

CHAPTER 225

[Second Substitute House Bill No. 378]

COSMETOLOGY—LICENSURE—SCHOOLS

AN ACT Relating to the regulation of cosmetology; amending section 1, chapter 25, Laws of 1974 ex. sess. as last amended by section 1, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.010; amending section 8, chapter 215, Laws of 1937 as last amended by section 15, chapter 158, Laws of 1979 and RCW 18.18.020; amending section 1, chapter 215, Laws of 1937 as last amended by section 18, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.030; amending section 18, chapter 215, Laws of 1937 as amended by section 19, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.040; amending section 2, chapter 180, Laws of 1951 as last amended by section 21, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.050; amending section 2, chapter 324, Laws of 1959 as last amended by section 22, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.065; amending section 4, chapter 180, Laws of 1951 as last amended by section 6, chapter 283, Laws of 1981 and RCW 18.18.070; amending section 7, chapter 215, Laws of 1937 as last amended by section 16, chapter 158, Laws of 1979 and RCW 18.18.100; amending section 1, chapter 168, Laws of 1953 and RCW 18.18.102; amending section 2, chapter 168, Laws of 1953 as last amended by section 30, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.18.104; amending section 4, chapter 168, Laws of 1953 and RCW 18.18.108; amending section 4, chapter 313, Laws of 1955 as last amended by section 25, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.110; amending section 5, chapter 313, Laws of 1955 and RCW 18.18.130; amending section 7, chapter 180, Laws of 1951 as last amended by section 3, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.140; amending section 7, chapter 52, Laws of 1957 as amended by section 6, chapter 324, Laws of 1959 and RCW 18.18.160; amending section 8, chapter 52, Laws of 1957 as amended by section 7, chapter 324, Laws of 1959 and RCW 18.18.170; amending section 8, chapter 180, Laws of 1951 as last amended by section 26, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.190; amending section 4, chapter 215, Laws of 1937 and RCW 18.18.200; amending section 9, chapter 180, Laws of 1951 as last amended by section 13, chapter 7 Laws of 1965 ex. sess. and RCW 18.18.210; amending section 15, chapter 215, Laws of 1937 as last amended by section 28, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.220; amending section 11, chapter 52, Laws of 1957 as last amended by section 4, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.260; amending section 12, chapter 52, Laws of 1957 as amended by section 30, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.270; amending section 20, chapter 148, Laws of 1973 1st ex. sess. as amended by section 17, chapter 158, Laws of 1979 and RCW 18.18.300; adding new sections to chapter 18.18 RCW; and repealing section 9, chapter 215, Laws of 1937, section 5, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.080.

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

Section 1. Section 1, chapter 25, Laws of 1974 ex. sess. as last amended by section 1, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.010 are each amended 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 arranging, dressing, curling, waving, permanent waving, chemical relaxing or straightening, bleaching, or coloring of the hair, skin care, dressing of wigs and hair pieces on or off the head, or doing similar work thereon by use of the hands or any method of mechanical application or appliances, the practice of haircutting, 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, or similar preparations or compounds, and manicuring the nails ((or)), application and removal of artificial nails, pedicuring, removing superfluous hair ((or the practice of haircutting)) by means of lotions, creams, or mechanical or electrical apparatus or appliances on another person~~

~~((4)) (2) "Cosmetologist" means any person((- firm or corporation)) who engages in the practice of cosmetology;~~

~~((5)) (3) "Practice of manicuring" ((means)) includes the manicuring of nails of the hands ((and)), pedicuring as applied to feet, application and removal of artificial nails, also the administration of facials, massage, facial make-up, or skin care by the use of hands and appliances;~~

~~((6)) (4) "Manicurist manager operator" means any person who engages in the practice of manicuring;~~

~~((7) "Manicurist manager operator" means a person having practiced as a manicurist under a manager operator for six months;~~

~~(8)) (5) 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, who receives any phase of cosmetology instruction with or without tuition, fee, or cost, and who does not receive any wage or commission((- PROVIDED, That this subdivision shall not apply to any person attending as a student prior to June 11, 1959;~~

~~(9) 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));~~

~~((10)) (6) A "manager operator" is any person ((having practiced as an operator under the supervision of a manager operator for at least one year)) of the age of eighteen years or over, who has been licensed by the state of Washington to practice cosmetology;~~

~~((11)) (7) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of ((hairdressing and)) cosmetology or manicuring is conducted;~~

