
HOUSE BILL 1136

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Haugen, O'Brien, Wilson, Wineberry, Spanel, Prince, Valle, H. Myers, Heavey, Scott, Cole, Zellinsky, Wood, Paris, Orr, Jacobsen, Leonard and May.

Read first time January 21, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to cosmetology; amending RCW 18.16.020, 18.16.030,
2 18.16.050, 18.16.060, 18.16.090, 18.16.100, 18.16.110, 18.16.130,
3 18.16.140, 18.16.150, 18.16.160, 18.16.200, 50.04.225, 51.12.020, and
4 82.04.360; adding new sections to chapter 18.16 RCW; repealing RCW
5 18.16.040 and 18.16.120; prescribing penalties; providing an effective
6 date; and declaring an emergency.

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

8 **Sec. 1.** RCW 18.16.020 and 1984 c 208 s 2 are each amended to read
9 as follows:

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

12 (1) "Board" means the cosmetology, barbering, and manicuring
13 advisory board.

1 (2) "Director" means the director of the department of licensing or
2 the director's designee.

3 (3) "The practice of cosmetology" means the practice of
4 ~~((manicuring, the practice of barbering))~~ cutting, trimming, styling,
5 and shampooing of the hair of the scalp and neck, and the permanent
6 waving, chemical relaxing or straightening, bleaching, or coloring of
7 the hair of the face, neck, and scalp.

8 (4) "Cosmetologist" means a person licensed under this chapter to
9 engage in the practice of cosmetology and who has completed sixteen
10 hundred hours of instruction at a school licensed under this chapter.

11 (5) "The practice of barbering" means the cutting, trimming,
12 arranging, dressing, curling, waving and shampooing hair of the face,
13 neck and scalp.

14 (6) "Barber" means a person licensed under this chapter to engage
15 in the practice of barbering ~~((and who has completed eight hundred~~
16 ~~hours of instruction at a school licensed under this chapter))~~.

17 (7) "Practice of manicuring" means the cleaning, shaping, or
18 polishing of the nails of the hands or feet, and the application and
19 removal of artificial nails~~((, skin care involving hot compresses,~~
20 ~~massage, or the use of electrical appliances or chemical compounds~~
21 ~~formulated for professional application only, and the temporary removal~~
22 ~~of superfluous hair by means of lotions, creams or mechanical or~~
23 ~~electrical apparatus or appliances on another person))~~.

24 (8) "Manicurist" means a person ~~((who has successfully completed~~
25 ~~five hundred hours of instruction at a school licensed under this~~
26 ~~chapter and who is licensed pursuant to this chapter))~~ licensed under
27 this chapter to engage in the practice of manicuring.

28 (9) "Practice of esthetics" means skin care of the face, neck, and
29 hands involving hot compresses, massage, or the use of approved
30 electrical appliances or nonabrasive chemical compounds formulated for

1 professional application only, and the temporary removal of superfluous
2 hair by means of lotions, creams, or mechanical or electrical apparatus
3 or appliance on another person.

4 (10) "Esthetician" means a person licensed under this chapter to
5 engage in the practice of esthetics.

6 (11) "Instructor-trainee" means a person who is currently licensed
7 in this state as a cosmetologist, barber, manicurist, or esthetician,
8 has at least two years experience in the commercial practice in the
9 field, and is enrolled in an approved instructor-trainee program in a
10 school licensed under this chapter.

11 (12) "School" means any establishment offering instruction in the
12 practice of cosmetology, barbering, ~~((or))~~ esthetics, manicuring, or
13 instructor-trainee to students and licensed under this chapter.

14 ~~((10))~~ (13) "Student" means a person sixteen years of age or
15 older who is enrolled in a school licensed under this chapter and
16 receives any phase of cosmetology, barbering, ~~((or))~~ esthetics,
17 manicuring, or instructor-trainee instruction with or without tuition,
18 fee, or cost, and who does not receive any wage or commission.

19 ~~((11) "Cosmetology instructor"))~~ (14) "Instructor-cosmetology"
20 means a person who gives instruction in the practice of cosmetology(~~(~~
21 ~~barbering and/or manicuring)~~) and instructor-training in a school and
22 who has the same qualifications as a cosmetologist ~~((and who))~~, has
23 completed at least five hundred hours of instruction in cosmetology
24 teaching techniques and lesson planning in a school, and has passed an
25 examination prepared or selected by the board and administered by the
26 director. ~~((A person who applies for a license under this section and~~
27 ~~who can show equivalent credentials to the five hundred hour curriculum~~
28 ~~is exempt from the five hundred hour requirement.))~~ An applicant who
29 holds a degree in education from an accredited postsecondary
30 institution and who is otherwise qualified shall upon application be

1 licensed as an instructor (~~((if the applicant meets the requirements for~~
2 ~~licensure as a cosmetologist))~~ with a cosmetology endorsement.

