

gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

Bona fide charitable or nonprofit organizations holding a license to conduct a fund raising event may joint together to jointly conduct a fund raising event if:

(i) Approval to do so is received from the commission; and

(ii) The method of dividing the income and expenditures and the method of recording and handling of funds are disclosed to the commission in the application for approval of the joint fund raising event and are approved by the commission.

The gross wagers and bets received by the organizations less the amount of money paid by the organizations as winnings and for the purchase costs of prizes given as winnings may not exceed ten thousand dollars during the total calendar days of such event. The net receipts each organization receives shall count against the organization's annual limit stated in this subsection.

A joint fund raising event shall count against only the lead organization or organizations receiving fifty percent or more of the net receipts for the purposes of the number of such events an organization may conduct each year.

The commission may issue a joint license for a joint fund raising event and charge a license fee for such license according to a schedule of fees adopted by the commission which reflects the added cost to the commission of licensing more than one licensee for the event.

Passed the House March 1, 1984.

Passed the Senate February 20, 1984.

Approved by the Governor March 27, 1984.

Filed in Office of Secretary of State March 27, 1984.

CHAPTER 208

[Engrossed Substitute House Bill No. 1187]

COSMETOLOGY

AN ACT Relating to licensing; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes that the practice of cosmetology involves the use of tools and chemicals which may be dangerous when mixed or applied improperly, and therefore finds it necessary in the interest of the public health, safety, and welfare to regulate the practice of cosmetology in this state.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

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

(2) "Director" means the director of the department of licensing.

(3) "The practice of cosmetology" means the practice of manicuring, the practice of barbering, and the permanent waving, chemical relaxing or straightening, bleaching, or coloring of the hair of the face, neck, and scalp.

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

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

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

(7) "Practice of manicuring" means the application and removal of artificial nails, skin care involving hot compresses, massage, or the use of electrical appliances or chemical compounds formulated for professional application only, and the temporary removal of superfluous hair by means of lotions, creams or mechanical or electrical apparatus or appliances on another person.

(8) "Manicurist" means a person who has successfully completed five hundred hours of instruction at a school licensed under this chapter and who is licensed pursuant to this chapter.

(9) "School" means any establishment offering instruction in the practice of cosmetology, barbering, or manicuring to students and licensed under this chapter.

(10) "Student" means a person sixteen years of age or older who is enrolled in a school licensed under this chapter and receives any phase of cosmetology, barbering, or manicuring instruction with or without tuition, fee, or cost, and who does not receive any wage or commission.

(11) "Cosmetology instructor" means a person who gives instruction in the practice of cosmetology, barbering and/or manicuring in a school and who has the same qualifications as a cosmetologist and who has completed at least five hundred hours of instruction in cosmetology teaching techniques and lesson planning in a school and has passed an examination prepared or

selected by the board and administered by the director. A person who applies for a license under this section and who can show equivalent credentials to the five hundred hour curriculum is exempt from the five hundred hour requirement. An applicant who holds a degree in education from an accredited postsecondary institution shall upon application be licensed as an instructor if the applicant meets the requirements for licensure as a cosmetologist.

(12) "Special student" is a person who has academically completed the eleventh grade of high school, who in cooperation with any senior high, vocational technical institute, community college, or prep school, attends a cosmetology school and participates in its student course of instruction and has the same rights and duties as a student as defined in this chapter. The school shall have relatively corresponding rights and responsibilities, and every such special student shall receive credit for all hours of instruction received in the school of cosmetology upon graduation from high school. Hours shall be credited to a special student if the student graduates from an accredited high school or receives a certificate of educational competence before applying to take the cosmetologist, barber, or manicurist license examination.

NEW SECTION. Sec. 3. It is a misdemeanor for any person to do any of the following without first obtaining the license required by this chapter:

- (1) Commercial practice of cosmetology, barbering, or manicuring;
- (2) Instruct in a school; or
- (3) Operate a school.