~~((12))~~ (8) A "manicurist shop" is any building or structure, or any part thereof, other than a school, where only the practice of manicuring is conducted;

~~((13))~~ (9) A "school" is an institution of learning devoted exclusively to the instruction and training of students, special students, cadet instructors, instructor operators, licensed cosmetologists, postgraduate cosmetologists, manicurists, or manicuring students in all or specific phases of cosmetology, or in the practice of ~~((hairdressing and))~~ teaching all or specific phases of cosmetology;

~~((14))~~ (10) An "instructor operator" is a person who gives instruction in the practice of ~~((hairdressing and))~~ cosmetology in a school and who has the same qualifications and privileges of a manager operator and who has completed a course of instruction approved by the examining committee of five hundred hours as a cadet instructor in a duly licensed cosmetology school and who has passed ~~((an))~~ the state instructor examination: PROVIDED, That the provisions of this subdivision ~~((shall))~~ do not apply to any person ~~((acting))~~ licensed as an instructor operator on ~~((March 16, 1951))~~ the effective date of this 1982 act. Any applicant properly licensed as a manager operator who applies for an instructor operator license, who can show equivalent or substantially equivalent credentials to the five hundred hour cadet instructor curriculum, is exempt from that licensing requisite, but may be required to pass the instructor operators examination as determined by the director. Any applicant who holds a degree in education from an accredited post-secondary institution shall be issued an instructor operator license without examination if the applicant meets the requirements of a manager operator. An instructor operator ~~((shall))~~ may not perform in a cosmetology school, cosmetology services for members of the public except for instructional purposes;

~~((15))~~ (11) "Director" means the director of licensing;

~~((16))~~ (12) "Committee" means the cosmetology examining committee;

~~((17))~~ (13) "Board" means the hearing board;

(14) "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, 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 program upon graduation from high school. No hours may be credited to any such special student unless he or she graduates from high school;

(15) "Manicuring student" is any person who has graduated from an accredited high school, or has an equivalent education as determined by the

director whose determination shall be conclusive, or who is enrolled as a special student, who attends a duly licensed cosmetology school for a five hundred hour course of instruction, who receives training in manicuring, facials, skin care, and pedicuring with or without tuition, fee, or cost, and who does not receive any wage or commission;

(16) "Postgraduate cosmetologist" is any cosmetologist licensed by any state or country who is enrolled in a duly licensed cosmetology school, who is registered with the department of licensing, who receives any phase of cosmetology instruction with or without tuition, fee, or cost and who does not receive any wage or commission;

(17) A "cadet instructor" is a person registered with the department of licensing who receives training in teaching techniques and lesson planning in a duly licensed cosmetology school for a period of five hundred hours, with or without compensation or fee, who has the same qualifications as a manager operator. A cadet instructor may not perform in a cosmetology school, cosmetology services for members of the public except for instructional purposes.

Sec. 2. Section 8, chapter 215, Laws of 1937 as last amended by section 15, chapter 158, Laws of 1979 and RCW 18.18.020 are each amended to read as follows:

The director shall, in addition to other duties imposed by law, adopt rules for carrying out the provisions of this chapter ~~((and conducting))~~. The director shall provide for examinations of applicants for ~~((licenses, for governing))~~ licensing and grant licenses to those qualified. ~~The director shall govern~~ the recognition of, and the credits to be given to, the study of ~~((hairdressing and))~~ cosmetology or manicuring under a ~~((hairdresser and))~~ cosmetologist or any school of ~~((hairdressing and))~~ cosmetology licensed under the laws of another state, nation, territory, or the District of Columbia ~~((, and shall, subject to the approval of the state board of health, promulgate rules for the prevention of infectious or contagious diseases in hairdressing and cosmetology shops and schools, and shall furnish to each person, firm or corporation licensed under this chapter a copy of such rules; shall hold examinations of all applicants for a license under this chapter; and grant licenses to those qualified))~~. ~~The director shall keep all~~ ~~((examination papers))~~ student training records submitted by the school on file for at least ~~((one))~~ five years, which file shall be open to the inspection of the applicant or his agent.

NEW SECTION. Sec. 3. There is added to chapter 18.18 RCW a new section to read as follows:

Each application for enrollment or licensing under this chapter shall be accompanied by a fee determined by the director as provided in RCW 43.24.085.