3 ~~((12))~~ (15) "Instructor-barber" means a person who gives
4 instruction in the practice of barbering and instructor training in a
5 school, has the same qualifications as a barber, has completed at least
6 five hundred hours of instruction in barbering teaching techniques and
7 lesson planning in a school, has two years' experience as a barber, and
8 has passed an examination prepared or selected by the board and
9 administered by the director. An applicant who holds a degree in
10 education from an accredited postsecondary institution and who is
11 otherwise qualified shall upon application be licensed as an instructor
12 with a barber endorsement.

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

23 (17) "Instructor-esthetics" means a person who gives instruction in
24 the practice of esthetics and instructor training in a school, has the
25 same qualifications as an esthetician, has completed at least five
26 hundred hours of instruction in esthetic teaching techniques and lesson
27 planning in a school, has two years' experience as an esthetician, and
28 has passed an examination prepared or selected by the board and
29 administered by the director. An applicant who holds a degree in
30 education from an accredited postsecondary institution and who is

1 otherwise qualified shall upon application be licensed as an instructor
2 with an esthetics endorsement.

3 (18) "~~((Special))~~ Vocational student" is a person ~~((who has~~
4 ~~academically completed the eleventh grade of high school,))~~ who in
5 cooperation with any senior high, vocational technical institute,
6 community college, or prep school, attends a cosmetology school and
7 participates in its student course of instruction and has the same
8 rights and duties as a student as defined in this chapter. ~~((The~~
9 ~~school shall have relatively corresponding rights and responsibilities,~~
10 ~~and))~~ The person must have academically completed the eleventh grade
11 of high school. Every such ~~((special))~~ vocational student shall
12 receive credit for all creditable hours of the approved course of
13 instruction received in the school of cosmetology upon graduation from
14 high school. Hours shall be credited to a ~~((special))~~ vocational
15 student if the student graduates from an accredited high school or
16 receives a certificate of educational competence ~~((before applying to~~
17 take the cosmetologist, barber, or manicurist license examination)).

18 (19) "Booth renter" means a person who performs cosmetology,
19 barbering, or manicuring services where the use of the salon/shop
20 facilities is contingent upon compensation to the owner of the
21 salon/shop facilities and the person receives no compensation or other
22 consideration from the owner for the services performed.

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

26 (21) "Salon/shop" means any building or structure, or any part
27 thereof, other than a school, where the commercial practice of
28 cosmetology, barbering, or manicuring is conducted.

1 **Sec. 2.** RCW 18.16.030 and 1984 c 208 s 7 are each amended to read
2 as follows:

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

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

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

8 (3) To investigate alleged violations of this chapter and consumer
9 complaints involving the practice of cosmetology, barbering, esthetics,
10 or manicuring and schools offering training in these areas;

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

14 (5) To issue cease and desist letters and letters of warning for
15 infractions of this chapter;

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

19 ~~((+5))~~ (7) To prepare and administer or approve the preparation
20 and administration of licensing examinations;

21 ~~((+6))~~ (8) To establish minimum safety and sanitation standards
22 for schools, cosmetologists, barbers, manicurists, estheticians, and
23 salons/shops;

24 ~~((+7))~~ (9) To establish minimum instruction guidelines for the
25 training of students;

26 ~~((+8) Shall keep all student training records submitted by the~~
27 ~~school on file for at least five years or until the student is~~
28 ~~licensed;~~

29 ~~(+9))~~ (10) To maintain the official department record of applicants
30 and licensees;

1 (11) To delegate in writing to a designee the authority to issue
2 subpoenas, statements of charges, and any other documents necessary to
3 enforce this chapter;

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

6 (13) To employ such administrative, investigative, and clerical
7 staff as needed to implement this chapter;

8 (14) To set license expiration dates and renewal periods for all
9 licenses ((under)) consistent with this chapter; and

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

13 **Sec. 3.** RCW 18.16.050 and 1984 c 208 s 9 are each amended to read
14 as follows:

