
SENATE BILL 6528

State of Washington

65th Legislature

2018 Regular Session

By Senators Fain, Palumbo, Angel, Bailey, Braun, Miloscia, Wilson, Zeiger, Padden, and Rivers

1 AN ACT Relating to eliminating various occupational licensure and
2 certification requirements through creation of a state review web
3 site; amending RCW 18.11.050, 18.11.070, 18.11.085, 18.11.095,
4 18.11.160, 18.11.200, 18.11.220, 18.11.240, 18.16.020, 18.16.050,
5 18.16.060, 18.16.130, 18.16.170, 18.16.175, 18.16.190, 18.16.200,
6 18.16.290, and 67.08.100; adding a new section to chapter 67.08 RCW;
7 adding a new chapter to Title 18 RCW; repealing RCW 18.11.060,
8 18.11.121, 18.11.130, 18.11.140, 18.11.170, 18.11.180, 18.11.190,
9 18.11.205, 18.11.210, 18.11.270, and 18.11.280; and providing an
10 effective date.

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

12 NEW SECTION. **Sec. 1.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires
14 otherwise.

15 (1) "Department" means the department of licensing.

16 (2) "Registered individual" means an individual performing one or
17 more of the occupations listed in section 2 of this act who has met
18 the registration requirements with Washington effective licensing
19 port.

20 (3) "Washington effective licensing port" means the web site
21 created by the department for purposes of registering individuals

1 working in one or more of the occupations listed in section 2 of this
2 act.

3 NEW SECTION. **Sec. 2.** Any individual working in the state in one
4 or more of the following occupations must have an active registration
5 profile on the Washington effective licensing port web site:

- 6 (1) Auctioneer;
- 7 (2) Boxing announcer; and
- 8 (3) Manicurist.

9 NEW SECTION. **Sec. 3.** The department shall create a
10 comprehensive and user-friendly web site for public comment on and
11 review of all individuals working in one or more of the occupations
12 listed in section 2 of this act. The department may contract with
13 outside vendors and experts to assist in the development of the web
14 site. The web site must allow any individual working in one or more
15 of the occupations in section 2 of this act to register and create a
16 profile that lists business contact information and allows for public
17 comment and review of that individual's service. The web site must
18 also allow any individual working in one or more of the occupations
19 in section 2 of this act who registers and creates a profile on the
20 web site to include information about any training, degrees, or
21 certificates that the individual holds. The department may charge a
22 fee of no more than twenty-five dollars for the individual's first
23 creation of their profile. The web site must allow any member of the
24 public to view postings regarding registered individuals and allow
25 consumers to post reviews of registered individuals. The consumer's
26 post must include a "star" rating on a scale of one to five stars,
27 with five stars being the highest rating of service, and the consumer
28 must be allowed to post additional comments if they choose. Prior to
29 posting a review, the web site should require the consumer to attest
30 that they actually received services from the registered individual
31 and that the information provided in the review is accurate to his or
32 her knowledge. The consumer must attest by checking a box provided on
33 the web site. The web site should include a searchable list of all
34 registered individuals in each occupational category, with links to
35 any enforcement actions by the department. The web site should list
36 contact information for the department so as to facilitate complaints
37 against individuals performing work in the above-referenced

1 occupations that are not registered with Washington effective
2 licensing port.

3 NEW SECTION. **Sec. 4.** (1) The department is authorized to take
4 one or more of the actions listed in subsection (2) of this section
5 in any case in which the department finds that an individual has:

6 (a) Performed work in which he or she should be registered with
7 Washington effective licensing port under section 2 of this act, but
8 failed or refused to comply with the registration requirements; or

9 (b) Failed or refused to post their current star rating in a
10 conspicuous place at their location of business within the previous
11 three hundred sixty-four days. The department shall determine the
12 form of posting of the current star rating.

13 (2) When authorized by subsection (1) of this section, the
14 department may take one or more of the following actions:

15 (a) Refuse to allow the individual to register with Washington
16 effective licensing port;

17 (b) Revoke the individual's registration with Washington
18 effective licensing port;

19 (c) Suspend the individual's registration with Washington
20 effective licensing port until the individual posts their current
21 star rating as required by subsection (1) of this section; or

22 (d) Impose civil penalties of up to one thousand dollars for each
23 violation.

24 **Sec. 5.** RCW 18.11.050 and 1986 c 324 s 2 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

28 (1) "Auctioneer" means an individual who calls bids at an
29 auction.

30 (2) "Auction" means a transaction conducted by means of exchanges
31 between an auctioneer and the members of his or her audience,
32 constituting a series of invitations for offers for the purchase of
33 goods or real property made by the auctioneer, offers by members of
34 the audience, and the acceptance of the highest or most favorable
35 offer.