An applicant who fails to pass an examination may take the next examination with payment of an additional fee determined by the director as provided in RCW 43.24.085.

Sec. 4. Section 1, chapter 215, Laws of 1937 as last amended by section 18, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.030 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, firm, or corporation to engage in the practice of ~~((hairdressing and))~~ cosmetology, ~~((or))~~ the practice of manicuring, or the practice of teaching cosmetology or manicuring for compensation, or hold himself or itself out as qualified to engage in the practice of, or solicit the practice of, ~~((hairdressing and))~~ cosmetology, ~~((or))~~ the practice of manicuring, or the practice of teaching cosmetology or manicuring, or to own, manage, conduct, or give instruction in ~~((a hairdressing and))~~ any place other than a cosmetology ((shop or)) school unless licensed to do so as ((in this chapter)) provided in this chapter.

Every ~~((hairdressing and))~~ cosmetology establishment for the teaching of any branch thereof shall be classified as a school of ~~((hairdressing and))~~ cosmetology within the meaning of this chapter, and shall be required to comply with its provisions.

Sec. 5. Section 18, chapter 215, Laws of 1937 as amended by section 19, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.040 are each amended to read as follows:

Nothing in this chapter ~~((shall))~~ prohibits any person authorized under the laws of this state ~~((to practice medicine, surgery, or dentistry from engaging in the practice for which they are licensed; nor require a license under this chapter for any barber))~~ from performing any service for which he may be licensed; nor prohibits any person from performing services as an electrologist if such person has been otherwise certified, registered, or trained as an electrologist; nor prohibits manicuring in barber shops when performed by a manicurist licensed under the provisions of this chapter ~~((; but the provisions hereof shall not be construed to authorize any person other than a student or person licensed under this chapter to do permanent, or temporary waving of the hair)).~~

This chapter ~~((shall))~~ does not apply to persons ((engaged)) employed in the care or treatment of patients in ((health facilities or engaged)) hospitals or employed in the care of residents of ((boarding)) nursing homes and similar residential care facilities.

Sec. 6. Section 2, chapter 180, Laws of 1951 as last amended by section 21, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.050 are each amended to read as follows:

~~((An operator's))~~ A manager operator license shall be issued to a student who: (1) Is of the age of eighteen years or over; (2) is of good moral character and temperate habits; (3) has graduated from an accredited high

school or the equivalent thereof as determined by the director whose determination shall be conclusive: PROVIDED, That this subdivision shall not apply to those holding a valid operator's license or attending a recognized cosmetology school prior to ~~((the effective date of this amendatory section))~~ June 10, 1959, but such persons shall be subject to the law in existence prior to ~~((the effective date of this amendatory section; (4) is a citizen of the United States or declared his intention to become a citizen; (5)))~~ June 10, 1959; (4) has completed a course of training of not less than two thousand hours in a recognized cosmetology school, such training not to exceed eight hours in any one day, and has received a certificate of completion from such school; and ((6) who) (5) has satisfactorily passed the ((hairdressing and)) cosmetology examination ((in)) of this state.

Sec. 7. Section 2, chapter 324, Laws of 1959 as last amended by section 22, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.065 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, firm, or corporation to operate a cosmetology shop or ~~((a cosmetology))~~ school without a shop or school location license for each ~~((cosmetology))~~ such shop or ~~((cosmetology))~~ school. Application therefor shall be made on forms furnished by the director and shall contain such information as the director may reasonably require. Upon receipt of such application and the fee required by this chapter, the director shall issue a location license if such shop or school meets the other requirements of this chapter.

*Sec. 8. Section 4, chapter 180, Laws of 1951 as last amended by section 6, chapter 283, Laws of 1981 and RCW 18.18.070 are each amended to read as follows:

No person ~~((shall))~~ may be licensed to conduct a school unless it appears to the director that: (1) The school will maintain the course of instruction herein provided; (2) instruction in the school at all times is in charge of and under the supervision of ~~((a manager))~~ an instructor operator; (3) the school will at all times maintain one licensed instructor for each ~~((fifteen))~~ twenty students in attendance or fraction thereof; (4) at no time does a school have ~~((less))~~ fewer than two licensed instructors on duty; (5) the school provides students and other interested persons with a catalog or brochure containing information describing (a) enrollment qualifications, (b) programs offered, (c) program objectives, (d) length of program, (e) schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, and (f) cancellation and refund policies; all such information under subsections (a) through (f) above shall be provided prospective students prior to enrollment as well as such other material facts concerning the school and the program as are reasonably likely to affect the decision of the student to enroll in the school, together with any other disclosures specified by the director and defined in department rules; (6) adequate records are maintained by the school to document student

