

SSB 6341 - H COMM AMD
By Committee on Appropriations

ADOPTED 03/03/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 18.16.060 and 2002 c 111 s 5 and 2002 c 86 s 214 are
4 each reenacted and amended to read as follows:

5 (1) It is unlawful for any person to engage in a practice listed in
6 subsection (2) of this section unless the person has a license in good
7 standing as required by this chapter. A license issued under this
8 chapter shall be considered to be "in good standing" except when: (a)
9 The license has expired or has been canceled and has not been renewed
10 in accordance with RCW 18.16.110; (b) the license has been denied,
11 revoked, or suspended under RCW 18.16.210, 18.16.230, or 18.16.240, and
12 has not been reinstated; (c) the license is held by a person who has
13 not fully complied with an order of the director issued under RCW
14 18.16.210 requiring the licensee to pay restitution or a fine, or to
15 acquire additional training; or (d) the license has been placed on
16 inactive status at the request of the licensee, and has not been
17 reinstated in accordance with RCW 18.16.110(3).

18 (2) The director may take action under RCW 18.235.150 and
19 18.235.160 against any person who does any of the following without
20 first obtaining, and maintaining in good standing, the license required
21 by this chapter:

22 (a) Except as provided in subsection (~~((2))~~) (3) of this section,
23 engages in the commercial practice of cosmetology, barbering,
24 esthetics, or manicuring(~~(, or instructing)~~);

25 (b) Instructs in a school;

26 (c) Operates a school; or

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

28 (~~((2))~~) (3) A person who receives a license as an instructor may
29 engage in the commercial practice for which he or she held a license
30 when applying for the instructor license without also renewing the
31 previously held license. However, a person licensed as an instructor

1 whose license to engage in a commercial practice is not or at any time
2 was not renewed (~~cannot~~) may not engage in the commercial practice
3 previously permitted under that license unless that person renews the
4 previously held license.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.16 RCW
6 to read as follows:

7 (1) If the holder of an individual license in good standing submits
8 a written and notarized request that the licensee's cosmetology,
9 barber, manicurist, esthetician, or instructor license be placed on
10 inactive status, together with a fee equivalent to that established by
11 rule for a duplicate license, the department shall place the license on
12 inactive status until the expiration date of the license. If the date
13 of the request is no more than six months before the expiration date of
14 the license, a request for a two-year extension of the inactive status,
15 as provided under subsection (2) of this section, may be submitted at
16 the same time as the request under this subsection.

17 (2) If the holder of a license placed on inactive status under this
18 section submits, by the expiration date of the license, a written and
19 notarized request to extend that status for an additional two years,
20 the department shall, without additional fee, extend the expiration
21 date of: (a) The licensee's individual license; and (b) the inactive
22 status for two years from the expiration date of the license.

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

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

30 **Sec. 3.** RCW 18.16.110 and 2002 c 111 s 8 are each amended to read
31 as follows:

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

34 (2) Except as provided in RCW 18.16.260:

35 (a) Failure to renew a license (~~before~~) by its expiration date
36 subjects the holder to a penalty fee and payment of each year's renewal
37 fee, at the current rate(~~-~~); and

1 **(b)** A person whose license has not been renewed within one year
2 after its expiration date shall have the license canceled and shall be
3 required to submit an application, pay the license fee, meet current
4 licensing requirements, and pass any applicable examination or
5 examinations, in addition to the other requirements of this chapter,
6 before the license may be reinstated.

7 **(3)** In lieu of the requirements of subsection (2)(a) of this
8 section, a license placed on inactive status under section 2 of this
9 act may be reinstated to good standing upon receipt by the department
10 of: (a) Payment of a renewal fee, without penalty, for a two-year
11 license commencing on the date the license is reinstated; and (b) if
12 the license was on inactive status during any time that the board finds
13 that a health or other requirement applicable to the license has
14 changed, evidence showing that the holder of the license has
15 successfully completed, from a school licensed under RCW 18.16.140, at
16 least the number of curriculum clock hours of instruction that the
17 board deems necessary for a licensee to be brought current with respect
18 to such changes, but in no case may the number of hours required under
19 this subsection exceed four hours per year that the license was on
20 inactive status.

21 **(4)** Nothing in this section authorizes a person whose license has
22 expired or is on inactive status to engage in a practice prohibited
23 under RCW 18.16.060 until the license is renewed or reinstated.