15 There is created a state cosmetology, barbering, and manicuring
16 advisory board consisting of five members appointed by the ~~((governor))~~
17 director who shall advise the director concerning the administration of
18 this chapter. Four members of the board shall ~~((be barbers or~~
19 ~~cosmetologists who are licensed under this chapter and))~~ include a
20 minimum of two instructors with the balance made up of currently
21 practicing licensees who have been engaged in the practice of
22 manicuring, esthetics, barbering, or cosmetology for at least three
23 years ~~((or who have qualified under RCW 18.16.120(1)))~~. One member of
24 the board shall be a consumer who is unaffiliated with the cosmetology,
25 barbering, esthetics, or manicuring industry. The term of office for
26 board members is three years. ~~((The terms of the first board members,~~
27 ~~however, shall be staggered to ensure an orderly succession of new~~
28 ~~board members thereafter.))~~ Any board member may be removed for just
29 cause. The director may appoint a new member to fill any vacancy on

1 the committee for the remainder of the unexpired term. No board member
2 may serve more than two consecutive terms, whether full or partial.

3 Board members shall be entitled to compensation (~~at the rate of~~
4 ~~fifty dollars per day~~) pursuant to RCW 43.03.240 for each day spent
5 conducting official business and to reimbursement for travel expenses
6 (~~under~~) as provided by RCW 43.03.050 and 43.03.060.

7 **Sec. 4.** RCW 18.16.060 and 1984 c 208 s 3 are each amended to read
8 as follows:

9 (~~It is a misdemeanor for~~) (1) The director shall impose a fine of
10 one thousand dollars on any person (~~to do~~) who does any of the
11 following without first obtaining the license required by this chapter:

12 (~~(1)~~) (a) Except as provided in subsection (2) of this section,
13 commercial practice of cosmetology, barbering, esthetics, or
14 manicuring;

15 (~~(2)~~) (b) Instructs in a school; (~~or~~

16 ~~(3)~~) (c) Operates a school; or

17 (d) Operates a salon/shop. Each booth renter shall be considered
18 to be operating an independent salon/shop and shall obtain a separate
19 salon/shop license.

20 (2) A person licensed as a cosmetology instructor may engage in the
21 commercial practice of cosmetology without obtaining a cosmetologist
22 license. A person licensed as a barbering instructor may engage in the
23 commercial practice of barbering without obtaining a barber license.
24 A person licensed as a manicuring instructor may engage in the
25 commercial practice of manicuring without obtaining a manicurist
26 license.

27 **Sec. 5.** RCW 18.16.090 and 1984 c 208 s 10 are each amended to read
28 as follows:

1 Examinations for licensure under this chapter shall be conducted
2 monthly at such times and places as the director determines
3 appropriate. Examinations shall consist of tests designed to
4 reasonably measure the applicant's knowledge of safe and sanitary
5 practice. The director shall ~~((annually announce the dates and
6 locations of examinations scheduled for that year. Passing grades
7 shall be based upon a standard of one hundred percent. An applicant
8 who receives a passing grade as determined by the board is entitled to
9 the appropriate license for which the applicant was examined.~~

10 All examination papers completed by the applicant shall be kept on
11 file by the director for a period of at least one year and shall be
12 available for inspection by the applicant or the applicant's agent))
13 establish by rule the minimum passing score for all examinations and
14 the requirements for reexamination of applicants who fail the
15 examination or examinations.

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

19 **Sec. 6.** RCW 18.16.100 and 1984 c 208 s 5 are each amended to read
20 as follows:

21 (1) Upon payment of the proper fee, the director shall issue the
22 appropriate license to any person who:

23 ~~((1))~~ (a) Is at least seventeen years of age or older;

24 ~~((2) Has completed a sixteen hundred hour course of training in~~
25 ~~cosmetology, an eight hundred hour course of training in barbering, or~~
26 ~~a five hundred hour course of training in manicuring. The required~~
27 ~~curriculum shall be determined by the director in consultation with the~~
28 ~~board))~~ (b) Has completed a course approved by the director of sixteen
29 hundred hours of training in cosmetology, one thousand hours of

1 training in barbering, five hundred hours of training in manicuring,
2 five hundred hours of training in esthetics, and/or five hundred hours
3 of training as an instructor-trainee; and

4 ~~((3))~~ (c) Has received a passing grade on ~~((a))~~ the appropriate
5 licensing examination approved or administered by the director.