performance and progress; (7) neither the school nor its agents engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair; (8) the school is financially sound and capable of meeting its legal financial obligations and fulfilling its commitments to students; (9) for any nonaccredited school, the nonaccredited school has established, consistent with guidelines adopted by the director, a fair and equitable cancellation and refund policy that includes provisions for a cooling-off period, and will not make unilateral changes in scheduled times for course instruction unless provision is made for an equitable refund of tuition and fees; and (10) at the time of licensing the school has filed with the director a surety bond in a form acceptable to the director.

Any public postsecondary school applying for a new cosmetology school location license shall conduct a job market survey in the area in which the proposed cosmetology classes are to be taught. The survey shall be conducted in cooperation with prospective employers and shall include an analysis of existing cosmetology training programs maintained by high schools, community colleges, vocational technical centers, and private postsecondary schools in the area, to insure that the anticipated employment demand for licensed cosmetologists is greater than the anticipated availability of the graduates of the existing cosmetology establishments or to determine that the existing cosmetology establishments are not satisfactorily meeting the training needs of the students enrolled in the cosmetology program based on the placement records of the existing cosmetology establishments.

An application for a new school license, in addition to the foregoing applicable provisions, shall state the location of the school to be licensed and the names and addresses of the instructors who will initially instruct in the school, and shall also supply a copy of the complete curriculum for each course being offered.

After the examination committee has examined the application, has inspected the proposed location for the school, and has verified the instructors and approved the curriculum, it shall authorize the applicant to proceed with the installation of the school plant, if the project is qualified. Final approval shall be granted on compliance with all requirements of this chapter.

For purposes of this section, "nonaccredited school" shall mean a school which is not accredited by an accrediting association recognized by the commission for vocational education pursuant to RCW 28B.05.040(5).

*Sec. 8. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 9. There is added to chapter 18.18 RCW a new section to read as follows:

Every school shall cause the word "school" to appear conspicuously on its literature and advertising matter, and to be painted in letters at least four inches high on all doors which are open to the public and lead to the school. All schools shall meet the following minimum requirements:

- (1) Separate area for class work and clinical services;
- (2) Lavatory facilities;
- (3) Student storage facilities;
- (4) Each school shall provide:

Shampoo bowls;

Hair dryers;

A sterilizer;

A heating cap;

Cold wave equipment;

Individual styling stations;

Manicuring tables;

Those schools also offering the five hundred hour manicuring course shall provide, in addition to the equipment specified in the above paragraph, the following equipment:

Facial chairs;

Styling stations;

Stools;

Manicuring tables;

Facial area with hot and cold running water;

A sanitizer;

Manicuring heaters;

Facial trays.

Sec. 10. Section 7, chapter 215, Laws of 1937 as last amended by section 16, chapter 158, Laws of 1979 and RCW 18.18.100 are each amended to read as follows:

All examinations for license shall be conducted and given by the examining committee under the supervision and direction of the director, in the manner provided by law. No person ~~((shall, however))~~ may, after the effective date of this 1982 act, be appointed as a member of an examining committee for the purpose of conducting examinations and performing other duties imposed by this chapter unless he or she is an instructor operator ~~((and))~~ of the age of at least twenty-five years, ~~((has the qualifications of an instructor;))~~ has been a ~~((citizen))~~ resident of the state for at least three years immediately prior to his or her appointment, and is or has been engaged in actual practice as a ~~((hairdresser;))~~ cosmetologist(;) or instructor operator for at least three of the past five years at the time of appointment, is not connected directly or indirectly with any school of ~~((hairdressing and))~~ cosmetology, and is not connected directly or indirectly ~~((in))~~ with the business of the manufacturing, renting, or selling of hairdressing or cosmetology or manicuring appliances and supplies at wholesale during his or her appointment.

Sec. 11. Section 1, chapter 168, Laws of 1953 and RCW 18.18.102 are each amended to read as follows:

The examining committee described in RCW 18.18.100, as now or hereafter amended, shall consist of five members appointed by the governor. The governor shall designate one of the committee members as ~~((committee secretary. The secretary shall be))~~ chairman of the committee. ~~((As of June 11, 1953, members of the examining committee shall be appointed for terms of office as follows: One for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter))~~ The terms of the members shall be for five years and until their successors are appointed and qualified. The examining committee shall be under the direct supervision of the director. The governor may remove a member of the committee for cause. The governor shall fill any vacancy on the committee within ninety days after it occurs by an appointment for the remainder of the unexpired term. No member may serve more than two full terms.

The director may, when considered necessary, appoint no more than two alternate members meeting the qualifications set forth in RCW 18.18.100, as now or hereafter amended, to perform the examination functions and responsibilities of regularly appointed members if because of unavoidable circumstances the regularly appointed member is unable to attend and participate in a scheduled examination.

Sec. 12. Section 2, chapter 168, Laws of 1953 as last amended by section 30, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.18.104 are each amended to read as follows:

(1) The secretary of the examining committee shall keep a record of all the proceedings of the committee. The committee shall meet in order to hold examinations and to conduct any other proper business. The committee shall set a schedule for such meetings a year in advance. The principal office of the committee shall be and is hereby established in Olympia, Washington. A majority of the committee in ~~((meeting))~~ a duly assembled meeting may exercise all the powers devolving upon the committee. For any urgent purpose a special meeting may be called. Notice from the secretary signed by three members of the committee may convene the committee for a special meeting. The secretary shall notify each licensed cosmetology school by mail with a specific agenda. Only business specified in the notice shall be transacted. The secretary shall arrange for and conduct all examinations called for under the provisions of this chapter. The secretary shall deliver all records and findings of the examining committee as a result of examinations and hearings to the director.

(2) The secretary shall have a full-time position with a salary to conform with standards set by the department of ~~((licenses))~~ licensing for similar positions. The secretary shall be reimbursed for travel expenses incurred in the actual performance of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Each appointed member of the committee shall receive as compensation ~~((for attendance at proper meetings of the committee thirty-five))~~ forty-five dollars for each

day(~~'s attendance~~)) in which the member is officially engaged in business or duties of the committee and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended: PROVIDED, HOWEVER, That all salaries, compensation, and travel expenses shall come from the license and application fees collected pursuant to this chapter.

Sec. 13. Section 4, chapter 168, Laws of 1953 and RCW 18.18.108 are each amended to read as follows:

The examining committee shall arrange with the director for the employment of two or more inspectors. The inspectors shall have the same qualifications as examining committee members. The secretary of the committee and inspectors shall have the right to inspect any ((job)) salon or school. Any member(;) or agent((, or assistant)) of the committee((, when authorized by the committee,)) or inspector may enter any shop ((or school)) during business hours for the purpose of inspection. Every shop shall be inspected at least ((twice)) once a year. Every school shall be inspected at least three times a year by the secretary, an inspector, or member of the committee.

Sec. 14. Section 4, chapter 313, Laws of 1955 as last amended by section 25, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.110 are each amended to read as follows:

All examinations for licenses shall be conducted at least six times a year, an examination to be given once every two months.

The examination shall consist of written ~~((and oral))~~ questions and answers and practical tests ~~((Written examinations))~~ and shall cover ((each of the)) branches of ((hairdressing and)) cosmetology ((required in the course of study)) as determined by the examining committee.

Practical tests shall consist of actual demonstrations in ~~((hairdressing and))~~ cosmetology under the direction and supervision of the committee.

Applicants shall also be required to pass an examination in anatomy, physiology, hygiene, sanitation, sterilization, and the use of antiseptics in hairdressing and cosmetology.

Passing grades shall be based upon the standard of one hundred percent.

An applicant who receives a passing grade of not less than seventy-five percent in each branch, and in addition thereto passes the required examination in anatomy, physiology, hygiene, sanitation, sterilization, and the use of antiseptics, shall be entitled to a license as an operator.

An instructor's examination shall consist of ~~((a))~~ written questions and answers appropriate to the practice of the teaching of cosmetology and demonstrations in the development of lesson plans and a demonstration in the art of teaching at least two subjects ~~((of the cosmetology law))~~ as determined by the examining committee.

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

Sec. 15. Section 5, chapter 313, Laws of 1955 and RCW 18.18.130 are each amended to read as follows:

The director shall issue to each applicant(~~(;)~~) who has complied with the provisions of this chapter, the license (~~(applied)~~) for which application was made. All licenses shall remain in effect until the (~~(first day of July)~~) scheduled renewal date following their issuance, unless sooner revoked or suspended.