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

27 **Sec. 4.** RCW 18.16.200 and 2002 c 111 s 12 and 2002 c 86 s 217 are
28 each reenacted and amended to read as follows:

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

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

35 **(2)** Has engaged in (~~the commercial~~) a practice (~~of cosmetology,~~
36 barbering, manicuring, esthetics, or instructed in or operated a
37 school)) prohibited under RCW 18.16.060 without first obtaining, and
38 maintaining in good standing, the license required by this chapter;

1 ~~((2))~~ (3) Has engaged in the commercial practice of cosmetology,
2 barbering, manicuring, or esthetics in a school;

3 ~~((3))~~ (4) Has not provided a safe, sanitary, and good moral
4 environment for students ~~((and))~~ in a school or the public;

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

6 ~~((4))~~ (6) Has violated any provision of this chapter or any rule
7 adopted under it.

8 **Sec. 5.** RCW 18.16.260 and 2002 c 111 s 16 are each amended to read
9 as follows:

10 (1)(a) Prior to July 1, ~~((2003))~~ 2005, (i) a cosmetology
11 licensee((s)) who held a license in good standing between June 30,
12 1999, and June 30, 2003, may request a renewal of the license or an
13 additional license in barbering, manicuring, and/or esthetics; and (ii)
14 a licensee who held a barber, manicurist, or esthetics license between
15 June 30, 1999, and June 30, 2003, may request a renewal of such
16 licenses held during that period.

17 (b) A license renewal fee, including, if applicable, a renewal fee,
18 at the current rate, for each year the licensee did not hold a license
19 in good standing between July 1, 2001, and the date of the renewal
20 request, must be paid prior to issuance of each type of license
21 requested. After June 30, ~~((2003))~~ 2005, any cosmetology licensee
22 wishing to renew an expired license or obtain additional licenses must
23 meet the applicable renewal, training, and examination requirements of
24 this chapter.

25 (2) ~~((Prior to July 1, 2003, students enrolled in a licensed school~~
26 ~~in an approved cosmetology curriculum may apply for the examination in~~
27 ~~cosmetology, manicuring, and esthetics. An examination fee must be~~
28 ~~paid for each examination selected. After June 30, 2003, students~~
29 ~~enrolled in a licensed school in an approved cosmetology curriculum may~~
30 ~~not apply for examination in manicuring and esthetics without meeting~~
31 ~~the training requirements of this chapter.))~~ The director may, as
32 provided in RCW 43.24.140, modify the duration of any additional
33 license granted under this section to make all licenses issued to a
34 person expire on the same date.

35 NEW SECTION. **Sec. 6.** The department of licensing shall:

36 (1) Within ninety days after the effective date of this section,
37 notify each person who held a cosmetology, barber, manicurist, or

1 esthetician license between June 30, 1999, and June 30, 2003, of the
2 provisions of this act by mailing a notice as specified in this section
3 to the licensee's last known mailing address;

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

5 (a) A summary of this act, including a summary of the requirements
6 for (i) renewing and obtaining additional licenses; and (ii) requesting
7 placement on inactive status;

8 (b) A telephone number within the department for obtaining further
9 information;

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

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

15 **Sec. 7.** RCW 18.16.030 and 2002 c 111 s 3 and 2002 c 86 s 213 are
16 each reenacted to read as follows:

17 In addition to any other duties imposed by law, including RCW
18 18.235.030 and 18.235.040, the director shall have the following powers
19 and duties:

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

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

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

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

28 (5) To establish curricula for the training of students under this
29 chapter;

30 (6) To maintain the official department record of applicants and
31 licensees;

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

34 (8) To set license expiration dates and renewal periods for all
35 licenses consistent with this chapter; (~~and~~)

36 (9) To ensure that all informational notices produced and mailed by
37 the department regarding statutory and regulatory changes affecting any
38 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. 8.** RCW 18.16.160 and 1991 c 324 s 13 are each amended to read
8 as follows:

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

31 The director shall maintain a record, available for public
32 inspection, of all suits commenced under this chapter upon approved
33 security.

34 NEW SECTION. **Sec. 9.** RCW 18.16.165 (Licenses issued, students
35 enrolled before January 1, 1992--Curricula updates) and 1991 c 324 s 8
36 are each repealed.

1 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2004, in the omnibus appropriations act, this act
4 is null and void.

5 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately."

9 Correct the title.

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