36 (3) "Auction mart" means any fixed or established place designed,
37 intended, or used for the conduct of auctions.

1 (4) "Auction company" means a sole proprietorship, partnership,
2 corporation, or other legal or commercial entity that sells or offers
3 to sell goods or real estate at auction or arranges, sponsors, or
4 manages auctions. The term "auction company" shall exclude any sole
5 proprietorship owned by an auctioneer licensed under this chapter
6 whose gross annual sales do not exceed twenty-five thousand dollars.

7 ~~(5) ("Department" means the department of licensing.~~

8 ~~(6) "Director" means the director of licensing.~~

9 ~~(7))~~ "Person" means an individual, partnership, association,
10 corporation, or any other form of business enterprise.

11 ~~((8))~~ (6) "Goods" means wares, chattels, merchandise, or
12 personal property owned or consigned, which may be lawfully kept or
13 offered for sale.

14 ~~((9) "License" means state authority to operate as an auctioneer
15 or auction company, which authority is conferred by issuance of a
16 certificate of registration subject to annual renewal.~~

17 ~~(10) "Licensee" means an auctioneer or auction company registered
18 under this chapter.)~~

19 **Sec. 6.** RCW 18.11.070 and 1999 c 398 s 1 are each amended to
20 read as follows:

21 (1) It is unlawful for any person to act as an auctioneer or for
22 an auction company to engage in any business in this state without
23 ~~((a license))~~ registering with Washington effective licensing port in
24 accordance with section 2 of this act.

25 (2) This chapter does not apply to:

26 (a) An auction of goods conducted by an individual who personally
27 owns those goods and who did not acquire those goods for resale;

28 (b) An auction conducted by or under the direction of a public
29 authority;

30 (c) An auction held under judicial order in the settlement of a
31 decedent's estate;

32 (d) An auction which is required by law to be at auction;

33 (e) An auction conducted by or on behalf of a political
34 organization or a charitable corporation or association if the person
35 conducting the sale receives no compensation;

36 (f) An auction of livestock or agricultural products which is
37 conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated
38 under chapter 16.65 or 20.01 RCW shall be fully subject to the
39 provisions of this chapter;

1 (g) An auction held under chapter 19.150 RCW;

2 (h) An auction of an abandoned vehicle under chapter 46.55 RCW;

3 or

4 (i) An auction of fur pelts conducted by any cooperative
5 association organized under chapter 23.86 RCW or its wholly owned
6 subsidiary. In order to qualify for this exemption, the fur pelts
7 must be from members of the association. However, the association,
8 without loss of the exemption, may auction pelts that it purchased
9 from nonmembers for the purpose of completing lots or orders, so long
10 as the purchased pelts do not exceed fifteen percent of the total
11 pelts auctioned.

12 **Sec. 7.** RCW 18.11.085 and 2002 c 86 s 206 are each amended to
13 read as follows:

14 Every individual, before acting as an auctioneer, shall ~~((obtain~~
15 ~~an auctioneer certificate of registration. To be licensed as an~~
16 ~~auctioneer, an individual shall meet all of the following~~
17 ~~requirements:~~

18 ~~(1) Be at least eighteen years of age or sponsored by a licensed~~
19 ~~auctioneer.~~

20 ~~(2) File with the department a completed application on a form~~
21 ~~prescribed by the director.~~

22 ~~(3) Show that the proper tax registration certificate required by~~
23 ~~RCW 82.32.030 has been obtained from the department of revenue.~~

24 ~~(4) Pay the auctioneer registration fee required under the agency~~
25 ~~rules adopted pursuant to this chapter.~~

26 ~~(5) Except as otherwise provided under RCW 18.11.121, file with~~
27 ~~the department an auctioneer surety bond in the amount and form~~
28 ~~required by RCW 18.11.121 and the agency rules adopted pursuant to~~
29 ~~this chapter.~~

30 ~~(6))~~ have no disqualifications under RCW 18.11.160 or 18.235.130
31 and register with Washington effective licensing port in accordance
32 with section 2 of this act. Nothing in this section removes the
33 obligations under RCW 18.235.130.

34 **Sec. 8.** RCW 18.11.095 and 2002 c 86 s 207 are each amended to
35 read as follows:

36 Every person, before operating an auction company as defined in
37 RCW 18.11.050, shall ~~((obtain an auction company certificate of~~

1 registration)) register with Washington effective licensing port in
2 accordance with section 2 of this act((-

3 ~~(1) Except as provided in subsection (2) of this section, to be~~
4 ~~licensed as an auction company, a person shall meet all of the~~
5 ~~following requirements:~~

6 ~~(a) File with the department a completed application on a form~~
7 ~~prescribed by the director.~~

8 ~~(b) Sign a notarized statement included on the application form~~
9 ~~that all auctioneers hired by the auction company to do business in~~
10 ~~the state shall be properly registered under this chapter.~~