Sec. 16. Section 7, chapter 180, Laws of 1951 as last amended by section 3, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.140 are each amended to read as follows:

~~((Operator, manicurist, instructor operator, manager operator, manicurist manager operator, shop, manicurist shop, or school))~~ Licenses issued to shops or schools may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

On or after the expiration date of a cosmetology operator license previously issued by the director, the license may be converted and renewed to a cosmetology manager operator license upon payment of the required license renewal fee and any applicable lapsed license or late renewal penalty fees as determined by the director. A manicurist license previously issued by the director may be converted to a manicurist manager operator license upon payment of the required license renewal fee and any applicable lapsed license or late renewal penalty fees as determined by the director. A person whose license has lapsed for more than three years shall be reexamined as in the case of any applicant for an original cosmetology manager operator license or manicurist manager operator license.

Licenses issued to manager operators, manicurist manager operators, or instructor operators may be renewed from year to year upon payment, on or before the individual's birth anniversary date of each year following license issuance, of a renewal fee determined by the director as provided in RCW 43.24.085 as now existing or hereafter amended.

Any (~~(manicurist, operator, manager operator, manicurist manager operator, or instructor operator)~~) licensee whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended for each lapsed year: PROVIDED, That any (~~(person)~~) manicurist manager operator, manager operator, or instructor operator whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

Sec. 17. Section 7, chapter 52, Laws of 1957 as amended by section 6, chapter 324, Laws of 1959 and RCW 18.18.160 are each amended to read as follows:

Every manager ~~((and))~~ operator, instructor operator, and manicurist manager operator licensed under this chapter, within thirty days after changing his ~~((place of residence or business))~~ address as recorded upon the records of the director, shall notify the director in writing of ~~((his new place of residence or business))~~ this change of address.

Whenever ~~((a shop licensed under this chapter shall be discontinued; such))~~ an owner discontinues his shop or school business, the license shall thereupon be of no further force and effect and shall be invalid. The person to whom the shop or school license is issued shall notify the director of such action and return to the director the license of such ~~((shop))~~ establishment within thirty days of such discontinuance. Any person seeking to operate or reopen such shop or school after such discontinuance under the invalid license, or who fails to make the notification herein required ~~((shall be)),~~ is guilty of a misdemeanor, and each day on which such violation occurs ~~((shall))~~ constitutes a separate offense.

Sec. 18. Section 8, chapter 52, Laws of 1957 as amended by section 7, chapter 324, Laws of 1959 and RCW 18.18.170 are each amended to read as follows:

Every shop or school license authorizing a person, firm, or corporation to conduct such ~~((shop))~~ business shall be issued only in the name of the shop ~~((and the name of the person named in the application for the shop license))~~ or school, to which may be added the trade name, under which the ~~((shop))~~ business is conducted. Such license ~~((shall state that it))~~ is not transferable.

The ~~((person named in the))~~ principal owner(s) of a cosmetology shop ~~((license))~~ or school shall be primarily responsible for the business ethics and the proper conduct of the shop or school.

No school and shop ~~((shall))~~ may be maintained in the same location; nor ~~((shall))~~ may there be any connecting entrance.

Sec. 19. Section 8, chapter 180, Laws of 1951 as last amended by section 26, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.190 are each amended to read as follows:

The courses of instruction in theory and practical application in every school shall ~~((comprise))~~ consist of training in at least the following:

- ~~((1))~~ Shampooing, soap and dry;
- ~~((2))~~ Care of the face and massaging, including make-up and care of eyebrows and lashes;
- ~~((3))~~ Care of the scalp and massaging, rinses and packs;
- ~~((4))~~ Hair coloring and bleaching;
- ~~((5))~~ Cold permanent waving;
- ~~((6))~~ Iron curling or waving;
- ~~((7))~~ Finger waving;

- (8) Hair fashioning, shaping and cutting;
 (9) Manicuring;
 (10) Electricity as applied to cosmetology, and the use and application of electrical appliances;
 (11) The study of the law on cosmetology of the state of Washington;
 (12) Shop management, ownership, and business ethics;
 (13) Theory and science)) Anatomy and physiology pertaining to the practice of cosmetology, chemical hair relaxing, facials, hair bleaching, coloring, styling, and treatments, hygiene, makeup, manicuring, pedicuring, permanent and temporary waving, professional ethics and practices, sanitation and sterilization, scalp treatments, shampooing, shop or salon management, state laws and rules regulating the practice of cosmetology, and the theory of massage as used in the practice of cosmetology.

Sec. 20. Section 4, chapter 215, Laws of 1937 and RCW 18.18.200 are each amended to read as follows:

Every school licensed hereunder shall, within twenty days after the enrollment of any student therein, register such student with the director on such forms as the director ((may)) shall prescribe. ~~((Such registration shall be accompanied by a health certificate signed by a reputable physician to the effect that after a physical examination made within ten days prior to the filing thereof, he has found such registrant free from any infectious or contagious disease:))~~

Sec. 21. Section 9, chapter 180, Laws of 1951 as last amended by section 13, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.210 are each amended to read as follows:

~~((Every school shall cause the word "school" to appear conspicuously on its literature and advertising matter, and to be painted in letters at least four inches high on all doors leading to the school, which are open to the public generally:~~

~~Every school shall have available for every twenty-five students, subject to other requirements by the director, at least: Three shampoo bowls; seven hair dryers; two facial chairs; one sterilizer; one heating cap; and cold permanent wave equipment:))~~

No charge ((shall)) may be made for student work until the student has completed ((four)) three hundred hours of instruction and practice in cosmetology or one hundred hours of instruction and practice in manicuring: PROVIDED, That no student ((shall)) may perform such services for charge unless he displays such identification issued by the schools which certifies the completion of ((four hundred)) the required hours of instruction and practice.

Sec. 22. Section 15, chapter 215, Laws of 1937 as last amended by section 28, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.220 are each amended to read as follows:

Any license issued pursuant to this chapter may be revoked for any of the following causes arising after the issuance thereof:

- (1) Conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction shall be conclusive evidence;
- (2) Habitual drunkenness or the use of habit-forming drugs;
- (3) ~~((Gross incompetency))~~ Performing cosmetology services upon the public in an incompetent manner;
- (4) Advertising in any manner by means of knowingly false or deceptive statements;
- (5) Performing ~~((work authorized by said license))~~ cosmetology services upon the public in an unsanitary or filthy manner;
- (6) Performing either the practice of ~~((hairdressing and))~~ cosmetology or ~~((the practice of))~~ manicuring upon the ~~((the))~~ person of another while knowingly suffering from an infectious or contagious disease;
- (7) Wilful violation of any of the provisions of this chapter;
- (8) Failure to pay ~~((an))~~ a manager operator, instructor operator, or manicurist manager operator the minimum wage required by law.

Sec. 23. Section 11, chapter 52, Laws of 1957 as last amended by section 4, chapter 242, Laws of 1979 ex. sess and RCW 18.18.260 are each amended to read as follows:

No person ~~((shall))~~ may engage in the practice of ~~((hairdressing or))~~ cosmetology in any place other than a licensed ~~((hairdressing or))~~ cosmetology shop or school, except in case of the practice of manicuring in a manicurist shop or in case of his or her own family or in case of a customer whose physical condition prevents his or her presence at a shop or school.

No person ~~((shall))~~ may use for residential purposes any room that is used wholly or in part as a ~~((hairdressing or))~~ cosmetology school or shop or manicurist shop, except that these restrictions shall not apply to toilet facilities which may be used jointly for residential and business purposes.

Every ~~((hairdressing or))~~ cosmetology shop or school or manicurist shop shall maintain an outside entrance separate from the entrances to rooms used for sleeping or residential purposes.

~~((From and after July 1, 1959))~~ Every ~~((hairdressing or))~~ cosmetology shop or school or manicurist shop shall provide and maintain for the use of the customers adequate toilet facilities located within the shop or school or adjacent thereto.

No ~~((hairdressing or))~~ cosmetology shop ~~((shall))~~ may be operated unless it is under the direct supervision of a licensed manager operator or instructor operator.

No manicurist shop shall be operated unless it is under the direct supervision of a licensed manicurist manager operator.

No person other than ~~((a licensed manicurist or a licensed operator))~~ an individual licensed under this chapter in demonstrating or instructing in the

use of any cosmetics or supplies of any kind, ~~((shall))~~ may engage in any of the acts enumerated in RCW 18.18.010 as now or hereafter amended.

