

CHAPTER 25  
[ House Bill No. 1354 ]  
BUSINESSES AND PROFESSIONS—  
CODE CORRECTION

AN ACT Relating to business and professions; reenacting section 2, chapter 281, Laws of 1927 as last amended by section 16, chapter 148, Laws of 1973 1st ex. sess. and by section 21, chapter 154, Laws of 1973 1st ex. sess. and RCW 18.18.010; reenacting section 9, chapter 77, Laws of 1963 as last amended by section 6, chapter 153, Laws of 1973 1st ex. sess. and by section 1, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.090; and declaring an emergency.

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

Section 1. Section 2, chapter 281, Laws of 1927 as last amended by section 16, chapter 148, Laws of 1973 1st ex. sess. and by section 21, chapter 154, Laws of 1973 1st ex. sess. and RCW 18.18.010 are each reenacted to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

(1) "Practice of hairdressing" or "hairdressing" means the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair, fitting and dressing of wigs and hair pieces on or off the head other than incidental to retail sales, or doing similar work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting;

(2) "Hairdresser" means any person, firm or corporation who engages in the practice of hairdressing;

(3) "Practice of cosmetology" or "cosmetology" means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting;

(4) "Cosmetologist" means any person, firm or corporation who engages in the practice of cosmetology;

(5) "Practice of manicuring" means the manicuring of nails of the hands and feet, also the administration of facials, by the use of hands and appliances;

(6) "Manicurist" means any person who engages in the practice of manicuring;

(7) A "student" is any person of the age of seventeen or over who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed cosmetology school, and who does not receive any wage or commission: PROVIDED, That the amendments to this subdivision shall not apply to any person attending as a student prior to the effective date of this amendatory section;

(8) An "operator" is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and cosmetology under the direct supervision and direction of a manager operator;

(9) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year;

(10) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and cosmetology is conducted;

(11) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and cosmetology;

(12) An "instructor operator" is a person who gives instruction in the practice of hairdressing and cosmetology in a school and who has the qualifications of a manager operator and who has passed an instructor examination: PROVIDED, That the provisions of this subdivision shall not apply to any person acting as an instructor operator on March 16, 1951. An instructor operator shall not perform in a cosmetology school, cosmetology services for members of the public except for instructional purposes;

(13) "Director" means the director of the department of motor vehicles;

(14) "Committee" means the cosmetology examining committee;

(15) "Board" means the hearing board.

Sec. 2. Section 9, chapter 77, Laws of 1963 as last amended by section 6, chapter 153, Laws of 1973 1st ex. sess. and by section 1, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.090 are each reenacted to read as follows:

This chapter shall not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the public service commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than two hundred fifty dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than two hundred fifty dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he is a contractor, or that he is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his own property, whether occupied by him or not, and any person working on his residence, whether owned by him or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his sole compensation or as an employee with wages as his sole compensation;

(16) Contractors on highway projects who have been prequalified as required by chapter 13 of the Laws of 1961, RCW 47.28.070, with the highway department to perform highway construction, reconstruction, or maintenance work.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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EXPLANATORY NOTE

Section 1. RCW 18.18.010 was amended twice during the 1973 first extraordinary session of the legislature.

(a) 1973 1st ex.s. c 148 sec. 16:  
(i) In subsection (1) changed the phrase "incident to original retail sales" to "incidental to retail sales"; and deleted the phrase "on female persons";

(ii) Throughout the section "beauty culture" and "beauty culturist" were changed to "cosmetology" and "cosmetologist";

(iii) Subsections (5) and (6) defining "practice of manicuring" and "manicurist" were added; and

(iv) "director of licenses" was changed to "director of motor vehicles".

(b) 1973 1st ex.s. c 154 sec. 21:  
(i) Deleted the phrase "on female persons" in subsections (1) and (3); and

(ii) Changed "director of licenses" to "director of the department of motor vehicles".

Sec. 2. RCW 18.27.090 was amended twice during the 1973 first extraordinary session of the legislature.

(a) 1973 1st ex.s. c 153 sec. 6 added commas in subsections (1), (3), (4), (5), (6), (8), (13), and (16) in series of three or more words.

(b) 1973 1st ex.s. c 161 sec. 1 amended subsection (14) of the section by changing "an electrician ... or plumber licensed under the laws of the state ...." to "an

electrical contractor as licensed under the laws of the state of Washington and chapter 19.28 RCW".  
As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting these sections with each amendment included therein.

Passed the House January 31, 1974.  
Passed the Senate February 6, 1974.  
Approved by the Governor February 13, 1974.  
Filed in Office of Secretary of State February 14, 1974.

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CHAPTER 26  
[House Bill No. 1355]  
VOLUNTEER FIREMEN PENSIONS—  
CODE CORRECTION

AN ACT Relating to volunteer firemen; reenacting section 18, chapter 261, Laws of 1945 as last amended by section 75, chapter 154, Laws of 1973 1st ex. sess. and by section 3, chapter 170, Laws of 1973 1st ex. sess. and RCW 41.24.180; and declaring an emergency.

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

Section 1. Section 18, chapter 261, Laws of 1945 as last amended by section 75, chapter 154, Laws of 1973 1st ex. sess. and by section 3, chapter 170, Laws of 1973 1st ex. sess. and RCW 41.24.180 are each reenacted to read as follows:

The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself or herself.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him or her under the provisions of this chapter, there shall be paid to his widow or her widower, or if there be no widow or widower to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself or herself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself and the municipality or municipalities in whose department he or she shall have served, there