6 (2) Upon payment of the proper fee, the director shall issue a
7 salon/shop license to the operator of a salon/shop if the salon/shop
8 meets the other requirements of this chapter as demonstrated by
9 information submitted by the operator.

10 (3) The director shall consult with the state board of health and
11 the department of labor and industries in establishing training and
12 examination requirements.

13 **Sec. 7.** RCW 18.16.110 and 1984 c 208 s 12 are each amended to read
14 as follows:

15 (1) The director shall issue the appropriate license to ((each))
16 any applicant who ((has applied for a license and complied with)) meets
17 the requirements ((established under)) as outlined in this chapter
18 ((for that license)). Failure to renew a license before its expiration
19 date subjects the holder to a penalty fee and payment of each year's
20 renewal fee, at the current rate, up to a maximum of three years as
21 established by the director in accordance with RCW 43.24.086. A person
22 whose license has not been renewed for three years shall be required to
23 ((retake)) submit an application, fee, meet current licensing
24 requirements, and pass the applicable examination or examinations
25 before the license may be ((reissued)) reinstated: PROVIDED, That the
26 director may waive this requirement for good cause shown. To renew a
27 salon/shop license, the licensee shall provide proof of insurance as
28 required by section 15(1)(h) of this act.

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

4 NEW SECTION. Sec. 8. (1) All licenses issued prior to January 1,
5 1992, shall remain in effect until renewal or January 1, 1993,
6 whichever is earlier.

7 (a) On or before renewal of each individual's license the licensee
8 will be allowed to designate the license to be issued. A licensed
9 cosmetologist may request licenses in cosmetology, barbering,
10 manicuring, and esthetics. A manicurist may request licenses in
11 manicuring and esthetics. An instructor may request endorsements in
12 cosmetology, barbering, manicuring, and esthetics.

13 (b) A renewal fee is required for each license type requested. A
14 licensed cosmetologist requesting all four licenses shall pay four
15 renewal fees. An instructor shall be issued one license with
16 endorsements for the multiple areas that they teach with only one
17 renewal fee required.

18 (c) After January 1, 1993, any licensee wishing to obtain
19 additional licenses or endorsements to their licenses shall meet the
20 training and examination requirements of this chapter.

21 (2) Students currently enrolled in a licensed school in an approved
22 cosmetology course as of January 1, 1992, may apply for the examination
23 or examinations in any type or any combination of types of licenses
24 when they complete the course.

25 (3) Schools must update their curricula to comply with this chapter
26 by July 1, 1992. No students may be enrolled in the programs under the
27 previous law if they cannot complete their training prior to January 1,
28 1993, to allow them to apply for examination under subsection (2) of
29 this section.

1 NEW SECTION. **Sec. 9.** (1) Subject to subsection (2) of this
2 section, licenses issued under this chapter expire as follows:

3 (a) A salon/shop license expires one year from issuance or when the
4 insurance required by section 15(1)(h) of this act expires, whichever
5 occurs first;

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

7 (c) Cosmetologist, barber, manicurist, and instructor licenses
8 expire two years from issuance.

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

12 **Sec. 10.** RCW 18.16.130 and 1984 c 208 s 11 are each amended to
13 read as follows:

14 Any person who is properly licensed in any state, territory, or
15 possession of the United States, or foreign country shall be (~~issued~~
16 ~~a license under this chapter without~~) eligible for examination if the
17 applicant submits the approved application and fee and provides proof
18 to the director that he or she is currently licensed in good standing
19 as a cosmetologist, barber, manicurist, esthetician, instructor, or the
20 equivalent in that jurisdiction (~~and has completed a course of~~
21 ~~training equivalent to that required under this chapter~~). Upon
22 passage of the required examinations the appropriate license will be
23 issued.

24 **Sec. 11.** RCW 18.16.140 and 1987 c 445 s 1 are each amended to read
25 as follows:

26 (1) Any person wishing to operate a school shall, before opening
27 such a school, file with the director for approval a license
28 application and fee containing the following information:

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

3 ~~((2) Proof that)~~ (b) A copy of the school's curriculum
4 ~~((satisfies))~~ satisfying the training guidelines established by the
5 director;

6 ~~((3) The catalogs, brochures, and contract forms the school
7 proposes to use;~~

8 ~~(4))~~ (c) A sample copy of the school's catalog, brochure,
9 enrollment contract, and cancellation and refund policies that will be
10 used or distributed by the school to students and the public;

11 ~~((5))~~ (d) A description and floor plan of the school's physical
12 equipment and facilities;

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

24 Upon ~~((proper))~~ approval of the application and ((payment of fees))
25 documents, the director shall issue a license to operate a school with
26 the appropriate certification or certifications.