No student ~~((shall))~~ may engage in the practice of ~~((hairdressing-or))~~ cosmetology or manicuring except in a licensed cosmetology school under the direct supervision of a licensed instructor operator.

Sec. 24. Section 12, chapter 52, Laws of 1957 as amended by section 30, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.270 are each amended to read as follows:

Every person ~~((shall be guilty of a misdemeanor))~~ who: (1) Violates any of the provisions of this chapter ~~((or any regulation lawfully promulgated by the director)); or(;) (2) permits any person in his employ or under his supervision or control to practice ((hairdressing and))~~ cosmetology or manicuring without a license where one is required by this chapter; ~~or(;) (3) attempts to obtain a license by fraudulent means, is subject to payment of a civil penalty of not more than one hundred dollars as established by rule of the director. The director may take all actions necessary to collect such penalties.~~ Each and every day on which such violation occurs ~~((shall))~~ constitutes a separate offense.

Sec. 25. Section 20, chapter 148, Laws of 1973 1st ex. sess. as amended by section 17, chapter 158, Laws of 1979 and RCW 18.18.300 are each amended to read as follows:

~~((Within ninety days after July 16, 1973 the examining committee, under the supervision and direction of the director, shall devise the qualifications necessary for and an examination for the practice of manicuring, for which))~~ A separate license ((shall hereafter be)) for the practice of manicuring is required under this chapter, except for persons holding a valid license in the practice of ((beauty culture: PROVIDED, That any person engaged in the practice of manicuring for at least one year prior to July 16, 1973 shall be deemed qualified for such a license without an examination therefor)) cosmetology. Applications for licenses shall be made on such form and require such information and certificates to verify completion of five hundred hours in manicuring training, as required by the ~~((examining committee))~~ director and shall be accompanied by the proper application fee. Examinations shall be held at regular intervals throughout the year as the ~~((examining committee))~~ director deems necessary. The provisions of RCW 18.18.110 ~~((shall)),~~ as now or hereafter amended, are not ((be)) applicable hereto.

NEW SECTION. Sec. 26. Section 9, chapter 215, Laws of 1937, section 5, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.080 are each repealed.

Passed the House March 9, 1982.

Passed the Senate March 3, 1982.

Approved by the Governor April 3, 1982, with the exception of the paragraph beginning on page 10, line 24 and ending on page 11, line 2, which is vetoed.

Filed in Office of Secretary of State April 3, 1982.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one paragraph of Second Substitute House Bill No. 378 entitled:

"AN ACT Relating to the regulation of Cosmetology".

The paragraph beginning on page 10, line 24, and ending on page 11, line 2, would require public postsecondary schools, as a precondition for the issuance of a cosmetology school location license, to perform extensive market surveys. The purpose of these market surveys would be to demonstrate either unmet demand for cosmetologists or unsatisfactory servicing of current students.

Our community colleges routinely conduct market surveys before establishing new programs. This is a matter of prudent management. Thus, this statutory requirement is not necessary. In addition, this paragraph contains standards which would be difficult to enforce, creates duplicate roles for the Department of Licensing and the Community College Board, and may lead to inequitable treatment of students in certain areas of the state.

With the exception of the paragraph referenced above, 2SHB 378 is approved."

CHAPTER 226

[Substitute House Bill No. 58]

LOCAL GOVERNMENT—FILING OF CODES—ISLANDS, COUNTY COMMISSIONER DISTRICTS

AN ACT Relating to local government; amending section 36.32.020, chapter 4, Laws of 1963 as amended by section 1, chapter 58, Laws of 1970 ex. sess. and RCW 36.32.020; amending section 36.32.040, chapter 4, Laws of 1963 and RCW 36.32.040; amending section 35.21.180, chapter 7, Laws of 1965 and RCW 35.21.180; amending section 35A.12.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.140; amending section 36.32.120, chapter 4, Laws of 1963 as last amended by section 35, chapter 136, Laws of 1979 ex. sess. and RCW 36.32.120; amending section 1, chapter 25, Laws of 1980 and RCW 35.82.300; amending section 35.82.060, chapter 7, Laws of 1965 and RCW 35.82.060; and providing an effective date.

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

Section 1. Section 35.21.180, chapter 7, Laws of 1965 and RCW 35.21.180 are each amended to read as follows:

Ordinances passed by cities or towns must be posted or published in a newspaper as required by their respective charters or the general laws: PROVIDED, That ordinances may by reference adopt Washington state