11 ~~(c) Show that the proper tax registration certificate required by~~
12 ~~RCW 82.32.030 has been obtained from the department of revenue.~~

13 ~~(d) Pay the auction company registration fee required under the~~
14 ~~agency rules adopted pursuant to this chapter.~~

15 ~~(e) File with the department an auction company surety bond in~~
16 ~~the amount and form required by RCW 18.11.121 and the agency rules~~
17 ~~adopted pursuant to this chapter.~~

18 ~~(f)) and have no disqualifications under RCW 18.11.160 or~~
19 ~~18.235.130.~~

20 ~~((2) An auction company shall not be charged a license fee if it~~
21 ~~is a sole proprietorship or a partnership owned by an auctioneer or~~
22 ~~auctioneers, each of whom is licensed under this chapter, and if it~~
23 ~~has in effect a surety bond or bonds or other security approved by~~
24 ~~the director in the amount that would otherwise be required for an~~
25 ~~auction company to be granted or to retain a license under RCW~~
26 ~~18.11.121.))~~

27 **Sec. 9.** RCW 18.11.160 and 2016 c 81 s 8 are each amended to read
28 as follows:

29 (1) Except as provided in RCW 9.97.020, no ~~((license))~~
30 registration shall be issued by the department to any person who has
31 been convicted of forgery, embezzlement, obtaining money under false
32 pretenses, extortion, criminal conspiracy, fraud, theft, receiving
33 stolen goods, unlawful issuance of checks or drafts, or other similar
34 offense, or to any partnership of which the person is a member, or to
35 any association or corporation of which the person is an officer or
36 in which as a stockholder the person has or exercises a controlling
37 interest either directly or indirectly.

1 (2) In addition to the unprofessional conduct described in RCW
2 18.235.130, the director has the authority to take disciplinary
3 action for any of the following conduct, acts, or conditions:

4 (a) Underreporting to the department of sales figures so that the
5 auctioneer or auction company surety bond is in a lower amount than
6 required by law;

7 (b) Nonpayment of an administrative fine prior to renewal of a
8 ((license)) registration; and

9 (c) Any other violations of this chapter.

10 (3) The department shall immediately suspend the ((license))
11 registration of a person who has been certified pursuant to RCW
12 74.20A.320 by the department of social and health services as a
13 person who is not in compliance with a support order. If the person
14 has continued to meet all other requirements for reinstatement during
15 the suspension, reissuance of the ((license)) registration shall be
16 automatic upon the department's receipt of a release issued by the
17 department of social and health services stating that the
18 ((licensee)) person is in compliance with the order.

19 **Sec. 10.** RCW 18.11.200 and 2002 c 86 s 211 are each amended to
20 read as follows:

21 The director shall adopt rules for the purpose of carrying out
22 and developing this chapter(~~(, including rules governing the conduct~~
23 ~~of inspections)~~).

24 **Sec. 11.** RCW 18.11.220 and 1987 c 336 s 3 are each amended to
25 read as follows:

26 The client of an auctioneer or auction company has a right to (1)
27 an accounting for any money that the auctioneer or auction company
28 receives from the sale of the client's goods, and (2) payment of all
29 money due to the client within twenty-one calendar days unless the
30 parties have mutually agreed in writing to another time of payment(~~(,~~
31 ~~and (3) bring an action against the surety bond or other security~~
32 ~~filed in lieu of the surety bond for any violation of this chapter or~~
33 ~~the rules adopted pursuant to this chapter)~~).

34 **Sec. 12.** RCW 18.11.240 and 1986 c 324 s 22 are each amended to
35 read as follows:

36 The following requirements shall apply to bidding at auctions:

1 (1) An auctioneer conducting an auction and an auction company
2 where an auction is being held shall not bid on or offer to buy any
3 goods or real property at the auction unless the auctioneer or the
4 auction company discloses the name of the person on whose behalf the
5 bid or offer is being made.

6 (2) An auctioneer and an auction company shall not use any method
7 of bidding at an auction that will allow goods or real property to be
8 purchased in an undisclosed manner on behalf of the auctioneer or
9 auction company.

10 (3) At a public auction conducted or supervised by an auctioneer
11 or auction company, the auctioneer or auction company shall not
12 fictitiously raise any bid, knowingly permit any person to make a
13 fictitious bid, or employ or use another person to act as a bidder or
14 buyer.

15 (4) All goods or real property offered for sale at an auction
16 shall be subject to a reserve or a confirmation from the owner or
17 consignor unless otherwise indicated by the auctioneer or auction
18 company. Except as provided in this subsection, an auctioneer or
19 auction company shall not use any method of bidding at an auction
20 that allows the auctioneer or auction company to avoid selling any
21 property offered for sale at auction.