27 (2) Changes to the information provided by schools shall be
28 submitted to the department prior to the implementation date to obtain
29 approval of proposed changes.

1 (3) A change in ownership involving twenty-five percent or more of
2 the school requires a new license application and fee. The new
3 application shall include all required documentation, proof of
4 ownership change, and be approved prior to a license being issued.

5 **Sec. 12.** RCW 18.16.150 and 1984 c 208 s 8 are each amended to read
6 as follows:

7 From time to time as deemed necessary by the director, ~~((all))~~
8 schools ~~((shall be surveyed))~~ may be audited for compliance with this
9 chapter. If the director determines that ~~((any))~~ a licensed school is
10 not maintaining the standards required according to this chapter,
11 written notice thereof ~~((, in writing,))~~ shall be given to the school.
12 A school which fails to correct these conditions to the satisfaction of
13 the director within a reasonable time shall ~~((, upon due notice to the~~
14 ~~school,))~~ be subject to penalties imposed ~~((by the director))~~ under RCW
15 18.16.210.

16 **Sec. 13.** RCW 18.16.160 and 1984 c 208 s 16 are each amended to
17 read as follows:

18 In addition to any other legal remedy, any student having a claim
19 against a school may bring suit upon the surety bond/saving assignment
20 required in RCW ~~((18.16.140(6)))~~ 18.16.140(1)(e) in the superior or
21 district court of Thurston county or the county in which the
22 educational services were offered by the school. Action upon the
23 bond/savings assignment shall be commenced by filing the complaint with
24 the clerk of the appropriate superior or district court within one year
25 from the date of the cancellation of the bond/savings assignment:
26 PROVIDED, That no action shall be maintained upon the bond for any
27 claim which has been barred by any nonclaim statute or statute of
28 limitations of this state. Service of process in an action upon the

1 bond shall be exclusively by service upon the director. Two copies of
2 the complaint shall be served by registered or certified mail upon the
3 director at the time the suit is started. Such service shall
4 constitute service on the surety and the school. The director shall
5 transmit the complaint or a copy thereof to the school at the address
6 listed in the director's records and to the surety within forty-eight
7 hours after it has been received. The surety shall not be liable in an
8 aggregate amount in excess of the amount named in the bond. In any
9 action on a bond, the prevailing party is entitled to reasonable
10 attorney's fees and costs.

11 The director shall maintain a record, available for public
12 inspection, of all suits commenced under this chapter upon surety
13 bonds.

14 **Sec. 14.** RCW 18.16.200 and 1984 c 208 s 13 are each amended to
15 read as follows:

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

18 (1) Has been found guilty of a crime related to the practice of
19 cosmetology, barbering, ~~((or))~~ esthetics, manicuring, or instructing;

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

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

23 (4) Has performed services in an unsafe or unsanitary manner;
24 ~~((or))~~

25 (5) Has aided and abetted unlicensed activity;

26 (6) Has engaged in the commercial practice of cosmetology,
27 barbering, manicuring, esthetics, or instructed in or operated a school
28 without first obtaining the license required by this chapter;

1 (7) Has engaged in the commercial practice of cosmetology in a
2 school;

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

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

6 (10) Has not cooperated with the department in supplying records or
7 assisting in an investigation or disciplinary procedure; or

8 (11) Has violated any provision of this chapter or any rule adopted
9 under it.

10 NEW SECTION. Sec. 15. (1) A salon/shop shall meet the
11 following minimum requirements:

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

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

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

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

23 (e) Meet the zoning requirements of the county, city, or town, as
24 appropriate;

25 (f) Provide for safe storage and labeling of chemicals used in the
26 practice of cosmetology;

27 (g) Meet all applicable local and state fire codes;

1 (h) Provide proof that the salon/shop is covered by a public
2 liability insurance policy in an amount not less than ten thousand
3 dollars for combined bodily injury and property damage liability; and

4 (i) Other requirements which the director determines are necessary
5 for safety and sanitation of salons/shops. The director shall consult
6 with the state board of health and the department of labor and
7 industries in establishing minimum salon/shop safety requirements.

8 (2) A salon/shop shall post the notice to customers described in
9 section 16 of this act.

