 11.** RCW 18.16.200 and 2004 c 51 s 4 are each amended to read
33 as follows:

34 In addition to the unprofessional conduct described in RCW

1 18.235.130, the director may take disciplinary action against any
2 applicant or licensee under this chapter if the licensee or applicant:

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

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

8 (3) Has engaged in the commercial practice of cosmetology, hair
9 design, barbering, manicuring, or esthetics in a school;

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

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

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

15 **Sec. 12.** RCW 18.16.290 and 2004 c 51 s 2 are each amended to read
16 as follows:

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

28 (2) If the holder of a license placed on inactive status under this
29 section submits, by the expiration date of the license, a written and
30 notarized request to extend that status for an additional two years,
31 the department shall, without additional fee, extend the expiration
32 date of: (a) The licensee's individual license; and (b) the inactive
33 status for two years from the expiration date of the license.

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

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

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