NEW SECTION. Sec. 4. This chapter shall not apply to persons licensed under other laws of this state who are performing services within their authorized scope of practice and shall not be construed to require a license for students enrolled in a school.

NEW SECTION. Sec. 5. Upon payment of the proper fee, the director shall issue the appropriate license to any person who:

- (1) Is at least seventeen years of age or older;
- (2) Has completed a sixteen hundred hour course of training in cosmetology, an eight hundred hour course of training in barbering, or a five hundred hour course of training in manicuring. The required curriculum shall be determined by the director in consultation with the board; and
- (3) Has received a passing grade on a licensing examination administered by the director.

NEW SECTION. Sec. 6. Any person wishing to operate a school shall, before opening such a school, file with the director a license application containing the following information:

- (1) The names and addresses of all owners and instructors;
- (2) Proof that the school's curriculum satisfies the training guidelines established by the director;

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

(4) A sample of the school's enrollment contract, and cancellation and refund policies;

(5) A description of the school's physical equipment and facilities;

(6) A surety bond not to exceed twenty-five thousand dollars, in a form and amount acceptable to the director, running to the state of Washington for the protection of students of the school, except for community colleges and vocational technical schools.

Upon proper application and payment of fees, the director shall issue a license to operate a school.

NEW SECTION. Sec. 7. In addition to any other duties imposed by law, the director shall have the following powers and duties:

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

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

(3) To investigate alleged violations of this chapter and consumer complaints involving the practice of cosmetology, barbering, or manicuring;

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

(5) To administer licensing examinations;

(6) To establish minimum safety and sanitation standards for schools;

(7) To establish minimum instruction guidelines for the training of students;

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

(9) To set license expiration dates and renewal periods for all licenses under this chapter.

NEW SECTION. Sec. 8. From time to time as deemed necessary by the director, all schools shall be surveyed for compliance with this chapter. If the director determines that any licensed school is not maintaining the standards required according to this chapter, notice thereof, in writing, shall be given to the school. A school which fails to correct these conditions to the satisfaction of the director within a reasonable time shall, upon due notice to the school, be subject to penalties imposed by the director under section 14 of this act.

NEW SECTION. Sec. 9. There is created a state cosmetology, barbering, and manicuring advisory board consisting of five members appointed by the governor who shall advise the director concerning the administration of this chapter. Four members of the board shall be barbers or cosmetologists who are licensed under this chapter and who have been engaged in the practice of barbering or cosmetology for at least three years or who have qualified under section 18(1) of this act. One member of the board shall be

a consumer who is unaffiliated with the cosmetology, barbering, or manicuring industry. The term of office for board members is three years. The terms of the first board members, however, shall be staggered to ensure an orderly succession of new board members thereafter. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the committee for the remainder of the unexpired term. No board member may serve more than two consecutive terms, whether full or partial.

Board members shall be entitled to compensation at the rate of fifty dollars per day for each day spent conducting official business and to reimbursement for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 10. Examinations for licensure under this chapter shall be conducted monthly at such times and places as the director determines appropriate. Examinations shall consist of tests designed to reasonably measure the applicant's knowledge of safe and sanitary practice. The director shall annually announce the dates and locations of examinations scheduled for that year. Passing grades shall be based upon a standard of one hundred percent. An applicant who receives a passing grade as determined by the board is entitled to the appropriate license for which the applicant was examined.

All examination papers completed by the applicant shall be kept on file by the director for a period of at least one year and shall be available for inspection by the applicant or the applicant's agent.

NEW SECTION. Sec. 11. Any person who is properly licensed in any state, territory, or possession of the United States, or foreign country shall be issued a license under this chapter without examination if the applicant provides proof to the director that he or she is currently licensed in good standing as a cosmetologist, barber, manicurist, or the equivalent in that jurisdiction and has completed a course of training equivalent to that required under this chapter.