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

22 (4) A salon/shop, including a salon/shop operated by a booth
23 renter, shall obtain a certificate of registration from the department
24 of revenue.

25 NEW SECTION. **Sec. 16.** The director shall prepare and provide
26 to all licensed salons/shops a notice to consumers. At a minimum, the
27 notice shall state that cosmetology, barber, and manicure salons/shops
28 are required to be licensed, that salons/shops are required to maintain
29 minimum safety and sanitation standards, that customer complaints

1 regarding salons/shops may be reported to the department, and a
2 telephone number and address where complaints may be made.

3 **Sec. 17.** RCW 50.04.225 and 1985 c 7 s 117 are each amended to read
4 as follows:

5 The term "employment" does not include services performed in a
6 barber shop or cosmetology shop by persons licensed under chapter 18.16
7 RCW if((÷

8 ~~(1) The use of the shop facilities by the individual performing the~~
9 ~~services is contingent upon compensation to the shop owner; and~~

10 ~~(2) The individual performing the services receives no compensation~~
11 ~~or other consideration from the owner for the services performed)) the~~
12 person is a booth renter as defined in RCW 18.16.020.

13 **Sec. 18.** RCW 51.12.020 and 1987 c 316 s 2 are each amended to read
14 as follows:

15 The following are the only employments which shall not be included
16 within the mandatory coverage of this title:

17 (1) Any person employed as a domestic servant in a private home by
18 an employer who has less than two employees regularly employed forty or
19 more hours a week in such employment.

20 (2) Any person employed to do gardening, maintenance, repair,
21 remodeling, or similar work in or about the private home of the
22 employer.

23 (3) A person whose employment is not in the course of the trade,
24 business, or profession of his or her employer and is not in or about
25 the private home of the employer.

26 (4) Any person performing services in return for aid or sustenance
27 only, received from any religious or charitable organization.

1 (5) Sole proprietors or partners: PROVIDED, That after July 26,
2 1981, sole proprietors or partners who for the first time register
3 under chapter 18.27 RCW or become licensed for the first time under
4 chapter 19.28 RCW shall be included under the mandatory coverage
5 provisions of this title subject to the provisions of RCW 51.32.030.
6 These persons may elect to withdraw from coverage under RCW 51.12.115.

7 (6) Any child under eighteen years of age employed by his parent or
8 parents in agricultural activities on the family farm.

9 (7) Jockeys while participating in or preparing horses for race
10 meets licensed by the Washington horse racing commission pursuant to
11 chapter 67.16 RCW.

12 (8) Any officer of a corporation elected and empowered in
13 accordance with the articles of incorporation or bylaws of a
14 corporation who at all times during the period involved is also a
15 director and shareholder of the corporation. However, any corporation
16 may elect to cover such officers who are in fact employees of the
17 corporation in the manner provided by RCW 51.12.110.

18 (9) Services rendered by a musician or entertainer under a contract
19 with a purchaser of the services, for a specific engagement or
20 engagements when such musician or entertainer performs no other duties
21 for the purchaser and is not regularly and continuously employed by the
22 purchaser. A purchaser does not include the leader of a group or
23 recognized entity who employs other than on a casual basis musicians or
24 entertainers.

25 (10) Services performed by a booth renter as defined in RCW
26 18.16.020. However, a person exempted under this subsection may elect
27 coverage under RCW 51.32.030.

28 **Sec. 19.** RCW 82.04.360 and 1961 c 15 s 82.04.360 are each amended
29 to read as follows:

1 (1) This chapter shall not apply to any person in respect to his or
2 her employment in the capacity of an employee or servant as
3 distinguished from that of an independent contractor.

4 (2) A booth renter, as defined by RCW 18.16.020, is an independent
5 contractor for purposes of this chapter.

6 NEW SECTION. Sec. 20. It is a violation of this chapter for
7 any person to engage in the commercial practice of cosmetology,
8 barbering, or manicuring, except in a licensed salon/shop.

9 NEW SECTION. Sec. 21. Sections 8, 9, 15, 16, and 20 of this
10 act are each added to chapter 18.16 RCW.

11 NEW SECTION. Sec. 22. If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. Sec. 23. This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect July 1, 1991.

19 NEW SECTION. Sec. 24. The following acts or parts of acts are
20 each repealed:

21 (1) RCW 18.16.040 and 1984 c 208 s 17; and

22 (2) RCW 18.16.120 and 1984 c 208 s 18.