22 (5) (~~(A—licensee)~~) An individual registered with Washington
23 effective licensing port who violates any provision of this section
24 shall be subject to an administrative fine in a sum not exceeding
25 five hundred dollars for each violation.

26 **Sec. 13.** RCW 18.16.020 and 2015 c 62 s 1 are each amended to
27 read as follows:

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

30 (1) "Apprentice" means a person who is engaged in a state-
31 approved apprenticeship program and who must receive a wage or
32 compensation while engaged in the program.

33 (2) "Apprentice monthly report" means the apprentice record of
34 daily activities and the number of hours completed in each course of
35 a curriculum that is prepared monthly by the approved apprenticeship
36 program and provided to the apprentice, audited annually by the
37 department, and kept on file by the approved apprenticeship program
38 for three years.

1 (3) "Apprentice trainer" means a person who gives training to an
2 apprentice in an approved apprenticeship program and who is approved
3 under RCW 18.16.280.

4 (4) "Apprenticeship program" means a state-approved
5 apprenticeship program pursuant to chapter 49.04 RCW and approved
6 under RCW 18.16.280 for the training of cosmetology, hair design,
7 barbering, esthetics, and master esthetics(~~(, and manicuring)~~).

8 (5) "Apprenticeship training committee" means a committee
9 approved by the Washington apprenticeship and training council
10 established in chapter 49.04 RCW.

11 (6) "Approved apprenticeship shop" means a salon/shop that has
12 been approved under RCW 18.16.280 and chapter 49.04 RCW to
13 participate in an apprenticeship program.

14 (7) "Approved security" means surety bond.

15 (8) "Barber" means a person licensed under this chapter to engage
16 in the practice of barbering.

17 (9) "Board" means the cosmetology, hair design, barbering, and
18 esthetics(~~(, and manicuring)~~) advisory board.

19 (10) "Cosmetologist" means a person licensed under this chapter
20 to engage in the practice of cosmetology.

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

25 (12) "Curriculum" means the courses of study taught at a school,
26 online training by a school, in an approved apprenticeship program
27 established by the Washington state apprenticeship and training
28 council and conducted in an approved salon/shop, or online training
29 by an approved apprenticeship program, set by rule under this
30 chapter, and approved by the department. After consulting with the
31 board, the director may set by rule a percentage of hours in a
32 curriculum, up to a maximum of ten percent, that could include hours
33 a student receives while training in a salon/shop under a contract
34 approved by the department. Each curriculum must include at least the
35 following required hours:

36 (a) School curriculum:

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

38 (ii) Hair design, one thousand four hundred hours;

39 (iii) Barber, one thousand hours;

40 (iv) (~~Manicurist, six hundred hours;~~

1 ~~(v)~~) Esthetician, seven hundred fifty hours;
2 (~~(vi)~~) (v) Master esthetician either:
3 (A) One thousand two hundred hours; or
4 (B) Esthetician licensure plus four hundred fifty hours of
5 training;
6 (vi) (~~(vii)~~) Instructor-trainee, five hundred hours, except
7 that an instructor-trainee may submit documentation that provides
8 evidence of experience as a licensed cosmetologist, hair designer,
9 barber, (~~manicurist,~~) esthetician, or master esthetician for
10 competency evaluation toward credit of not more than three hundred
11 hours of instructor-training.
12 (b) Apprentice training curriculum:
13 (i) Cosmetologist, two thousand hours;
14 (ii) Hair design, one thousand seven hundred fifty hours;
15 (iii) Barber, one thousand two hundred hours;
16 (iv) (~~Manicurist, eight hundred hours;~~
17 ~~(v)~~) Esthetician, eight hundred hours;
18 (~~(vi)~~) (v) Master esthetician, one thousand four hundred hours.
19 (13) "Department" means the department of licensing.
20 (14) "Director" means the director of the department of licensing
21 or the director's designee.
22 (15) "Esthetician" means a person licensed under this chapter to
23 engage in the practice of esthetics.
24 (16) "Hair design" means the practice of arranging, dressing,
25 cutting, trimming, styling, shampooing, permanent waving, chemical
26 relaxing, straightening, curling, bleaching, lightening, coloring,
27 mustache and beard design, and superficial skin stimulation of the
28 scalp.
29 (17) "Hair designer" means a person licensed under this chapter
30 to engage in the practice of hair design.
31 (18) "Individual license" means a cosmetology, hair design,
32 barber, (~~manicurist,~~) esthetician, master esthetician, or
33 instructor license issued under this chapter.
34 (19) "Instructor" means a person who gives instruction in a
35 school, or who provides classroom theory training to apprentices in
36 locations other than in a school, in a curriculum in which he or she
37 holds a license under this chapter, has completed at least five
38 hundred hours of instruction in teaching techniques and lesson
39 planning in a school, or who has documented experience as an
40 instructor for more than five hundred hours in another state in the

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

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

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

24 (~~(22) ("Manicurist" means a person licensed under this chapter to~~
25 ~~engage in the practice of manicuring.~~

26 ~~(23))~~ "Master esthetician" means a person licensed under this
27 chapter to engage in the practice of master esthetics.