NEW SECTION. Sec. 12. The director shall issue the appropriate license to each applicant who has applied for a license and complied with the requirements established under this chapter for that license. Failure to renew a license before its expiration date subjects the holder to a penalty fee as established by the director in accordance with RCW 43.24.086. A person whose license has not been renewed for three years shall be required to retake the applicable examination before the license may be reissued: **PROVIDED**, That the director may waive this requirement for good cause shown.

NEW SECTION. Sec. 13. Any applicant or licensee under this chapter may be subject to disciplinary action by the director if the licensee or applicant:

- (1) Has been found guilty of a crime related to the practice of cosmetology, barbering, or manicuring;
- (2) Has made a material misstatement or omission in connection with an application;
- (3) Has engaged in false or misleading advertising;
- (4) Has performed services in an unsafe or unsanitary manner; or
- (5) Has violated any provision of this chapter or any rule adopted under it.

NEW SECTION. Sec. 14. If, following a hearing, the director finds that an applicant or licensee has violated any provision of this chapter or any rule adopted under it, the director may impose one or more of the following penalties:

- (1) Denial of a license or renewal;
- (2) Revocation or suspension of a license;
- (3) A fine of not more than five hundred dollars per violation;
- (4) Issuance of a reprimand or letter of censure;
- (5) Placement of the licensee on probation for a fixed period of time;
- (6) Restriction of the licensee's authorized scope of practice;
- (7) Requiring the licensee to make restitution or a refund as determined by the director to any individual injured by the violation; or
- (8) Requiring the licensee to obtain additional training or instruction.

NEW SECTION. Sec. 15. Any person aggrieved by the refusal of the director to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of any license issued under this chapter or by the application of any penalty under section 14 of this act, shall have the right to appeal the decision of the director to the superior court of the county in which the person maintains his or her place of business. Such appeal shall be filed within thirty days of the director's decision.

NEW SECTION. Sec. 16. In addition to any other legal remedy, any student having a claim against a school may bring suit upon the surety bond required in section 6(6) of this act in the superior or district court of Thurston county or the county in which the educational services were offered by the school. Action upon the bond shall be commenced by filing the complaint with the clerk of the appropriate superior or district court within one year from the date of the cancellation of the bond: **PROVIDED**, That no action shall be maintained upon the bond for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Service of process in an action upon the bond shall be exclusively by service upon the director. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the surety and the school. The director shall transmit the complaint or a copy thereof to the school at the address listed in the director's records and to the surety within forty-eight hours after it

has been received. The surety shall not be liable in an aggregate amount in excess of the amount named in the bond. In any action on a bond, the prevailing party is entitled to reasonable attorney's fees and costs.

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

NEW SECTION. Sec. 17. The director shall employ such administrative, investigative, and clerical staff as needed to implement this chapter.

NEW SECTION. Sec. 18. All licenses issued under chapters 18.15 and 18.18 RCW which are issued prior to June 30, 1984, shall remain in effect until October 1, 1984. On or before October 1, 1984, the director shall issue the equivalent license under this chapter to all persons or schools holding such licenses as follows:

(1) Any person licensed as a cosmetology manager-operator under chapter 18.18 RCW, or certified men's hairstylist under chapter 18.15 RCW, shall be issued a cosmetologist license;

(2) Any person licensed as a barber under chapter 18.15 RCW shall retain his or her license;

(3) Any person licensed as a manicurist manager-operator under chapter 18.18 RCW shall be issued a manicurist license;

(4) Any person licensed as an instructor-operator under chapter 18.18 RCW or as a barber instructor under chapter 18.15 RCW shall be issued a cosmetologist instructor license; and

(5) Any cosmetology school licensed under chapter 18.18 RCW and any barber college or school licensed under chapter 18.15 RCW shall be issued a school license.

NEW SECTION. Sec. 19. Nothing in this chapter prohibits any person authorized under the laws of this state from performing any service for which the person may be licensed, nor prohibits any person from performing services as an electrologist if that person has been otherwise certified, registered, or trained as an electrologist.

This chapter does not apply to persons employed in the care or treatment of patients in hospitals or employed in the care of residents of nursing homes and similar residential care facilities.