28 ~~((24))~~ (23) "Mobile unit" is a location license under this
29 chapter where the practice of cosmetology, barbering, esthetics, or
30 master esthetics(~~(, or manicuring)~~) is conducted in a mobile
31 structure. Mobile units must conform to the health and safety
32 standards set by rule under this chapter.

33 ~~((25))~~ (24) "Online training" means theory training provided
34 online, by a school licensed under this chapter or an approved
35 apprenticeship program established by the Washington state
36 apprenticeship and training council, in the areas of cosmetology,
37 hair design, master esthetics, (~~(manicuring,)~~) barbering, esthetics,
38 and instructor-training.

1 ~~((+26+))~~ (25) "Person" means any individual, partnership,
2 professional service corporation, joint stock association, joint
3 venture, or any other entity authorized to do business in this state.

4 ~~((+27+))~~ (26) "Personal services" means a location licensed under
5 this chapter where the practice of cosmetology, hair design,
6 barbering, manicuring, esthetics, or master esthetics is performed
7 for clients in the client's home, office, or other location that is
8 convenient for the client.

9 ~~((+28+))~~ (27) "Practice of barbering" means the cutting,
10 trimming, arranging, dressing, curling, shampooing, shaving, and
11 mustache and beard design of the hair of the face, neck, and scalp.

12 ~~((+29+))~~ (28) "Practice of cosmetology" means arranging,
13 dressing, cutting, trimming, styling, shampooing, permanent waving,
14 chemical relaxing, straightening, curling, bleaching, lightening,
15 coloring, waxing, tweezing, shaving, and mustache and beard design of
16 the hair of the face, neck, and scalp; temporary removal of
17 superfluous hair by use of depilatories, waxing, or tweezing;
18 ~~((manicuring and pedicuring, limited to cleaning, shaping, polishing,
19 decorating, and caring for and treatment of the cuticles and nails of
20 the hands and feet, excluding the application and removal of
21 sculptured or otherwise artificial nails;))~~ esthetics limited to
22 toning the skin of the scalp, stimulating the skin of the body by the
23 use of preparations, tonics, lotions, or creams; and tinting
24 eyelashes and eyebrows.

25 ~~((+30+))~~ (29) "Practice of esthetics" means the care of the skin
26 for compensation by application, use of preparations, antiseptics,
27 tonics, essential oils, exfoliants, superficial and light peels, or
28 by any device, except laser, or equipment, electrical or otherwise,
29 or by wraps, compresses, cleansing, conditioning, stimulation,
30 superficial skin stimulation, pore extraction, or product application
31 and removal; temporary removal of superfluous hair by means of
32 lotions, creams, appliance, waxing, threading, tweezing, or
33 depilatories, including chemical means; and application of product to
34 the eyelashes and eyebrows, including extensions, design and
35 treatment, tinting and lightening of the hair, excluding the scalp.
36 Under no circumstances does the practice of esthetics include the
37 administration of injections.

38 ~~((+31+))~~ (30) "Practice of manicuring" means the cleaning,
39 shaping, polishing, decorating, and caring for and treatment of the
40 cuticles and the nails of the hands or feet, and the application and

1 removal of sculptured or otherwise artificial nails by hand or with
2 mechanical or electrical apparatus or appliances.

3 ~~((32))~~ (31) "Practice of master esthetics" means the care of
4 the skin for compensation including all of the methods allowed in the
5 definition of the practice of esthetics. It also includes the
6 performance of medium depth peels and the use of medical devices for
7 care of the skin and permanent hair reduction. The medical devices
8 include, but are not limited to, lasers, light, radio frequency,
9 plasma, intense pulsed light, and ultrasound. The use of a medical
10 device must comply with state law and rules, including any laws or
11 rules that require delegation or supervision by a licensed health
12 professional acting within the scope of practice of that health
13 profession.

14 ~~((33))~~ (32) "Salon/shop" means any building, structure, or any
15 part thereof, other than a school, where the commercial practice of
16 cosmetology, barbering, hair design, esthetics, or master
17 esthetics(~~(, or manieuring)~~) is conducted; provided that any person,
18 except employees of a salon/shop, who operates from a salon/shop is
19 required to meet all salon/shop licensing requirements and may
20 participate in the apprenticeship program when certified as
21 established by the Washington state apprenticeship and training
22 council established in chapter 49.04 RCW.

23 ~~((34))~~ (33) "School" means any establishment that offers
24 curriculum of instruction in the practice of cosmetology, hair
25 design, barbering, esthetics, master esthetics, (~~(manieuring)~~) or
26 instructor-trainee to students and is licensed under this chapter.

27 ~~((35))~~ (34) "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 barbering, hair design, esthetics, master esthetics, (~~(manieuring)~~)
31 or instructor-training with or without tuition, fee, or cost, and who
32 does not receive any wage or commission.

33 ~~((36))~~ (35) "Student monthly report" means the student record
34 of daily activities and the number of hours completed in each course
35 of a curriculum that is prepared monthly by the school and provided
36 to the student, audited annually by the department, and kept on file
37 by the school for three years.

38 **Sec. 14.** RCW 18.16.050 and 2015 c 62 s 3 are each amended to
39 read as follows:

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

17 (2) Board members shall be entitled to compensation pursuant to
18 RCW 43.03.240 for each day spent conducting official business and to
19 reimbursement for travel expenses as provided by RCW 43.03.050 and
20 43.03.060.

21 (3) The board may seek the advice and input of officials from the
22 following state agencies: (a) The workforce training and education
23 coordinating board; (b) the employment security department; (c) the
24 department of labor and industries; (d) the department of health; (e)
25 the department of licensing; and (f) the department of revenue.

26 **Sec. 15.** RCW 18.16.060 and 2015 c 62 s 4 are each amended to
27 read as follows:

28 (1) It is unlawful for any person to engage in a practice listed
29 in subsection (2) of this section unless the person has a license in
30 good standing as required by this chapter. A license issued under
31 this chapter shall be considered to be "in good standing" except
32 when:

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

35 (b) The license has been denied, revoked, or suspended under RCW
36 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated;

37 (c) The license is held by a person who has not fully complied
38 with an order of the director issued under RCW 18.16.210 requiring

1 the licensee to pay restitution or a fine, or to acquire additional
2 training; or

3 (d) The license has been placed on inactive status at the request
4 of the licensee, and has not been reinstated in accordance with RCW
5 18.16.110(3).

6 (2) The director may take action under RCW 18.235.150 and
7 18.235.160 against any person who does any of the following without
8 first obtaining, and maintaining in good standing, the license
9 required by this chapter:

10 (a) Except as provided in subsections (3) and (4) of this
11 section, engages in the commercial practice of cosmetology, hair
12 design, barbering, esthetics, or master esthetics(~~(, or manicuring)~~);

13 (b) Instructs in a school;

14 (c) Operates a school; or

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

16 (3) A person who receives a license as an instructor may engage
17 in the commercial practice for which he or she held a license when
18 applying for the instructor license without also renewing the
19 previously held license. However, a person licensed as an instructor
20 whose license to engage in a commercial practice is not or at any
21 time was not renewed may not engage in the commercial practice
22 previously permitted under that license unless that person renews the
23 previously held license.

24 (4) An apprentice actively enrolled in an apprenticeship program
25 for cosmetology, barbering, hair design, esthetics, or master
26 esthetics(~~(, or manicuring)~~) may engage in the commercial practice as
27 required for the apprenticeship program.

28 (5) An individual engaged in the practice of manicuring must
29 register with Washington effective licensing port in accordance with
30 section 2 of this act.

31 **Sec. 16.** RCW 18.16.130 and 2015 c 62 s 5 are each amended to
32 read as follows:

33 (1) Any person who is properly licensed in any state, territory,
34 or possession of the United States, or foreign country shall be
35 eligible for examination if the applicant submits the approved
36 application and fee and provides proof to the director that he or she
37 is currently licensed in good standing as a cosmetologist, hair
38 designer, barber, (~~(manicurist,)~~) esthetician, master esthetician,

1 instructor, or the equivalent in that jurisdiction. Upon passage of
2 the required examinations the appropriate license will be issued.

3 (2)(a) The director shall, upon passage of the required
4 examinations, issue a license as master esthetician to an applicant
5 who submits the approved application and fee and provides proof to
6 the director that the applicant is currently licensed in good
7 standing in esthetics in any state, territory, or possession of the
8 United States, or foreign country and holds a diplomate of the comite
9 international d'esthetique et de cosmetologie diploma, or an
10 international therapy examination council diploma, or a certified
11 credential awarded by the national coalition of estheticians,
12 manufacturers/distributors & associations.

13 (b) The director may upon passage of the required examinations,
14 issue a master esthetician license to an applicant that is currently
15 licensed in esthetics in any other state, territory, or possession of
16 the United States, or foreign country and submits an approved
17 application and fee and provides proof to the director that he or she
18 is licensed in good standing and:

19 (i) The licensing state, territory, or possession of the United
20 States, or foreign country has licensure requirements that the
21 director determines are substantially equivalent to a master
22 esthetician license in this state; or

23 (ii) The applicant has certification or a diploma or other
24 credentials that the director determines has licensure requirements
25 that are substantially equivalent to the degree listed in (a) of this
26 subsection.

27 **Sec. 17.** RCW 18.16.170 and 2015 c 62 s 6 are each amended to
28 read as follows:

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

31 (a) A salon/shop, personal services, or mobile unit license
32 expires one year from issuance or when the insurance required by RCW
33 18.16.175(1)(g) expires, whichever occurs first;

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

35 (c) Cosmetologist, hair designer, barber, (~~manicurist,~~)
36 esthetician, master esthetician, and instructor licenses expire two
37 years from issuance.

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

4 **Sec. 18.** RCW 18.16.175 and 2015 c 62 s 7 are each amended to
5 read as follows:

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

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

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

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

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

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

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

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

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

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

35 (4) Upon receipt of a written complaint that a salon/shop or
36 mobile unit has violated any provisions of this chapter, chapter
37 18.235 RCW, or the rules adopted under either chapter, or at least
38 once every two years for an existing salon/shop or mobile unit, the
39 director or the director's designee shall inspect each salon/shop or

1 mobile unit. If the director determines that any salon/shop or mobile
2 unit is not in compliance with this chapter, the director shall send
3 written notice to the salon/shop or mobile unit. A salon/shop or
4 mobile unit which fails to correct the conditions to the satisfaction
5 of the director within a reasonable time shall, upon due notice, be
6 subject to the penalties imposed by the director under RCW
7 18.235.110. The director may enter any salon/shop or mobile unit
8 during business hours for the purpose of inspection. The director may
9 contract with health authorities of local governments to conduct the
10 inspections under this subsection.

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

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

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

18 (8) Cosmetology, hair design, barbering, esthetics, and master
19 esthetics(~~(, and manicuring)~~) licenses issued by the department must
20 be posted at the licensed person's work station.

21 **Sec. 19.** RCW 18.16.190 and 2015 c 62 s 9 are each amended to
22 read as follows:

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

32 **Sec. 20.** RCW 18.16.200 and 2015 c 62 s 10 are each amended to
33 read as follows:

34 In addition to the unprofessional conduct described in RCW
35 18.235.130, the director may take disciplinary action against any
36 applicant or licensee under this chapter if the licensee or
37 applicant:

- 1 (1) Has been found to have violated any provisions of chapter
2 19.86 RCW;
- 3 (2) Has engaged in a practice prohibited under RCW 18.16.060
4 without first obtaining, and maintaining in good standing, the
5 license required by this chapter;
- 6 (3) Has engaged in the commercial practice of cosmetology, hair
7 design, barbering, (~~manicuring,~~) esthetics, or master esthetics in
8 a school;
- 9 (4) Has not provided a safe, sanitary, and good moral environment
10 for students in a school or the public;
- 11 (5) Has failed to display licenses required in this chapter; or
12 (6) Has violated any provision of this chapter or any rule
13 adopted under it.

14 **Sec. 21.** RCW 18.16.290 and 2015 c 62 s 11 are each amended to
15 read as follows:

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

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

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

37 (4) If, by the expiration date of a license placed on inactive
38 status under this section, a licensee is unable, or fails, to request

1 that the status be extended and the license is not renewed, the
2 license shall be canceled.

3 **Sec. 22.** RCW 67.08.100 and 2017 c 46 s 3 are each amended to
4 read as follows:

5 (1) The department upon receipt of a properly completed
6 application and payment of a nonrefundable fee, may grant an annual
7 license to an applicant for the following: (a) Promoter; (b) manager;
8 (c) boxer; (d) second; (e) wrestling participant; (f) inspector; (g)
9 judge; (h) timekeeper; (i) ~~((announcer;—(j)))~~ event physician;
10 ~~((k))~~ (j) event chiropractor; ~~((l))~~ (k) referee; ~~((m))~~ (l)
11 matchmaker; ~~((n))~~ (m) kickboxer; ~~((o))~~ (n) martial arts
12 participant; ~~((p))~~ (o) training facility; ~~((q))~~ (p) amateur
13 sanctioning organization; and ~~((r))~~ (q) theatrical wrestling
14 school.

15 (2) The application for the following types of licenses includes
16 a physical performed by a physician, as defined in RCW 67.08.002,
17 which was performed by the physician with a time period preceding the
18 application as specified by rule: (a) Boxer; (b) wrestling
19 participant; (c) kickboxer; (d) martial arts participant; and (e)
20 referee.

21 (3) An applicant for the following types of licenses for the
22 sports of boxing, kickboxing, and martial arts must provide annual
23 proof of certification as having adequate experience, skill, and
24 training from an organization approved by the department, including,
25 but not limited to, the association of boxing commissions, the
26 international boxing federation, the international boxing
27 organization, the Washington state association of professional ring
28 officials, the world boxing association, the world boxing council, or
29 the world boxing organization for boxing officials, and the united
30 full contact federation for kickboxing and martial arts officials:
31 (a) Judge; (b) referee; (c) inspector; (d) timekeeper; or (e) other
32 officials deemed necessary by the department.

33 (4) No person may participate or serve in any of the above
34 capacities unless licensed as provided in this chapter.

35 (5) The referees, judges, timekeepers, event physicians,
36 chiropractors, and inspectors for any boxing, kickboxing, or martial
37 arts event must be designated by the department from among licensed
38 officials.

1 (6) The referee for any wrestling event must be provided by the
2 promoter and must be licensed as a wrestling participant.

3 (7) The department must immediately suspend the license or
4 certificate of a person who has been certified pursuant to RCW
5 74.20A.320 by the department of social and health services as a
6 person who is not in compliance with a support order. If the person
7 has continued to meet all other requirements for reinstatement during
8 the suspension, reissuance of the license or certificate is automatic
9 upon the department's receipt of a release issued by the department
10 of social and health services stating that the licensee is in
11 compliance with the order.

12 (8) The director must suspend the license of any person who has
13 been certified by a lending agency and reported to the director for
14 nonpayment or default on a federally or state-guaranteed educational
15 loan or service-conditional scholarship. Prior to the suspension, the
16 agency must provide the person an opportunity for a brief
17 adjudicative proceeding under RCW 34.05.485 through 34.05.494 and
18 issue a finding of nonpayment or default on a federally or state-
19 guaranteed educational loan or service-conditional scholarship. The
20 person's license may not be reissued until the person provides the
21 director a written release issued by the lending agency stating that
22 the person is making payments on the loan in accordance with a
23 repayment agreement approved by the lending agency. If the person has
24 continued to meet all other requirements for licensure during the
25 suspension, reinstatement is automatic upon receipt of the notice and
26 payment of any reinstatement fee the director may impose.

27 (9) A person may not be issued a license if the person has an
28 unpaid fine outstanding to the department.

29 (10) A person may not be issued a license unless they are at
30 least eighteen years of age.

31 (11)(a) This section does not apply to:

32 (i) Contestants or participants in events at which only amateurs
33 are engaged in contests;

34 (ii) Wrestling participants engaged in training or a wrestling
35 show at a theatrical wrestling school; and

36 (iii) Fraternal organizations and/or veterans' organizations
37 chartered by congress or the defense department, excluding any
38 recognized amateur sanctioning body recognized by the department.

1 (b) Upon request of the department, a promoter, contestant, or
2 participant must provide sufficient information to reasonably
3 determine whether this chapter applies.

4 NEW SECTION. **Sec. 23.** A new section is added to chapter 67.08
5 RCW to read as follows:

6 Any boxing announcer working in this state must register with
7 Washington effective licensing port in accordance with section 2 of
8 this act.

9 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 18.11.060 (Administration of chapter—Fees) and 1986 c 324
12 s 3 & 1982 c 205 s 2;

13 (2) RCW 18.11.121 (Surety bond or security required) and 1987 c
14 336 s 2 & 1986 c 324 s 8;

15 (3) RCW 18.11.130 (Written contract required—Penalty) and 1986 c
16 324 s 9 & 1982 c 205 s 11;

17 (4) RCW 18.11.140 (Written records required—Penalty) and 1986 c
18 324 s 10 & 1982 c 205 s 12;

19 (5) RCW 18.11.170 (Unauthorized practice—Penalties) and 1986 c
20 324 s 13 & 1982 c 205 s 15;

21 (6) RCW 18.11.180 (Compensation of nonlicensed person—Penalties)
22 and 2002 c 86 s 210, 1986 c 324 s 14, & 1982 c 205 s 16;

23 (7) RCW 18.11.190 (Actions for compensation for services) and
24 1986 c 324 s 15 & 1982 c 205 s 17;

25 (8) RCW 18.11.205 (Director—Authority to impose administrative
26 fines) and 1986 c 324 s 17;

27 (9) RCW 18.11.210 (Newspaper advertisements—Name and license
28 number required—Penalty) and 1986 c 324 s 19 & 1984 c 189 s 1;

29 (10) RCW 18.11.270 (License, certificate, or registration
30 suspension—Nonpayment or default on educational loan or scholarship)
31 and 1996 c 293 s 4; and

32 (11) RCW 18.11.280 (Uniform regulation of business and
33 professions act) and 2002 c 86 s 212.

34 NEW SECTION. **Sec. 25.** Sections 1 through 4 of this act
35 constitute a new chapter in Title 18 RCW.

1 NEW SECTION. **Sec. 26.** This act takes effect September 1, 2018.

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