NEW SECTION. Sec. 20. This act shall be known and may be cited as the "Washington cosmetologists, barbers, and manicurists act".

NEW SECTION. Sec. 21. Sections 1 through 20 of this act shall constitute a new chapter in Title 18 RCW.

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

NEW SECTION. Sec. 23. This act shall take effect July 1, 1984.

Passed the House February 29, 1984.

Passed the Senate February 22, 1984.

Approved by the Governor March 27, 1984.

Filed in Office of Secretary of State March 27, 1984.

CHAPTER 209

[Substitute House Bill No. 1247]

CRIMINAL SENTENCING

AN ACT Relating to criminal sentencing; amending section 1, chapter 99, Laws of 1937 as amended by section 1, chapter 276, Laws of 1983 and RCW 9.92.150; amending section 31, chapter 137, Laws of 1981 and RCW 9.92.90C; amending section 3, chapter 137, Laws of 1981 as last amended by section 9, chapter 164, Laws of 1983 and RCW 9.94A.030; amending section 9, chapter 137, Laws of 1981 and RCW 9.94A.090; amending section 11, chapter 137, Laws of 1981 and RCW 9.94A.110; amending section 12, chapter 137, Laws of 1981 as last amended by section 2, chapter 163, Laws of 1983 and RCW 9.94A.120; amending section 13, chapter 137, Laws of 1981 and RCW 9.94A.130; amending section 15, chapter 137, Laws of 1981 as amended by section 6, chapter 192, Laws of 1982 and RCW 9.94A.150; amending section 19, chapter 137, Laws of 1981 and RCW 9.94A.190; amending section 20, chapter 137, Laws of 1981 and RCW 9.94A.200; amending section 21, chapter 137, Laws of 1981 as amended by section 7, chapter 192, Laws of 1982 and RCW 9.94A.210; amending section 22, chapter 137, Laws of 1981 and RCW 9.94A.220; amending section 2, chapter 207, Laws of 1982 and RCW 9.94A.270; amending section 2, chapter 115, Laws of 1983 and RCW 9.94A.310; amending section 3, chapter 115, Laws of 1983 and RCW 9.94A.320; amending section 4, chapter 115, Laws of 1983 and RCW 9.94A.330; amending section 7, chapter 115, Laws of 1983 and RCW 9.94A.360; amending section 8, chapter 115, Laws of 1983 and RCW 9.94A.370; amending section 9, chapter 115, Laws of 1983 and RCW 9.94A.380; amending section 10, chapter 115, Laws of 1983 and RCW 9.94A.390; amending section 11, chapter 115, Laws of 1983 and RCW 9.94A.400; amending section 12, chapter 115, Laws of 1983 and RCW 9.94A.410; amending section 2, chapter 17, Laws of 1967 as last amended by section 1, chapter 160, Laws of 1979 ex. sess. and RCW 72.65.020; amending section 3, chapter 17, Laws of 1967 as amended by section 276, chapter 141, Laws of 1979 and RCW 72.65.030; amending section 4, chapter 17, Laws of 1967 as amended by section 277, chapter 141, Laws of 1979 and RCW 72.65.040; amending section 38, chapter 138, Laws of 1981 (uncodified); adding new sections to chapter 9.94A RCW; adding a new section to chapter 71.06 RCW; repealing section 27, chapter 137, Laws of 1981 and RCW 9.94A.900; prescribing penalties; and providing effective dates.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 99, Laws of 1937 as amended by section 1, chapter 276, Laws of 1983 and RCW 9.92.150 are each amended to read as follows:

The sentencing judge of the superior court and the sentencing judge of courts of limited jurisdictions shall have authority and jurisdiction whereby the sentence of a prisoner, sentenced to imprisonment in their respective county jail, may be reduced by up to ~~((ten days for each month of confinement therein;))~~ one-third for good behavior.

Sec. 2. Section 31, chapter 137, Laws of 1981 and RCW 9.92.900 are each amended to read as follows: