
SENATE BILL 6040

State of Washington**55th Legislature****1997 Regular Session**

By Senators Deccio, Wojahn, Fairley, Patterson, Goings, Winsley, Kline, Swanson, McAuliffe and Rasmussen; by request of Governor Locke

Read first time 03/03/97. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to implementing the federal personal responsibility
2 and work opportunity reconciliation act of 1996; amending RCW
3 74.08.340, 74.08.025, 74.12.035, 74.09.510, 74.04.770, 74.20A.020,
4 46.20.291, 46.20.311, 18.04.335, 18.08.350, 18.08.350, 18.11.160,
5 18.16.100, 18.27.060, 18.28.060, 18.39.181, 18.46.050, 18.96.120,
6 18.104.110, 18.106.070, 18.130.150, 18.160.080, 18.165.160, 18.170.170,
7 43.20A.205, 43.70.115, 19.28.310, 19.28.580, 19.30.060, 19.16.120,
8 19.31.130, 19.32.060, 19.105.380, 19.105.440, 19.138.130, 19.158.050,
9 19.166.040, 21.20.110, 66.20.320, 67.08.040, 67.08.100, 19.02.100,
10 43.24.080, 43.24.110, 43.24.120, 70.74.110, 70.74.130, 70.74.370,
11 66.24.010, 43.63B.040, 70.95D.040, 17.21.130, 64.44.060, 19.146.220,
12 75.25.150, 75.28.010, 26.23.050, 26.18.100, 26.23.060, 74.20.040,
13 26.23.090, 74.20A.100, 26.23.045, 26.23.030, 74.20A.080, 26.23.120,
14 26.04.160, 26.09.170, 26.21.005, 26.21.115, 26.21.135, 26.21.235,
15 26.21.245, 26.21.255, 26.21.265, 26.21.450, 26.21.490, 26.21.520,
16 26.21.530, 26.21.580, 26.21.590, 26.21.620, 26.23.035, 74.20A.030,
17 74.20.320, 74.20.330, 70.58.080, 26.26.040, 74.20A.055, 26.23.040,
18 26.23.040, 26.26.130, and 70.58.055; reenacting and amending RCW
19 74.04.005, 18.145.080, 74.20A.270, 42.17.310, 74.20A.060, 74.20A.056,
20 26.09.020, and 26.26.100; adding new sections to chapter 74.12 RCW;
21 adding a new section to chapter 74.12A RCW; adding new sections to

1 chapter 74.08 RCW; adding new sections to chapter 74.25 RCW; adding a
2 new section to chapter 74.04 RCW; adding new sections to chapter 43.20A
3 RCW; adding new sections to chapter 50.13 RCW; adding a new section to
4 chapter 50.40 RCW; adding new sections to chapter 74.20A RCW; adding a
5 new section to chapter 48.22 RCW; adding a new section to chapter 2.48
6 RCW; adding a new section to chapter 18.04 RCW; adding a new section to
7 chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a
8 new section to chapter 18.20 RCW; adding a new section to chapter 18.28
9 RCW; adding a new section to chapter 18.39 RCW; adding a new section to
10 chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a
11 new section to chapter 18.51 RCW; adding a new section to chapter 18.76
12 RCW; adding a new section to chapter 18.85 RCW; adding a new section to
13 chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding
14 a new section to chapter 18.140 RCW; adding a new section to chapter
15 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new
16 section to chapter 18.170 RCW; adding a new section to chapter 18.175
17 RCW; adding a new section to chapter 18.185 RCW; adding a new section
18 to chapter 28A.410 RCW; adding a new section to chapter 20.01 RCW;
19 adding a new section to chapter 48.17 RCW; adding a new section to
20 chapter 74.15 RCW; adding a new section to chapter 47.68 RCW; adding a
21 new section to chapter 71.12 RCW; adding a new section to chapter 66.20
22 RCW; adding a new section to chapter 66.24 RCW; adding a new section to
23 chapter 88.02 RCW; adding a new section to chapter 43.24 RCW; adding a
24 new section to chapter 70.95B RCW; adding new sections to chapter 75.25
25 RCW; adding new sections to chapter 77.32 RCW; adding a new section to
26 chapter 75.28 RCW; adding new sections to chapter 74.20 RCW; adding new
27 sections to chapter 26.23 RCW; adding new sections to chapter 26.21
28 RCW; adding a new section to chapter 26.26 RCW; adding a new section to
29 chapter 26.18 RCW; creating new sections; repealing RCW 74.12.420,
30 74.12.425, 74.25.010, 74.25.020, 74.25.030, 74.25.040, 74.25A.005,
31 74.25A.010, 74.25A.020, 74.25A.030, 74.25A.040, 74.25A.045, 74.25A.050,
32 74.25A.060, 74.25A.070, 74.25A.080, 74.08.120, and 74.08.125; providing
33 an effective date; and providing expiration dates.

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

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NEW SECTION. **Sec. 1.** INTENT. The legislature finds that it is in the public interest that the state adopt public assistance policies for needy families that stress: The central role of employment in reducing poverty and need; the temporary nature of public assistance; the importance of the state’s efforts in sustaining economic independence and promoting occupational and income advancement; and the continuing responsibility of the state to protect children and other vulnerable residents.

Therefore, the legislature intends that:

(1) Work should provide the best opportunity for needy families to raise their incomes and leave poverty;

(2) Parents should be responsible for support of their children. Child support will be aggressively pursued to assure that responsibility is fulfilled;

1 (3) Those recipients who can work shall immediately participate in
2 mandatory work or work preparation activities;

3 (4) Sanctions for nonparticipation shall be clear, timely, and
4 progressive;

5 (5) Work should pay and the incentives in the system should support
6 unsubsidized employment opportunities;

7 (6) Education and job training should be accessible so an
8 entry-level job can be the first step on a career ladder;

9 (7) The individual shall sign a statement of personal
10 responsibility, acknowledging responsibility for moving quickly into
11 the world of work;

12 (8) The state should help provide the tools for assistance
13 recipients to get and keep a job, and improve their opportunity for
14 advancement;

15 (9) Essential services that low and moderate-income families need
16 for sustaining independence, including health care insurance and child
17 care, should be affordable and accessible;

18 (10) Assistance should be available for those unable to perform
19 self-sustaining work;

20 (11) Individuals temporarily not able to work will be responsible
21 for participating in activities designed to help them achieve self-
22 sufficiency;

23 (12) Legal immigrants should be eligible for the same programs as
24 other residents;

25 (13) State agencies involved with the temporary assistance for
26 needy families program will be focused on moving people into
27 self-sustaining work;

28 (14) The state's goals should be supported by working through
29 public and private providers who are most effective in getting people
30 ready for and into unsubsidized employment;

31 (15) Partnerships should be built with local governments, business,
32 labor, and civic and religious organizations to mobilize the resources
33 of communities to help families raise their incomes and leave poverty;
34 and

35 (16) WorkFirst should recognize the distinct needs and resources of
36 communities and provide recipients with programs suited to the
37 different labor markets of the state.

38

I. GENERAL PROVISIONS

1 **Sec. 101.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended
2 to read as follows:

3 All assistance granted under this title shall be deemed to be
4 granted and to be held subject to the provisions of any amending or
5 repealing act that may hereafter be enacted, and no recipient shall
6 have any claim for compensation, or otherwise, by reason of his
7 assistance being affected in any way by such amending or repealing act.
8 There is no legal entitlement to temporary assistance for needy
9 families.

10 **Sec. 102.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each
11 amended to read as follows:

12 Public assistance (~~shall~~) may be awarded to any applicant:

13 (1) Who is in need and otherwise meets the eligibility requirements
14 of department assistance programs; and

15 (2) Who has not made a voluntary assignment of property or cash for
16 the purpose of qualifying for an assistance grant; and

17 (3) Who is not an inmate of a public institution except as a
18 patient in a medical institution or except as an inmate in a public
19 institution who could qualify for federal aid assistance: PROVIDED,
20 That the assistance paid by the department to recipients in nursing
21 homes, or receiving nursing home care, may cover the cost of clothing
22 and incidentals and general maintenance exclusive of medical care and
23 health services. The department may pay a grant to cover the cost of
24 clothing and personal incidentals in public or private medical
25 institutions and institutions for tuberculosis. The department shall
26 allow recipients in nursing homes to retain, in addition to the grant
27 to cover the cost of clothing and incidentals, wages received for work
28 as a part of a training or rehabilitative program designed to prepare
29 the recipient for less restrictive placement to the extent permitted
30 under Title XIX of the federal social security act.

31 NEW SECTION. **Sec. 103.** A new section is added to chapter 74.12
32 RCW to read as follows:

33 TIME LIMITS. (1) A family that includes an adult who has received
34 temporary assistance for needy families for sixty months after the
35 effective date of this section shall be ineligible for further
36 temporary assistance for needy families assistance.

1 (2) For the purposes of applying the rules of this section, the
2 department shall count any month in which an adult family member
3 received a temporary assistance for needy families cash assistance
4 grant unless the assistance was provided when the family member was a
5 minor child and not the head of the household or married to the head of
6 the household.

7 (3) The legislature recognizes that under P.L. 104-193 the
8 department may exempt no more than twenty percent of the temporary
9 assistance for needy families caseload from the sixty-month time limit.
10 The legislature further recognizes that not all adult recipients of
11 temporary assistance for needy families can be expected to attain self-
12 sufficiency within this time limit. Because the sixty-month time limit
13 will not be applicable to recipients until 2002, the legislature
14 further believes that it is appropriate to engage in the study required
15 in section 501 of this act before making decisions about caseload
16 exemptions.

17 **Sec. 104.** RCW 74.12.035 and 1985 c 335 s 1 are each amended to
18 read as follows:

19 ~~(1) ((A family or assistance unit is not eligible for aid for any
20 month if for that month the total income of the family or assistance
21 unit, without application of income disregards, exceeds one hundred
22 eighty-five percent of the state standard of need for a family of the
23 same composition: PROVIDED, That for the purposes of determining the
24 total income of the family or assistance unit, the earned income of a
25 dependent child who is a full-time student for whom aid to families
26 with dependent children is being provided shall be disregarded for six
27 months per calendar year.~~

28 ~~(2))~~ Participation in a strike does not constitute good cause to
29 leave or to refuse to seek or accept employment. Assistance is not
30 payable to a family for any month in which any caretaker relative with
31 whom the child is living is, on the last day of the month,
32 participating in a strike. An individual's need shall not be included
33 in determining the amount of aid payable for any month to a family or
34 assistance unit if, on the last day of the month, the individual is
35 participating in a strike.

36 ~~((3))~~ (2) Children over eighteen years of age and under nineteen
37 years of age who are otherwise eligible for temporary assistance for
38 needy families and who are full-time students ~~((reasonably expected to~~

1 ~~complete a program of~~) attending secondary school, or the equivalent
2 level of vocational or technical training(~~(, before reaching nineteen~~
3 ~~years of age)~~) are eligible to receive (~~(aid to families with dependent~~
4 ~~children: PROVIDED HOWEVER, That if such students do not successfully~~
5 ~~complete such program before reaching nineteen years of age, the~~
6 ~~assistance rendered under this subsection during such period shall not~~
7 ~~be a debt due the state)~~) temporary assistance for needy families.

8 NEW SECTION. Sec. 105. A new section is added to chapter 74.12A
9 RCW to read as follows:

10 GRANT DIVERSION. The legislature recognizes there are low-income
11 employable families who are in danger of becoming reliant on public
12 assistance. With minimal short-term help from the state, these
13 families can remain intact, actively involved in the labor market, and
14 financially self-sufficient. Therefore, the legislature finds it is in
15 the public interest to establish a grant diversion program to help at-
16 risk families remain off temporary assistance for needy families.

17 (1) The department may provide state-funded cash aid to meet short-
18 term need, thereby allowing employable low-income families to remain
19 off assistance.

20 (2) Diversion assistance may include cash or vouchers in payment
21 for the following needs:

22 (a) Child care;

23 (b) Housing assistance;

24 (c) Transportation-related expenses;

25 (d) Food;

26 (e) Medical costs not covered under chapter 74.09 RCW; and

27 (f) Employment-related expenses that are necessary to keep or
28 obtain paid unsubsidized employment.

29 (3) Diversion assistance is available once in each twelve-month
30 period. Recipients of diversion assistance are not included in the
31 temporary assistance for needy families program.

32 (4) Diversion assistance may not exceed one thousand five hundred
33 dollars for each instance.

34 (5) To be eligible for diversion assistance, a family must
35 otherwise be eligible for, but not receiving, temporary assistance for
36 needy families.

1 (6) Families ineligible for temporary assistance for needy families
2 due to sanction, noncompliance, the lump sum income rule, or any other
3 reason are not eligible for diversion assistance.

4 (7) Families must provide evidence showing that a bona fide need
5 exists according to subsection (2) of this section in order to be
6 eligible for diversion assistance.

7 (8) If the recipient of diversion assistance receives temporary
8 assistance for needy families assistance within a period specified by
9 the department, but not to exceed twelve months following the receipt
10 of diversion assistance, the amount of the diversion assistance shall
11 be recovered by the state by deduction from the recipient's temporary
12 assistance for needy families grant.

13 (9) If funds appropriated for grant diversion are exhausted, the
14 department shall discontinue the program in this section.

15 **Sec. 106.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to
16 read as follows:

17 Medical assistance may be provided in accordance with eligibility
18 requirements established by the department (~~(of social and health~~
19 ~~services))), as defined in the social security Title XIX state plan for
20 mandatory categorically needy persons and: (1) Individuals who would
21 be eligible for cash assistance except for their institutional status;
22 (2) individuals who are under twenty-one years of age, who would be
23 eligible for (~~(aid to families with dependent children))~~ temporary
24 assistance for needy families, but do not qualify as dependent children
25 and who are in (a) foster care, (b) subsidized adoption, (c) a nursing
26 facility or an intermediate care facility for the mentally retarded, or
27 (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled
28 who: (a) Receive only a state supplement, or (b) would not be eligible
29 for cash assistance if they were not institutionalized; (4)
30 categorically related individuals who (~~(would be eligible for but~~
31 ~~choose not to receive cash assistance))~~ meet the income and resource
32 requirements of the cash assistance programs; (5) individuals who are
33 enrolled in managed health care systems, who have otherwise lost
34 eligibility for medical assistance, but who have not completed a
35 current six-month enrollment in a managed health care system, and who
36 are eligible for federal financial participation under Title XIX of the
37 social security act; (6) children and pregnant women allowed by federal
38 statute for whom funding is appropriated; (~~and~~) (7) other individuals~~

1 eligible for medical services under RCW 74.09.035 and 74.09.700 for
2 whom federal financial participation is available under Title XIX of
3 the social security act; and (8) persons allowed by section 1931 of the
4 social security act for whom funding is appropriated.

5 NEW SECTION. **Sec. 107.** A new section is added to chapter 74.08
6 RCW to read as follows:

7 GOOD CAUSE EXEMPTIONS. The department shall establish by rule good
8 cause exemptions consistent with the family violence options of Sec.
9 402 (a)(7) of Title IV-A of the federal social security act as amended
10 by P.L. 104-193. Individuals granted a good cause exemption may not be
11 subject to work requirements, child support cooperation requirements,
12 and time limits of section 103 of this act. The department shall
13 periodically review such exemptions to determine when they are no
14 longer necessary.

15 NEW SECTION. **Sec. 108.** A new section is added to chapter 74.12
16 RCW to read as follows:

17 STATE-FUNDED TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. (1) The
18 department may provide state-funded temporary assistance for needy
19 families and medical assistance to needy families if: The needy
20 caretaker relative is disabled; the needy caretaker relative is needed
21 in the home to care for a disabled family member; or the needy
22 nonparent caretaker relative is at least fifty years old.

23 (2) Such assistance shall be provided under the same rules and in
24 the same amount as under the temporary assistance for needy families
25 program except: Such families shall not be subject to temporary
26 assistance for needy families WorkFirst requirements unless they
27 volunteer and they will not be subject to the sixty-month time limit in
28 section 103 of this act.

29 (3) The department may use state funds as appropriated to provide
30 such benefits.

31 NEW SECTION. **Sec. 109.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 74.12.420 and 1994 c 299 s 9; and

34 (2) RCW 74.12.425 and 1994 c 299 s 10.

35 **II. WORKFIRST**

1 NEW SECTION. **Sec. 201.** A new section is added to chapter 74.25
2 RCW to read as follows:

3 STATEMENT OF PERSONAL RESPONSIBILITY. (1) A family receiving or
4 applying for assistance under the temporary assistance for needy
5 families program is ineligible for continued or new assistance if the
6 recipient and the department have not completed a statement of personal
7 responsibility satisfying the requirements of this section.

8 (2) The statement of personal responsibility shall emphasize the
9 importance of work.

10 (3) The statement of personal responsibility shall contain, but is
11 not limited to (a) an explanation of Washington's WorkFirst program,
12 including time limits; (b) the rights and responsibilities of the
13 recipient in the WorkFirst program; (c) a list of the available
14 programs for which the family is eligible; and (d) the sanctions
15 imposed on the recipient for refusing or failing to participate in the
16 WorkFirst program.

17 NEW SECTION. **Sec. 202.** A new section is added to chapter 74.25
18 RCW to read as follows:

19 WASHINGTON WORKFIRST PROGRAM. (1) There is established in the
20 department the WorkFirst program, the welfare-to-work program for
21 temporary assistance for needy families. The department shall
22 administer the program consistent with the temporary assistance for
23 needy families provisions of P.L. 104-193. In operating the WorkFirst
24 program the department shall require recipients of temporary assistance
25 for needy families to engage in work activities, as defined in P.L.
26 104-193 on the effective date of this section, including:

27 (a) Unsubsidized paid employment in the private or public sector;

28 (b) Subsidized paid employment in the private or public sector;

29 (c) Work experience, including work associated with the
30 refurbishing of publicly assisted housing, if sufficient paid
31 employment is not available;

32 (d) On-the-job training;

33 (e) Job search and job readiness assistance;

34 (f) Community service programs;

35 (g) Vocational educational training, not to exceed twelve months
36 with respect to any individual;

37 (h) Job skills training directly related to employment, including
38 structured pursuit of self-employment opportunities that involves

1 development of a business plan and meets criteria for micro-credit and
2 micro-enterprise opportunities;

3 (i) Education directly related to employment, in the case of a
4 recipient who has not received a high school diploma or a GED;

5 (j) Satisfactory attendance at secondary school or in a course of
6 study leading to a GED, in the case of a recipient who has not
7 completed secondary school or received such a certificate;

8 (k) The provision of child care services to an individual who is
9 participating in a community service program; or

10 (l) Other activities as defined by the department that are directly
11 related to improving the recipient's employability and lead to the
12 first available job.

13 (2) All recipients of temporary assistance for needy families shall
14 participate in the WorkFirst program except single custodial parent
15 recipients with a child under age one year. The exemption shall not
16 exceed a total of twelve months.

17 (3) The department shall adopt rules under chapter 34.05 RCW
18 establishing criteria constituting circumstances of good cause for an
19 individual failing or refusing to participate in an assigned activity,
20 or failing or refusing to accept or retain employment.

21 (4) All teen parents under age eighteen years who are approved for
22 assistance shall, as a condition of receiving benefits, actively
23 progress toward the completion of a high school diploma, GED, or an
24 approved alternative education program.

25 (5) The department may provide employment and training and
26 education support services to assist temporary assistance for needy
27 families recipients under chapter 74.12 RCW to obtain employment.

28 (6) The department may contract with public and private employment
29 and training agencies and other public service entities to carry out
30 the purposes of Washington's WorkFirst program.

31 (7) The department shall adopt rules under chapter 34.05 RCW as
32 necessary to effectuate the intent and purpose of this chapter.

33 NEW SECTION. **Sec. 203.** A new section is added to chapter 74.25
34 RCW to read as follows:

35 **JOB SEARCH.** (1) The department shall require temporary assistance
36 for needy families recipients to engage in initial and ongoing job
37 search. Failure to participate in the job search component shall
38 result in sanctions under section 204 of this act.

1 (2) The Washington WorkFirst program shall include an initial job
2 search component in which each nonexempt recipient of temporary
3 assistance for needy families shall participate. The initial job
4 search component will last four weeks for each recipient. Each
5 recipient shall be required to attend initial job search component
6 activities at least thirty hours per week. The initial job search
7 component shall serve as an assessment tool to determine a recipient's
8 employability. If a recipient fails to find paid employment during the
9 initial job search component, the department may refer the recipient to
10 those work activities that are directly related to improving the
11 recipient's employability. Priority shall be given to work activities
12 that simulate the work environment.

13 (3) As used in this section, "initial job search" means an activity
14 in which nonexempt recipients engage each weekday upon entering the
15 Washington WorkFirst program. The component shall provide classroom
16 instruction and a minimum of fifteen hours per week of structured,
17 individual job search activities.

18 (a) Individual job search shall include individual and group
19 activities.

20 (b) Job search instruction shall be structured in such a way as to
21 replicate the demands of a work environment. It shall include, at a
22 minimum, information on how to apply for work, the current labor
23 market, and available work force development resources.

24 (4) Ongoing job search shall include regular, structured work
25 search and weekly reporting of work search plans and results.

26 NEW SECTION. **Sec. 204.** A new section is added to chapter 74.08
27 RCW to read as follows:

28 SANCTIONS FOR NONCOOPERATION. Cooperation with the requirements of
29 Washington's WorkFirst program is required, unless exempt under this
30 title. Failure to cooperate, absent good cause, shall result in
31 sanctions, including but not limited to, reductions of the family's
32 cash assistance grant. The department shall adopt by rule, standards
33 for the imposition of such sanctions.

34 NEW SECTION. **Sec. 205.** A new section is added to chapter 74.25
35 RCW to read as follows:

36 WORKFIRST--SERVICE AREAS--PROGRAMS. (1) The legislature finds that
37 moving those eligible for assistance to self-sustaining employment is

1 a goal of the WorkFirst program. It is the intent of WorkFirst to aid
2 a participant's progress to self-sufficiency by allowing flexibility
3 within the state-wide program to reflect community resources, the local
4 characteristics of the labor market, and the composition of the
5 caseload. Program success will be enhanced through effective
6 coordination at regional and local levels, involving employers, labor
7 representatives, educators, community leaders, local governments, and
8 social service providers.

9 (2) The secretary shall establish WorkFirst service areas for
10 purposes of planning WorkFirst programs and for distributing WorkFirst
11 resources. Service areas shall reflect identifiable labor markets.

12 (3) By July 31st of each odd-numbered year, a plan for the
13 WorkFirst program shall be developed for each service area. The plan
14 shall be prepared in consultation with local and regional sources,
15 adapting the state-wide WorkFirst program to achieve maximum effect for
16 the participants and the communities within which they reside. Local
17 consultation shall include to the greatest extent possible input from
18 local and regional planning bodies for social services and work force
19 development. The regional and local administrator shall consult with
20 employers of various sizes, labor representatives, training and
21 education providers, program participants, economic development
22 organizations, community organizations, tribes, and local governments
23 in the preparation of the service area plan.

24 (4) The secretary shall have final authority in plan approval or
25 modification. Local program implementation may deviate from the state-
26 wide program if specified in a service area plan, as approved by the
27 secretary. The local service area plans may adjust the temporary
28 assistance for needy families cash grant for participants in that area,
29 under RCW 74.04.770, and an adjustment to the grant may not exceed five
30 percent of the state-wide grant established by the secretary. Local
31 administrators may adapt service delivery to reflect local labor market
32 and caseload characteristics, consistent with the service area plan, as
33 approved by the secretary.

34 **Sec. 206.** RCW 74.04.770 and 1983 1st ex.s. c 41 s 38 are each
35 amended to read as follows:

36 The department shall establish consolidated standards of need each
37 fiscal year which may vary by geographical areas, program, and family
38 size, for (~~aid to families with dependent children~~) temporary

1 assistance for needy families, refugee assistance, supplemental
2 security income, and general assistance. Standards for ~~((aid to~~
3 ~~families with dependent children))~~ temporary assistance for needy
4 families, refugee assistance, and general assistance shall be based on
5 studies of actual living costs and generally recognized inflation
6 indices and shall include reasonable allowances for shelter, fuel,
7 food, transportation, clothing, household maintenance and operations,
8 personal maintenance, and necessary incidentals. The standard of need
9 may take into account the economies of joint living arrangements, but
10 unless explicitly required by federal statute, there shall not be
11 proration of any portion of assistance grants unless the amount of the
12 grant standard is equal to the standard of need.

13 The department is authorized to establish rateable reductions and
14 grant maximums consistent with federal law. Further, the department
15 may adjust payment standards, within each WorkFirst service area, by up
16 to five percent, either up or down, to reflect labor market conditions,
17 resources needed to support work and mobilize and leverage local
18 resources, or cost-of-living differences within local geographic areas.

19 Payment level will be equal to need or a lesser amount if rateable
20 reductions or grant maximums are imposed. In no case shall a recipient
21 of supplemental security income receive a state supplement less than
22 the minimum required by federal law.

23 The department may establish a separate standard for shelter
24 provided at no cost.

25 NEW SECTION. Sec. 207. A new section is added to chapter 74.25
26 RCW to read as follows:

27 WORKER PROTECTIONS. (1) Recipients of public assistance who
28 participate in WorkFirst activities shall be entitled to certain
29 protections as provided in this section. In addition, the department
30 shall ensure, according to the criteria in this section, that existing
31 workers are not displaced from employment as a result of the
32 participation of public assistance recipients in department-mandated or
33 authorized WorkFirst activities.

34 (2) Work positions, paid or unpaid, held by public assistance
35 recipients as a department-authorized WorkFirst activity shall not be
36 created as the result of, nor result in, any of the following:

37 (a) The filling of a position created by termination, layoff, or
38 work force reduction;

1 (b) The filling of positions that would otherwise be promotional
2 opportunities for current employees;

3 (c) The filling of a position before compliance with applicable
4 personnel procedures or provisions of collective bargaining agreements;

5 (d) The filling of a work assignment customarily performed by a
6 worker in a job classification within a recognized collective
7 bargaining unit in that specific work site, or the filling of a work
8 assignment in any bargaining unit in which regular employees are on
9 layoff;

10 (e) A strike, lockout, or other bona fide labor dispute, or
11 violation of any existing collective bargaining agreement between
12 employees and employers; or

13 (f) Decertification of any collective bargaining unit.

14 (3) Participants in WorkFirst activities who receive a wage shall
15 be deemed employees, and as such shall be paid and receive benefits in
16 accordance with local, state, and federal law governing occupational
17 health and safety, minimum wage standards, worker compensation
18 insurance, and unemployment insurance.

19 (4) A participant who does not receive a wage should not be
20 required to participate in WorkFirst activities, other than job search,
21 for a number of hours greater than participant's monthly temporary
22 assistance for needy families benefit divided by the greater of the
23 state or federal minimum wage.

24 (5) Participants in WorkFirst activities who do not receive a wage
25 shall be deemed employees for purposes of medical aid benefits under
26 chapter 51.36 RCW and in accordance with local, state, and federal law
27 shall be covered by appropriate occupational health and safety
28 regulations. The agency or organization that provides the position
29 shall be the employer and, as such any and all premiums or assessments
30 due in relation to such benefits are the obligation of and shall be
31 paid by the agency.

32 (6) Subsection (2) of this section does not apply to public
33 assistance recipients who secure unsubsidized paid employment outside
34 of WorkFirst.

35 (7) WorkFirst employment positions shall not in any way be related
36 to political, electoral, partisan, or religious activities.

37 NEW SECTION. **Sec. 208.** A new section is added to chapter 74.25
38 RCW to read as follows:

1 COMMUNITY JOBS AND SUBSIDIZED EMPLOYMENT PROGRAMS. (1) The
2 department shall establish the community jobs program and the
3 subsidized employment program within WorkFirst to provide recipients of
4 temporary assistance for needy families valuable work experience,
5 increase their labor market participation, and meet business and
6 community needs.

7 (2) The community jobs program shall provide work opportunities
8 through nonprofit corporations. This shall be a mandatory program as
9 determined by the department.

10 (a) The department shall contract with local nonprofit corporations
11 for the operation of these programs. The contractor shall be
12 responsible for identifying work sites, referring recipients to work
13 sites, and providing support for recipients as necessary. The
14 contractor shall be considered the employer of the participant.

15 (b) The contractor shall receive the temporary assistance for needy
16 families recipient's monthly benefit allotment and an additional
17 payment, which together will cover the participant's wages, job
18 development, employee counseling, and administrative costs, including
19 the cost of employer-paid payroll taxes. Industrial insurance and
20 other applicable federal payroll taxes shall be deducted from wages
21 received by the employee.

22 (c) In lieu of a grant from the department, the recipient shall
23 receive wages from the contractor.

24 (d) In identifying recipients to place in the program, the
25 department shall target recipients who have limited prior work
26 experience; have low educational attainment; have children older than
27 two years of age; or have received public assistance for at least six
28 months.

29 (e) A temporary assistance for needy families recipient may
30 participate in the community jobs program for twelve months. At the
31 discretion of the department, the referral to community jobs may be
32 renewed. This section does not exempt the participant from mandatory,
33 ongoing job search requirements.

34 (3) The department may use cash grants as a wage subsidy in order
35 to provide full-time employment opportunities in the private sector for
36 temporary assistance for needy families recipients. In no case will
37 the wage subsidy exceed the value of the cash grant for which the
38 participant would be eligible through temporary assistance for needy

1 families. This shall be a voluntary program and no person will be
2 sanctioned by the department for failure to participate.

3 (a) The department shall adopt rules establishing the criteria for
4 employer participation and the participation of recipients of temporary
5 assistance for needy families in the wage subsidy program. Once the
6 recipient is hired, the wage subsidy shall be authorized for up to nine
7 months.

8 (b) In developing job opportunities through the subsidized
9 employment program, the department shall give priority to jobs with a
10 career ladder or reasonable opportunity for wage increases, either with
11 the subsidized employer or with another employer in the same industrial
12 sector. At the end of the subsidized employment, it is expected that
13 the employee be maintained in full-time, unsubsidized employment by the
14 employer.

15 (4) Participants in the community jobs program and the wage subsidy
16 program shall remain eligible for medical benefits.

17 NEW SECTION. **Sec. 209.** A new section is added to chapter 74.04
18 RCW to read as follows:

19 OUTCOME MEASURES. The WorkFirst program shall be evaluated through
20 a limited number of outcome measures designed to hold each region
21 accountable for program success. The outcomes measured used for
22 evaluation shall include:

- 23 (1) Exits through employment;
24 (2) Employment retention rates; measured every six months for up to
25 two years after leaving temporary assistance for needy families;
26 (3) Reduction in average grant through increased recipient
27 earnings; and
28 (4) Number of recipients working part time and full time.

29 NEW SECTION. **Sec. 210.** The following acts or parts of acts are
30 each repealed:

- 31 (1) RCW 74.25.010 and 1994 c 299 s 6 & 1991 c 126 s 5;
32 (2) RCW 74.25.020 and 1993 c 312 s 7, 1992 c 165 s 3, & 1991 c 126
33 s 6;
34 (3) RCW 74.25.030 and 1991 c 126 s 7;
35 (4) RCW 74.25.040 and 1994 c 299 s 8;
36 (5) RCW 74.25A.005 and 1994 c 299 s 19 & 1986 c 172 s 1;
37 (6) RCW 74.25A.010 and 1994 c 299 s 20 & 1986 c 172 s 2;

- 1 (7) RCW 74.25A.020 and 1994 c 299 s 21 & 1986 c 172 s 3;
2 (8) RCW 74.25A.030 and 1994 c 299 s 22 & 1986 c 172 s 4;
3 (9) RCW 74.25A.040 and 1986 c 172 s 5;
4 (10) RCW 74.25A.045 and 1994 c 299 s 23;
5 (11) RCW 74.25A.050 and 1994 c 299 s 24 & 1986 c 172 s 6;
6 (12) RCW 74.25A.060 and 1986 c 172 s 7;
7 (13) RCW 74.25A.070 and 1986 c 172 s 8; and
8 (14) RCW 74.25A.080 and 1994 c 299 s 25 & 1986 c 172 s 9.

9

III. CHILD CARE

10 NEW SECTION. **Sec. 301.** A new section is added to chapter 74.12
11 RCW to read as follows:

12 CHILD CARE. (1) The department shall administer a child care
13 subsidy program designed to serve families on Washington's WorkFirst
14 program and those families who are at or below one hundred seventy-five
15 percent of the federal poverty level.

16 (2) All families participating in the child care subsidy program
17 shall have access to the child care of their choice. However, the
18 child care providers must comply with applicable licensing rules set by
19 the department if they are required by law to comply with these rules.

20 (3) The department shall establish the eligibility and copayment
21 structure of the child care subsidy program.

22 (4) The department shall administer the program within available
23 funds.

24

IV. IMMIGRANTS

25 NEW SECTION. **Sec. 401.** A new section is added to chapter 74.08
26 RCW to read as follows:

27 IMMIGRANTS--ELIGIBILITY--GENERALLY. (1) The state shall exercise
28 its option under P.L. 104-193, as amended, to provide benefits and
29 services to legal immigrants under temporary assistance for needy
30 families, medicaid, and social services block grant programs.

31 (2) The department may provide state-funded cash, food, and medical
32 assistance to legal immigrants who are not eligible for federal
33 benefits due to their immigrant status and the provisions of P.L. 104-
34 193.

1 (3) Legal immigrants who are not eligible for the supplemental
2 security income program as a result of P.L. 104-193 are eligible to
3 apply for benefits under the state's general assistance programs. The
4 department shall redetermine income and resource eligibility at least
5 annually, in accordance with existing state policy.

6 NEW SECTION. **Sec. 402.** A new section is added to chapter 74.08
7 RCW to read as follows:

8 IMMIGRANTS--STATE CASH AND MEDICAL PROGRAMS. (1) The department
9 may provide state-funded cash and medical assistance to legal
10 immigrants including those permanently residing in the United States
11 under color of law who are not eligible under federal law for the
12 temporary assistance for needy families program solely due to their
13 date of entry or their immigration status.

14 (2) Such assistance shall be provided under the same rules and in
15 the same amount as under the temporary assistance for needy families
16 program. Any month in which a family receives such assistance should
17 be considered a month in which the family received temporary assistance
18 for needy families for the purpose of the sixty-month time limit.

19 (3) The department may use state general assistance and state
20 medical care services funds as may be appropriated to provide such
21 benefits.

22 (4) The department may provide state-funded medical care services,
23 including long-term care, to legal immigrants including those
24 permanently residing in the United States under color of law who are
25 not eligible under federal law for the federal medicaid program solely
26 due to their date of entry or their immigration status.

27 NEW SECTION. **Sec. 403.** A new section is added to chapter 74.08
28 RCW to read as follows:

29 IMMIGRANTS--FOOD ASSISTANCE. (1) The department may establish a
30 state-funded food assistance program for legal immigrants who do not
31 qualify for federal food stamps solely due to the immigrant exclusions
32 under P.L. 104-193. The rules and benefit amounts for the state food
33 assistance program shall be the same as in the federal food stamp
34 program.

35 (2) The department shall enter into a contract with the United
36 States department of agriculture to use the existing federal food stamp

1 program coupon system for the purposes of administering the state food
2 assistance program.

3 NEW SECTION. **Sec. 404.** A new section is added to chapter 74.08
4 RCW to read as follows:

5 SPONSOR-DEEMING FOR LEGAL IMMIGRANTS. (1) Except as provided in
6 subsection (2) of this section, in determining the eligibility and
7 amount of benefits for state-funded general assistance or state-funded
8 food stamps, the department may provide that the income and resources
9 of an alien shall be deemed to include the income and resources of any
10 individual, and his or her spouse, who executes an affidavit of support
11 under section 213A of the federal immigration and nationality act on
12 behalf of the alien for a period of five years following the execution
13 of that affidavit of support.

14 (2) The sponsor-deeming provisions of subsection (1) of this
15 section do not apply to the following:

16 (a) An alien who has worked forty qualifying quarters of coverage
17 as defined under Title II of the social security act or can be credited
18 with such qualifying quarters as provided under P.L. 104-193 Sec. 435;

19 (b) An alien who is lawfully residing in any state and is a veteran
20 of, or on active duty in, the armed forces of the United States, or the
21 spouse or unmarried dependent child of such individual;

22 (c) An alien who served in the armed forces of an allied country,
23 or was employed by an agency of the federal government, during a
24 military conflict between the United States and a military adversary;

25 (d) Aliens who are victims of domestic violence and who petition
26 for legal status under the federal violence against women act;

27 (e) For a period not to exceed twelve months, an alien for whom a
28 determination has been made by the department that, in the absence of
29 the assistance provided by the department, the alien would be unable to
30 obtain food and shelter, taking into account the alien's own income
31 plus any cash, food, housing, or other assistance provided by other
32 individuals including the sponsor; and

33 (f) An alien who achieves United States citizenship through
34 naturalization pursuant to chapter 2 of Title III of the immigration
35 and nationality act.

36 NEW SECTION. **Sec. 405.** A new section is added to chapter 74.08
37 RCW to read as follows:

1 NATURALIZATION FACILITATION. The department shall make an
2 affirmative effort to identify and contact legal immigrants receiving
3 public assistance to facilitate their applications for naturalization.

4 **V. STUDIES**

5 NEW SECTION. **Sec. 501.** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
6 STUDIES. (1) The office of financial management shall contract with a
7 qualified and objective research organization to evaluate the critical
8 elements of the program in chapter . . . , Laws of 1997 (this act).
9 Within available funds appropriated for this purpose, the research
10 shall address the impact of the program in promoting self-sufficiency,
11 in reducing poverty, and in improving the well-being of the families in
12 this state. In addition, the evaluation shall specifically examine:

13 (a) The effectiveness of the program design and of the
14 implementation of the program by state agencies in generating community
15 and employer participation to address the employment and family needs
16 of program participants;

17 (b) The impact of such components as wage subsidies and community
18 employment and the roles of private sector and nonprofit employers in
19 promoting unsubsidized employment;

20 (c) Participation by employed recipients and former recipients in
21 the community college or other education and training programs and the
22 impact of such participation;

23 (d) The impact of employment produced by the program on the labor
24 market and on the availability of child care;

25 (e) The effectiveness of employment produced by the program in
26 reducing poverty;

27 (f) The impact of other elements, such as diversion, the state-
28 funded temporary assistance for needy families program, and sanctions
29 in achieving the purposes of this program; and

30 (g) The effect of child support collections on the economic status
31 of recipients of temporary assistance for needy families and successful
32 collection strategies involving these families.

33 The evaluation in this section shall commence on the effective date
34 of this section and shall be completed by June 30, 2001. The office of
35 financial management shall ensure that reports are provided to the
36 legislature annually before the start of the legislative session and

1 that definitive responses to the research questions are available
2 before the start of the 2002 legislative session.

3 (2) Exemption Characteristics. The office of financial management
4 shall contract with a qualified and objective research organization to
5 study carefully the characteristics of adult recipients of temporary
6 assistance for needy families to determine the profile of recipients
7 for whom a hardship exemption to time limits should apply or where it
8 may be in the best interests of the state to broaden eligibility for
9 state-funded temporary assistance for needy families. Specifically,
10 the research shall address the extent and nature of the barriers to
11 independence based upon the personal characteristics of adults in the
12 temporary assistance for needy families program.

13 The office of financial management shall submit a final report on
14 the findings of this research by December 15, 1998. This final report
15 shall include an evaluation of the characteristics of adult recipients,
16 including a careful estimate of the prevalence of serious disability
17 and other barriers that may prevent self-supporting employment. The
18 research shall provide recommendations regarding how best to establish
19 criteria for exemptions to the five-year limit, how to establish
20 whether an adult recipient has satisfied those criteria, and whether
21 and in what ways the criteria for the state-funded program should be
22 narrowed or widened.

23

VI. DATA SHARING

24 NEW SECTION. **Sec. 601.** It is the intent of the legislature to
25 allow the department of social and health services access to employment
26 security department confidential employer wage files, for statistical
27 analysis, research, or evaluation of work force participation of
28 department of social and health services' clients. This information is
29 needed to monitor and evaluate department client outcomes in
30 employment, to fulfill agency performance reporting requirements of
31 chapter 43.88 RCW, for department management in evaluating and planning
32 for changing social needs, and in the effective development and
33 implementation of programs to achieve goals of the department of social
34 and health services. Chapter 50.38 RCW and federal law mandate the use
35 of labor market information, including employment security department
36 payroll and wage files, in the planning, coordination, management,
37 implementation, and evaluation of state programs like those of the

1 department of social and health services. RCW 50.13.060 requires
2 privacy protection of personal records obtained from employment
3 security department confidential employer wage files. Through
4 individual matches with accessed employment security department
5 confidential employer wage files, the department of social and health
6 services shall report only aggregate, statistical, group level data.

7 NEW SECTION. **Sec. 602.** A new section is added to chapter 43.20A
8 RCW to read as follows:

9 The employment security department shall provide to the department
10 of social and health services confidential employer wage files for
11 statistical analysis, research, and evaluation purposes as provided in
12 sections 604 and 605 of this act. The department of social and health
13 services shall limit access of its agency personnel to those
14 professional research and technical information systems personnel
15 needed to produce and analyze wage file data.

16 NEW SECTION. **Sec. 603.** A new section is added to chapter 50.13
17 RCW to read as follows:

18 The employment security department shall provide to the department
19 of social and health services confidential employer wage files for
20 statistical analysis, research, and evaluation purposes as provided in
21 sections 604 and 605 of this act. The department of social and health
22 services shall limit access of its agency personnel to those
23 professional research and technical information systems personnel
24 needed to produce and analyze wage file data.

25 NEW SECTION. **Sec. 604.** A new section is added to chapter 43.20A
26 RCW to read as follows:

27 (1) The information provided by the employment security department
28 under sections 602 and 603 of this act for statistical analysis,
29 research, and evaluation purposes shall be used to measure the work
30 force participation of department clients.

31 (2) The department shall protect the privacy of confidential
32 personal data supplied under sections 602 and 603 of this act
33 consistent with chapter 50.13 RCW and the terms and conditions of a
34 formal data-sharing agreement between the two departments. The misuse
35 or unauthorized use of confidential data supplied by the employment
36 security department is subject to the penalties in RCW 50.13.080.

1 (3) "County or local office"«The administrative office for one or
2 more counties or designated service areas.

3 (4) "Director" or "secretary" means the secretary of social and
4 health services.

5 (5) "Federal-aid assistance"«The specific categories of assistance
6 for which provision is made in any federal law existing or hereafter
7 passed by which payments are made from the federal government to the
8 state in aid or in respect to payment by the state for public
9 assistance rendered to any category of needy persons for which
10 provision for federal funds or aid may from time to time be made, or a
11 federally administered needs-based program.

12 (6)(a) "General assistance"«Aid to persons in need who:

13 (i) Are not eligible to receive federal-aid assistance, other than
14 food stamps and medical assistance; however, an individual who refuses
15 or fails to cooperate in obtaining federal-aid assistance, without good
16 cause, is not eligible for general assistance;

17 (ii) Meet one of the following conditions:

18 (A) Pregnant: PROVIDED, That need is based on the current income
19 and resource requirements of the federal ~~((aid to families with
20 dependent children))~~ temporary assistance for needy families program(~~(÷
21 PROVIDED FURTHER, That during any period in which an aid for dependent
22 children employable program is not in operation, only those pregnant
23 women who are categorically eligible for medicaid are eligible for
24 general assistance))~~); or

25 (B) Subject to chapter 165, Laws of 1992, incapacitated from
26 gainful employment by reason of bodily or mental infirmity that will
27 likely continue for a minimum of ninety days as determined by the
28 department.

29 (C) Persons who are unemployable due to alcohol or drug addiction
30 are not eligible for general assistance. Persons receiving general
31 assistance on July 26, 1987, or becoming eligible for such assistance
32 thereafter, due to an alcohol or drug-related incapacity, shall be
33 referred to appropriate assessment, treatment, shelter, or supplemental
34 security income referral services as authorized under chapter 74.50
35 RCW. Referrals shall be made at the time of application or at the time
36 of eligibility review. Alcoholic and drug addicted clients who are
37 receiving general assistance on July 26, 1987, may remain on general
38 assistance if they otherwise retain their eligibility until they are
39 assessed for services under chapter 74.50 RCW. Subsection

1 (6)(a)(ii)(B) of this section shall not be construed to prohibit the
2 department from granting general assistance benefits to alcoholics and
3 drug addicts who are incapacitated due to other physical or mental
4 conditions that meet the eligibility criteria for the general
5 assistance program;

6 (iii) Are citizens or aliens lawfully admitted for permanent
7 residence or otherwise residing in the United States under color of
8 law; and

9 (iv) Have furnished the department their social security account
10 number. If the social security account number cannot be furnished
11 because it has not been issued or is not known, an application for a
12 number shall be made prior to authorization of assistance, and the
13 social security number shall be provided to the department upon
14 receipt.

15 (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),
16 and (c) of this section, general assistance shall be provided to the
17 following recipients of federal-aid assistance:

18 (i) Recipients of supplemental security income whose need, as
19 defined in this section, is not met by such supplemental security
20 income grant because of separation from a spouse; or

21 (ii) To the extent authorized by the legislature in the biennial
22 appropriations act, to recipients of ~~((aid to families with dependent
23 children))~~ temporary assistance for needy families whose needs are not
24 being met because of a temporary reduction in monthly income below the
25 entitled benefit payment level caused by loss or reduction of wages or
26 unemployment compensation benefits or some other unforeseen
27 circumstances. The amount of general assistance authorized shall not
28 exceed the difference between the entitled benefit payment level and
29 the amount of income actually received.

30 (c) General assistance shall be provided only to persons who are
31 not members of assistance units receiving federal aid assistance,
32 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,
33 and will accept available services which can reasonably be expected to
34 enable the person to work or reduce the need for assistance unless
35 there is good cause to refuse. Failure to accept such services shall
36 result in termination until the person agrees to cooperate in accepting
37 such services and subject to the following maximum periods of
38 ineligibility after reapplication:

39 (i) First failure: One week;

1 (ii) Second failure within six months: One month;

2 (iii) Third and subsequent failure within one year: Two months.

3 (d) Persons found eligible for general assistance based on
4 incapacity from gainful employment may, if otherwise eligible, receive
5 general assistance pending application for federal supplemental
6 security income benefits. Any general assistance that is subsequently
7 duplicated by the person's receipt of supplemental security income for
8 the same period shall be considered a debt due the state and shall by
9 operation of law be subject to recovery through all available legal
10 remedies.

11 (e) The department shall adopt by rule medical criteria for general
12 assistance eligibility to ensure that eligibility decisions are
13 consistent with statutory requirements and are based on clear,
14 objective medical information.

15 (f) The process implementing the medical criteria shall involve
16 consideration of opinions of the treating or consulting physicians or
17 health care professionals regarding incapacity, and any eligibility
18 decision which rejects uncontroverted medical opinion must set forth
19 clear and convincing reasons for doing so.

20 (g) Recipients of general assistance based upon a finding of
21 incapacity from gainful employment who remain otherwise eligible shall
22 not have their benefits terminated absent a clear showing of material
23 improvement in their medical or mental condition or specific error in
24 the prior determination that found the recipient eligible by reason of
25 incapacitation. Recipients of general assistance based upon pregnancy
26 who relinquish their child for adoption, remain otherwise eligible, and
27 are not eligible to receive benefits under the federal ((aid to
28 ~~families with dependent children~~)) temporary assistance for needy
29 families program shall not have their benefits terminated until the end
30 of the month in which the period of six weeks following the birth of
31 the recipient's child falls. Recipients of the federal ((aid to
32 ~~families with dependent children~~)) temporary assistance for needy
33 families program who lose their eligibility solely because of the birth
34 and relinquishment of the qualifying child may receive general
35 assistance through the end of the month in which the period of six
36 weeks following the birth of the child falls.

37 (7) "Applicant"«Any person who has made a request, or on behalf of
38 whom a request has been made, to any county or local office for
39 assistance.

1 (8) "Recipient"«Any person receiving assistance and in addition
2 those dependents whose needs are included in the recipient's
3 assistance.

4 (9) "Standards of assistance"«The level of income required by an
5 applicant or recipient to maintain a level of living specified by the
6 department.

7 (10) "Resource"«Any asset, tangible or intangible, owned by or
8 available to the applicant at the time of application, which can be
9 applied toward meeting the applicant's need, either directly or by
10 conversion into money or its equivalent: PROVIDED, That an applicant
11 may retain the following described resources and not be ineligible for
12 public assistance because of such resources.

13 (a) A home, which is defined as real property owned and used by an
14 applicant or recipient as a place of residence, together with a
15 reasonable amount of property surrounding and contiguous thereto, which
16 is used by and useful to the applicant. Whenever a recipient shall
17 cease to use such property for residential purposes, either for himself
18 or his dependents, the property shall be considered as a resource which
19 can be made available to meet need, and if the recipient or his
20 dependents absent themselves from the home for a period of ninety
21 consecutive days such absence, unless due to hospitalization or health
22 reasons or a natural disaster, shall raise a rebuttable presumption of
23 abandonment: PROVIDED, That if in the opinion of three physicians the
24 recipient will be unable to return to the home during his lifetime, and
25 the home is not occupied by a spouse or dependent children or disabled
26 sons or daughters, such property shall be considered as a resource
27 which can be made available to meet need.

28 (b) Household furnishings and personal effects and other personal
29 property having great sentimental value to the applicant or recipient,
30 as limited by the department consistent with limitations on resources
31 and exemptions for federal aid assistance.

32 (c) A motor vehicle, other than a motor home, used and useful
33 having an equity value not to exceed one thousand five hundred dollars.
34 Recipients of temporary assistance for needy families may retain a
35 motor vehicle, other than a motor home, used and useful having an
36 equity value not to exceed five thousand dollars.

37 (d) All other resources, including any excess of values exempted,
38 not to exceed one thousand dollars or other limit as set by the
39 department, to be consistent with limitations on resources and

1 exemptions necessary for federal aid assistance. The department shall
2 also allow recipients of temporary assistance for needy families to
3 exempt savings accounts with combined balances of up to an additional
4 three thousand dollars.

5 (e) Applicants for or recipients of general assistance shall have
6 their eligibility based on resource limitations consistent with the
7 (~~aid to families with dependent children~~) temporary assistance for
8 needy families program rules adopted by the department.

9 (f) If an applicant for or recipient of public assistance possesses
10 property and belongings in excess of the ceiling value, such value
11 shall be used in determining the need of the applicant or recipient,
12 except that: (i) The department may exempt resources or income when
13 the income and resources are determined necessary to the applicant's or
14 recipient's restoration to independence, to decrease the need for
15 public assistance, or to aid in rehabilitating the applicant or
16 recipient or a dependent of the applicant or recipient; and (ii) the
17 department may provide grant assistance for a period not to exceed nine
18 months from the date the agreement is signed pursuant to this section
19 to persons who are otherwise ineligible because of excess real property
20 owned by such persons when they are making a good faith effort to
21 dispose of that property: PROVIDED, That:

22 (A) The applicant or recipient signs an agreement to repay the
23 lesser of the amount of aid received or the net proceeds of such sale;

24 (B) If the owner of the excess property ceases to make good faith
25 efforts to sell the property, the entire amount of assistance may
26 become an overpayment and a debt due the state and may be recovered
27 pursuant to RCW 43.20B.630;

28 (C) Applicants and recipients are advised of their right to a fair
29 hearing and afforded the opportunity to challenge a decision that good
30 faith efforts to sell have ceased, prior to assessment of an
31 overpayment under this section; and

32 (D) At the time assistance is authorized, the department files a
33 lien without a sum certain on the specific property.

34 (11) "Income"«(a) All appreciable gains in real or personal
35 property (cash or kind) or other assets, which are received by or
36 become available for use and enjoyment by an applicant or recipient
37 during the month of application or after applying for or receiving
38 public assistance. The department may by rule and regulation exempt
39 income received by an applicant for or recipient of public assistance

1 which can be used by him to decrease his need for public assistance or
2 to aid in rehabilitating him or his dependents, but such exemption
3 shall not, unless otherwise provided in this title, exceed the
4 exemptions of resources granted under this chapter to an applicant for
5 public assistance. In determining the amount of assistance to which an
6 applicant or recipient of ~~((aid to families with dependent children))~~
7 temporary assistance for needy families is entitled, the department is
8 hereby authorized to disregard as a resource or income the earned
9 income exemptions consistent with federal requirements. The department
10 may permit the above exemption of earnings of a child to be retained by
11 such child to cover the cost of special future identifiable needs even
12 though the total exceeds the exemptions or resources granted to
13 applicants and recipients of public assistance, but consistent with
14 federal requirements. In formulating rules and regulations pursuant to
15 this chapter, the department shall define income and resources and the
16 availability thereof, consistent with federal requirements. All
17 resources and income not specifically exempted, and any income or other
18 economic benefit derived from the use of, or appreciation in value of,
19 exempt resources, shall be considered in determining the need of an
20 applicant or recipient of public assistance.

21 (b) If, under applicable federal requirements, the state has the
22 option of considering property in the form of lump sum compensatory
23 awards or related settlements received by an applicant or recipient as
24 income or as a resource, the department shall consider such property to
25 be a resource.

26 (12) "Need"«The difference between the applicant's or recipient's
27 standards of assistance for himself and the dependent members of his
28 family, as measured by the standards of the department, and value of
29 all nonexempt resources and nonexempt income received by or available
30 to the applicant or recipient and the dependent members of his family.

31 (13) For purposes of determining eligibility for public assistance
32 and participation levels in the cost of medical care, the department
33 shall exempt restitution payments made to people of Japanese and Aleut
34 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian
35 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,
36 including all income and resources derived therefrom.

37 (14) In the construction of words and phrases used in this title,
38 the singular number shall include the plural, the masculine gender
39 shall include both the feminine and neuter genders and the present

1 tense shall include the past and future tenses, unless the context
2 thereof shall clearly indicate to the contrary.

3 NEW SECTION. **Sec. 703.** A new section is added to chapter 74.12
4 RCW to read as follows:

5 PATERNITY ESTABLISHMENT. In order to be eligible for temporary
6 assistance for needy families, applicants shall, at the time of
7 application for assistance, provide the names of both parents of their
8 child or children, whether born or unborn, unless the applicant meets
9 good cause criteria for refusing such identification.

10 NEW SECTION. **Sec. 704.** A new section is added to chapter 74.12
11 RCW to read as follows:

12 TRIBAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. (1) The department
13 may (a) coordinate with and cooperate with eligible Indian tribes that
14 elect to operate a tribal temporary assistance for needy families
15 program as provided for in P.L. 104-193; and (b) upon approval by the
16 secretary of the federal department of health and human services of a
17 tribal temporary assistance for needy families program, transfer a fair
18 and equitable amount of the state maintenance of effort funds to the
19 eligible Indian tribe.

20 (2) An eligible Indian tribe exercising its authority under P.L.
21 104-193 to operate a tribal temporary assistance for needy families
22 program as a condition of receiving state maintenance of effort funds
23 shall operate the program on a state fiscal year basis. If a tribe
24 decides to cancel a tribal temporary assistance for needy families
25 program, it shall notify the department no later than ninety days
26 before the start of the state fiscal year.

27 NEW SECTION. **Sec. 705.** A new section is added to chapter 50.40
28 RCW to read as follows:

29 (1) An individual filing a new claim for unemployment compensation
30 shall, at the time of filing the claim, disclose whether or not the
31 individual owes an uncollected overissuance of food stamps as defined
32 under subsection (7) of this section. If the individual discloses that
33 he or she owes an uncollected overissuance of food stamps and is
34 determined to be eligible for unemployment compensation, the
35 commissioner shall notify the state food stamp agency enforcing those

1 obligations that the individual has been determined to be eligible for
2 unemployment compensation.

3 (2) The commissioner shall deduct and withhold from any
4 unemployment compensation payable to an individual who owes an
5 uncollected overissuance of food stamps as defined under subsection (7)
6 of this section:

7 (a) The amount specified by the individual to the commissioner to
8 be deducted and withheld under this subsection, if neither (b) nor (c)
9 of this subsection is applicable;

10 (b) The amount, if any, determined pursuant to an agreement
11 submitted to the state food stamp agency under section 13(c)(3)(A) of
12 the food stamp act of 1977; or

13 (c) Any amount otherwise required to be so deducted and withheld
14 from such unemployment compensation pursuant section 13(c)(3)(B) of the
15 food stamp act of 1977.

16 (3) Any amount deducted and withheld under subsection (2) of this
17 section shall be paid by the commissioner to the appropriate state food
18 stamp agency.

19 (4) Any amount deducted and withheld under subsection (2) of this
20 section shall be treated for all purposes as if it were paid to the
21 individual as unemployment compensation and paid by that individual to
22 the state food stamp agency in satisfaction of the individual's
23 uncollected overissuance.

24 (5) For the purposes of this section, "unemployment compensation"
25 means any compensation payable under this chapter including amounts
26 payable by the commissioner under an agreement under any federal law
27 providing for compensation, assistance, or allowances with respect to
28 unemployment.

29 (6) This section applies only if appropriate arrangements have been
30 made for reimbursement by the state food stamp agency for the
31 administrative costs incurred by the commissioner under this section
32 which are attributable to the repayment of uncollected overissuance to
33 the state food stamp agency.

34 (7) "Uncollected overissuances of food stamps" as used in this
35 section means only those obligations which are being enforced pursuant
36 to section 13(c)(1) of the food stamp act of 1977.

37 (8) This section applies only if arrangements have been made for
38 reimbursement by the state food stamp agency for the administrative

1 costs incurred by the commissioner under this section which are
2 attributable to the state food stamp agency.

3 **VIII. LICENSE SUSPENSION**

4 NEW SECTION. **Sec. 801.** It is the intent of the legislature to
5 provide a strong incentive for persons owing child support to make
6 timely payments, and to cooperate with the department of social and
7 health services to establish an appropriate schedule for the payment of
8 any arrears. To further ensure that child support obligations are met,
9 sections 802 through 898 of this act establish a program by which
10 certain licenses may be suspended or not renewed if a person is one
11 hundred eighty days or more in arrears on child support payments.

12 In the implementation and management of this program, it is the
13 legislature's intent that the objective of the department of social and
14 health services be to obtain payment in full of arrears, or where that
15 is not possible, to enter into agreements with delinquent obligors to
16 make timely support payments and make reasonable payments towards the
17 arrears. The legislature intends that if the obligor refuses to
18 cooperate in establishing a fair and reasonable payment schedule for
19 arrears or refuses to make timely support payments, the department
20 shall proceed with certification to a licensing entity or the
21 department of licensing that the person is not in compliance with a
22 child support order.

23 NEW SECTION. **Sec. 802.** A new section is added to chapter 74.20A
24 RCW to read as follows:

25 (1) The department may serve upon a responsible parent a notice
26 informing the responsible parent of the department's intent to submit
27 the parent's name to the department of licensing and any appropriate
28 licensing entity as a licensee who is not in compliance with a child
29 support order. The department shall attach a copy of the responsible
30 parent's child support order to the notice. Service of the notice must
31 be by certified mail, return receipt requested. If service by
32 certified mail is not successful, service shall be by personal service.

33 (2) The notice of noncompliance must include the address and
34 telephone number of the department's division of child support office
35 that issues the notice and must inform the responsible parent that:

1 (a) The parent may request an adjudicative proceeding to contest
2 the issue of compliance. The only issues that may be considered at the
3 adjudicative proceeding are whether the parent is required to pay child
4 support under a child support order and whether the parent is in
5 compliance with that order;

6 (b) A request for an adjudicative proceeding shall be in writing
7 and must be received by the department within twenty days of the date
8 of service of the notice;

9 (c) If the parent requests an adjudicative proceeding within twenty
10 days of service, the department will stay action to certify the parent
11 to the department of licensing and any licensing entity for
12 noncompliance with a child support order pending entry of a written
13 decision after the adjudicative proceeding;

14 (d) If the parent does not request an adjudicative proceeding
15 within twenty days of service and remains in noncompliance with a child
16 support order, the department will certify the parent's name to the
17 department of licensing and any appropriate licensing entity for
18 noncompliance with a child support order;

19 (e) The department will stay action to certify the parent to the
20 department of licensing and any licensing entity for noncompliance if
21 the parent agrees to make timely payments of current support and agrees
22 to a reasonable payment schedule for payment of the arrears. It is the
23 parent's responsibility to contact in person or by mail the
24 department's division of child support office indicated on the notice
25 within twenty days of service of the notice to arrange for a payment
26 schedule. The department may stay certification for up to thirty days
27 after contact from a parent to arrange for a payment schedule;

28 (f) If the department certifies the responsible parent to the
29 department of licensing and a licensing entity for noncompliance with
30 a child support order, the licensing entity will suspend or not renew
31 the parent's license and the department of licensing will suspend or
32 not renew any driver's license that the parent holds until the parent
33 provides the department of licensing and the licensing entity with a
34 release from the department stating that the responsible parent is in
35 compliance with the child support order;

36 (g) Suspension of a license will affect insurability if the
37 responsible parent's insurance policy excludes coverage for acts
38 occurring after the suspension of a license;

1 (h) If after receiving the notice of noncompliance with a child
2 support order, the responsible parent files a motion to modify support
3 with the court or requests the department to amend a support obligation
4 established by an administrative decision, the department or the court
5 may stay action to certify the parent to the department of licensing
6 and any licensing entity for noncompliance with a child support order.
7 The responsible parent has the obligation to notify the department that
8 a modification proceeding is pending and provide a copy of the motion
9 or request for modification; and

10 (i) If the responsible parent subsequently becomes in compliance
11 with the child support order, the department will promptly provide the
12 parent with a release stating that the parent is in compliance with the
13 order, and the parent may request that the licensing entity or the
14 department of licensing reinstate the suspended license.

15 (3) A responsible parent may request an adjudicative proceeding
16 upon service of the notice described in subsection (1) of this section.
17 The request for an adjudicative proceeding must be received by the
18 department within twenty days of service. The request must be in
19 writing and indicate the current mailing address and daytime phone
20 number, if available, of the responsible parent. The proceedings under
21 this subsection shall be conducted in accordance with the requirements
22 of chapter 34.05 RCW. The issues that may be considered at the
23 adjudicative proceeding are limited to whether:

24 (a) The person named as the responsible parent is the responsible
25 parent;

26 (b) The responsible parent is required to pay child support under
27 a child support order; and

28 (c) The responsible parent is in compliance with the order.

29 (4) The decision resulting from the adjudicative proceeding must be
30 in writing and inform the responsible parent of his or her rights to
31 review. The parent's copy of the decision may be sent by regular mail
32 to the parent's most recent address of record.

33 (5) If a responsible parent contacts the department's division of
34 child support office indicated on the notice of noncompliance within
35 twenty days of service of the notice and requests arrangement of a
36 payment schedule, the department shall stay the certification of
37 noncompliance during negotiation of the schedule for payment of
38 arrears. In no event shall the stay continue for more than thirty days
39 from the date of contact by the parent. The department shall make good

1 faith efforts to establish a schedule for payment of arrears that is
2 fair and reasonable, and that considers the financial situation of the
3 responsible parent and the needs of all children who rely on the
4 responsible parent for support. At the end of the thirty days, if no
5 payment schedule has been agreed to in writing, the department shall
6 proceed with certification of noncompliance.

7 (6) If a responsible parent timely requests an adjudicative
8 proceeding pursuant to subsection (4) of this section, the department
9 may not certify the name of the parent to the department of licensing
10 or a licensing entity for noncompliance with a child support order
11 unless the adjudicative proceeding results in a finding that the
12 responsible parent is not in compliance with the order.

13 (7) The department may certify to the department of licensing and
14 any appropriate licensing entity the name of a responsible parent who
15 is not in compliance with a child support order if:

16 (a) The responsible parent does not timely request an adjudicative
17 proceeding upon service of a notice issued under subsection (1) of this
18 section and is not in compliance with a child support order twenty-one
19 days after service of the notice;

20 (b) An adjudicative proceeding results in a decision that the
21 responsible parent is not in compliance with a child support order;

22 (c) The court enters a judgment on a petition for judicial review
23 that finds the responsible parent is not in compliance with a child
24 support order;

25 (d) The department and the responsible parent have been unable to
26 agree on a fair and reasonable schedule of payment of the arrears; or

27 (e) The responsible parent fails to comply with a payment schedule
28 established pursuant to subsection (5) of this section.

29 The department shall send by regular mail a copy of any
30 certification of noncompliance filed with the department of licensing
31 or a licensing entity to the responsible parent at the responsible
32 parent's most recent address of record.

33 (8) The department of licensing and a licensing entity shall,
34 without undue delay, notify a responsible parent certified by the
35 department under subsection (7) of this section that the parent's
36 driver's license or other license has been suspended because the
37 parent's name has been certified by the department as a responsible
38 parent who is not in compliance with a child support order.

1 (9) When a responsible parent who is served notice under subsection
2 (1) of this section subsequently complies with the child support order,
3 the department shall promptly provide the parent with a release stating
4 that the responsible parent is in compliance with the order. A copy of
5 the release shall be transmitted by the department to the appropriate
6 licensing entities.

7 (10) The department may adopt rules to implement and enforce the
8 requirements of this section.

9 (11) Nothing in this section prohibits a responsible parent from
10 filing a motion to modify support with the court or from requesting the
11 department to amend a support obligation established by an
12 administrative decision. If there is a reasonable likelihood that the
13 motion or request will significantly change the amount of the child
14 support obligation, the department or the court may stay action to
15 certify the responsible parent to the department of licensing and any
16 licensing entity for noncompliance with a child support order. The
17 responsible parent has the obligation to notify the department that a
18 modification proceeding is pending and provide a copy of the motion or
19 request for modification.

20 (12) The department of licensing and a licensing entity may issue,
21 renew, reinstate, or otherwise extend a license in accordance with the
22 licensing entity's or the department of licensing's rules after the
23 licensing entity or the department of licensing receives a copy of the
24 release specified in subsection (9) of this section. The department of
25 licensing and a licensing entity may waive any applicable requirement
26 for reissuance, renewal, or other extension if it determines that the
27 imposition of that requirement places an undue burden on the person and
28 that waiver of the requirement is consistent with the public interest.

29 (13) The procedures in chapter . . . , Laws of 1997 (this act),
30 constitute the exclusive administrative remedy for contesting the
31 establishment of noncompliance with a child support order and
32 suspension of a license under this section, and satisfy the
33 requirements of RCW 34.05.422.

34 NEW SECTION. **Sec. 803.** A new section is added to chapter 74.20A
35 RCW to read as follows:

36 (1) The department and all of the various licensing entities
37 subject to section 802 of this act shall enter into such agreements as

1 are necessary to carry out the requirements of the license suspension
2 program established in section 802 of this act.

3 (2) The department and all licensing entities subject to section
4 802 of this act shall compare data to identify responsible parents who
5 may be subject to the provisions of chapter . . . , Laws of 1997 (this
6 act). The comparison may be conducted electronically, or by any other
7 means that is jointly agreeable between the department and the
8 particular licensing entity. The data shared shall be limited to those
9 items necessary to implementation of chapter . . . , Laws of 1997 (this
10 act). The purpose of the comparison shall be to identify current
11 licensees who are not in compliance with a child support order, and to
12 provide to the department the following information regarding those
13 licensees:

14 (a) Name;

15 (b) Date of birth;

16 (c) Address of record;

17 (d) Federal employer identification number and social security
18 number;

19 (e) Type of license;

20 (f) Effective date of license or renewal;

21 (g) Expiration date of license; and

22 (h) Active or inactive status.

23 NEW SECTION. **Sec. 804.** A new section is added to chapter 74.20A
24 RCW to read as follows:

25 In furtherance of the public policy of increasing collection of
26 child support and to assist in evaluation of the program established in
27 section 802 of this act, the department shall report the following to
28 the legislature and the governor on December 1, 1998, and annually
29 thereafter:

30 (1) The number of responsible parents identified as licensees
31 subject to section 802 of this act;

32 (2) The number of responsible parents identified by the department
33 as not in compliance with a child support order;

34 (3) The number of notices of noncompliance served upon responsible
35 parents by the department;

36 (4) The number of responsible parents served a notice of
37 noncompliance who request an adjudicative proceeding;

1 (5) The number of adjudicative proceedings held, and the results of
2 the adjudicative proceedings;

3 (6) The number of responsible parents certified to the department
4 of licensing or licensing entities for noncompliance with a child
5 support order, and the number of each type of licenses that were
6 suspended;

7 (7) The costs incurred in the implementation and enforcement of
8 section 802 of this act and an estimate of the amount of child support
9 collected due to the department under section 802 of this act;

10 (8) Any other information regarding this program that the
11 department feels will assist in evaluation of the program;

12 (9) Recommendations for the addition of specific licenses in the
13 program or exclusion of specific licenses from the program, and reasons
14 for such recommendations; and

15 (10) Any recommendations for statutory changes necessary for the
16 cost-effective management of the program.

17 **Sec. 805.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each
18 amended to read as follows:

19 Unless a different meaning is plainly required by the context, the
20 following words and phrases as hereinafter used in this chapter and
21 chapter 74.20 RCW shall have the following meanings:

22 (1) "Department" means the state department of social and health
23 services.

24 (2) "Secretary" means the secretary of the department of social and
25 health services, (~~his~~) the secretary's designee or authorized
26 representative.

27 (3) "Dependent child" means any person:

28 (a) Under the age of eighteen who is not self-supporting, married,
29 or a member of the armed forces of the United States; or

30 (b) Over the age of eighteen for whom a court order for support
31 exists.

32 (4) "Support obligation" means the obligation to provide for the
33 necessary care, support, and maintenance, including medical expenses,
34 of a dependent child or other person as required by statutes and the
35 common law of this or another state.

36 (5) "Superior court order" means any judgment, decree, or order of
37 the superior court of the state of Washington, or a court of comparable
38 jurisdiction of another state, establishing the existence of a support

1 obligation and ordering payment of a set or determinable amount of
2 support moneys to satisfy the support obligation. For purposes of RCW
3 74.20A.055, orders for support which were entered under the uniform
4 reciprocal enforcement of support act by a state where the responsible
5 parent no longer resides shall not preclude the department from
6 establishing an amount to be paid as current and future support.

7 (6) "Administrative order" means any determination, finding,
8 decree, or order for support pursuant to RCW 74.20A.055, or by an
9 agency of another state pursuant to a substantially similar
10 administrative process, establishing the existence of a support
11 obligation and ordering the payment of a set or determinable amount of
12 support moneys to satisfy the support obligation.

13 (7) "Responsible parent" means a natural parent, adoptive parent,
14 or stepparent of a dependent child or a person who has signed an
15 affidavit acknowledging paternity which has been filed with the state
16 office of vital statistics and includes the parent of an unmarried
17 minor with a child.

18 (8) "Stepparent" means the present spouse of the person who is
19 either the mother, father, or adoptive parent of a dependent child, and
20 such status shall exist until terminated as provided for in RCW
21 26.16.205.

22 (9) "Support moneys" means any moneys or in-kind providings paid to
23 satisfy a support obligation whether denominated as child support,
24 spouse support, alimony, maintenance, or any other such moneys intended
25 to satisfy an obligation for support of any person or satisfaction in
26 whole or in part of arrears or delinquency on such an obligation.

27 (10) "Support debt" means any delinquent amount of support moneys
28 which is due, owing, and unpaid under a superior court order or an
29 administrative order, a debt for the payment of expenses for the
30 reasonable or necessary care, support, and maintenance, including
31 medical expenses, of a dependent child or other person for whom a
32 support obligation is owed; or a debt under RCW 74.20A.100 or
33 74.20A.270. Support debt also includes any accrued interest, fees, or
34 penalties charged on a support debt, and attorneys fees and other costs
35 of litigation awarded in an action to establish and enforce a support
36 obligation or debt.

37 (11) "State" means any state or political subdivision, territory,
38 or possession of the United States, the District of Columbia, and the
39 Commonwealth of Puerto Rico.

1 (12) "Account" means a demand deposit account, checking or
2 negotiable withdrawal order account, savings account, time deposit
3 account, or money-market mutual fund account.

4 (13) "Child support order" means a superior court order or an
5 administrative order.

6 (14) "Financial institution" means:

7 (a) A depository institution, as defined in section 3(c) of the
8 federal deposit insurance act;

9 (b) An institution-affiliated party, as defined in section 3(u) of
10 the federal deposit insurance act;

11 (c) Any federal or state credit union, as defined in section 101 of
12 the federal credit union act, including an institution-affiliated party
13 of such credit union, as defined in section 206(r) of the federal
14 deposit insurance act; or

15 (d) Any benefit association, insurance company, safe deposit
16 company, money-market mutual fund, or similar entity.

17 (15) "License" means a license, certificate, registration, permit,
18 approval, or other similar document issued by a licensing entity to a
19 licensee evidencing admission to or granting authority to engage in a
20 profession, occupation, business, industry, recreational pursuit, or
21 the operation of a motor vehicle.

22 (16) "Licensee" means any individual holding a license,
23 certificate, registration, permit, approval, or other similar document
24 issued by a licensing entity evidencing admission to or granting
25 authority to engage in a profession, occupation, business, industry,
26 recreational pursuit, or the operation of a motor vehicle.

27 (17) "Licensing entity" includes any department, board, commission,
28 or other organization authorized to issue, renew, suspend, or revoke a
29 license authorizing an individual to engage in a business, occupation,
30 profession, industry, recreational pursuit, or the operation of a motor
31 vehicle, and includes the Washington state supreme court, to the extent
32 that a rule has been adopted by the court to implement suspension of
33 licenses related to the practice of law.

34 (18) "Noncompliance with a child support order" for the purposes of
35 the license suspension program authorized under section 802 of this act
36 means a responsible parent has:

37 (a) Accumulated arrears totaling more than six months of child
38 support payments;

1 (b) Failed to make payments pursuant to a written agreement with
2 the department towards a support arrearage in an amount that exceeds
3 six months of payments; or

4 (c) Failed to make payments required by a superior court order or
5 administrative order towards a support arrearage in an amount that
6 exceeds six months of payments.

7 **Sec. 806.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to
8 read as follows:

9 The department is authorized to suspend the license of a driver
10 upon a showing by its records or other sufficient evidence that the
11 licensee:

12 (1) Has committed an offense for which mandatory revocation or
13 suspension of license is provided by law;

14 (2) Has, by reckless or unlawful operation of a motor vehicle,
15 caused or contributed to an accident resulting in death or injury to
16 any person or serious property damage;

17 (3) Has been convicted of offenses against traffic regulations
18 governing the movement of vehicles, or found to have committed traffic
19 infractions, with such frequency as to indicate a disrespect for
20 traffic laws or a disregard for the safety of other persons on the
21 highways;

22 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);
23 ((or))

24 (5) Has failed to respond to a notice of traffic infraction, failed
25 to appear at a requested hearing, violated a written promise to appear
26 in court, or has failed to comply with the terms of a notice of traffic
27 infraction or citation, as provided in RCW 46.20.289; ((or))

28 (6) Has committed one of the prohibited practices relating to
29 drivers' licenses defined in RCW 46.20.336; or

30 (7) Has been certified by the department of social and health
31 services as a person who is not in compliance with a child support
32 order as provided in section 802 of this act.

33 **Sec. 807.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to
34 read as follows:

35 (1) The department shall not suspend a driver's license or
36 privilege to drive a motor vehicle on the public highways for a fixed
37 period of more than one year, except as specifically permitted under

1 RCW 46.20.342 or other provision of law. Except for a suspension under
2 RCW 46.20.289 (~~and~~), 46.20.291(5), or section 802 of this act,
3 whenever the license or driving privilege of any person is suspended by
4 reason of a conviction, a finding that a traffic infraction has been
5 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291
6 or 46.20.308, the suspension shall remain in effect until the person
7 gives and thereafter maintains proof of financial responsibility for
8 the future as provided in chapter 46.29 RCW. If the suspension is the
9 result of a violation of RCW 46.61.502 or 46.61.504, the department
10 shall determine the person's eligibility for licensing based upon the
11 reports provided by the alcoholism agency or probation department
12 designated under RCW 46.61.5056 and shall deny reinstatement until
13 enrollment and participation in an approved program has been
14 established and the person is otherwise qualified. Whenever the
15 license or driving privilege of any person is suspended as a result of
16 certification of noncompliance with a child support order under chapter
17 74.20A RCW, the suspension shall remain in effect until the person
18 provides a release issued by the department of social and health
19 services stating that the person is in compliance with the order. The
20 department shall not issue to the person a new, duplicate, or renewal
21 license until the person pays a reissue fee of twenty dollars. If the
22 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
23 or is the result of administrative action under RCW 46.20.308, the
24 reissue fee shall be fifty dollars.

25 (2) Any person whose license or privilege to drive a motor vehicle
26 on the public highways has been revoked, unless the revocation was for
27 a cause which has been removed, is not entitled to have the license or
28 privilege renewed or restored until: (a) After the expiration of one
29 year from the date the license or privilege to drive was revoked; (b)
30 after the expiration of the applicable revocation period provided by
31 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
32 persons convicted of vehicular homicide; or (d) after the expiration of
33 the applicable revocation period provided by RCW 46.20.265. After the
34 expiration of the appropriate period, the person may make application
35 for a new license as provided by law together with a reissue fee in the
36 amount of twenty dollars, but if the revocation is the result of a
37 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
38 shall be fifty dollars. If the revocation is the result of a violation
39 of RCW 46.61.502 or 46.61.504, the department shall determine the

1 person's eligibility for licensing based upon the reports provided by
2 the alcoholism agency or probation department designated under RCW
3 46.61.5056 and shall deny reissuance of a license, permit, or privilege
4 to drive until enrollment and participation in an approved program has
5 been established and the person is otherwise qualified. Except for a
6 revocation under RCW 46.20.265, the department shall not then issue a
7 new license unless it is satisfied after investigation of the driving
8 ability of the person that it will be safe to grant the privilege of
9 driving a motor vehicle on the public highways, and until the person
10 gives and thereafter maintains proof of financial responsibility for
11 the future as provided in chapter 46.29 RCW. For a revocation under
12 RCW 46.20.265, the department shall not issue a new license unless it
13 is satisfied after investigation of the driving ability of the person
14 that it will be safe to grant that person the privilege of driving a
15 motor vehicle on the public highways.

16 (3) Whenever the driver's license of any person is suspended
17 pursuant to Article IV of the nonresident violators compact or RCW
18 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
19 to the person any new or renewal license until the person pays a
20 reissue fee of twenty dollars. If the suspension is the result of a
21 violation of the laws of this or any other state, province, or other
22 jurisdiction involving (a) the operation or physical control of a motor
23 vehicle upon the public highways while under the influence of
24 intoxicating liquor or drugs, or (b) the refusal to submit to a
25 chemical test of the driver's blood alcohol content, the reissue fee
26 shall be fifty dollars.

27 NEW SECTION. **Sec. 808.** A new section is added to chapter 48.22
28 RCW to read as follows:

29 If a motor vehicle liability insurance policy contains any
30 provision excluding insurance coverage for an unlicensed driver, such
31 provision shall not apply for ninety days from the date of suspension
32 in the event that the department of licensing suspends a driver's
33 license solely for the nonpayment of child support as provided in
34 chapter 74.20A RCW.

35 NEW SECTION. **Sec. 809.** ATTORNEYS. The legislature intends that
36 the license suspension program established in chapter 74.20A RCW be
37 implemented fairly to ensure that child support obligations are met.

1 However, being mindful of the separations of powers and
2 responsibilities among the branches of government, the legislature
3 strongly encourages the state supreme court to adopt rules providing
4 for suspension and denial of licenses related to the practice of law to
5 those individuals who are in noncompliance with a support order.

6 NEW SECTION. **Sec. 810.** A new section is added to chapter 2.48 RCW
7 to read as follows:

8 **ATTORNEYS.** The Washington state supreme court may provide by rule
9 that no person who has been certified by the department of social and
10 health services as a person who is in noncompliance with a support
11 order as provided in section 802 of this act may be admitted to the
12 practice of law in this state, and that any member of the Washington
13 state bar association who has been certified by the department of
14 social and health services as a person who is in noncompliance with a
15 support order as provided in section 802 of this act shall be
16 immediately suspended from membership. The court's rules may provide
17 for review of an application for admission or reinstatement of
18 membership after the department of social and health services has
19 issued a release stating that the person is in compliance with the
20 order.

21 NEW SECTION. **Sec. 811.** A new section is added to chapter 18.04
22 RCW to read as follows:

23 The board shall immediately suspend the certificate or license of
24 a person who has been certified pursuant to section 802 of this act by
25 the department of social and health services as a person who is not in
26 compliance with a support order. If the person has continued to meet
27 all other requirements for reinstatement during the suspension,
28 reissuance of the license or certificate shall be automatic upon the
29 board's receipt of a release issued by the department of social and
30 health services stating that the licensee is in compliance with the
31 order.

32 **Sec. 812.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
33 read as follows:

34 (1) Upon application in writing and after hearing pursuant to
35 notice, the board may:

1 (~~(1)~~) (a) Modify the suspension of, or reissue a certificate or
2 license to, an individual whose certificate has been revoked or
3 suspended; or

4 (~~(2)~~) (b) Modify the suspension of, or reissue a license to a
5 firm whose license has been revoked, suspended, or which the board has
6 refused to renew.

7 (2) In the case of suspension for failure to comply with a support
8 order under chapter 74.20A RCW, if the person has continued to meet all
9 other requirements for reinstatement during the suspension, reissuance
10 of a certificate or license shall be automatic upon the board's receipt
11 of a release issued by the department of social and health services
12 stating that the individual is in compliance with the order.

13 **Sec. 813.** RCW 18.08.350 and 1993 c 475 s 1 are each amended to
14 read as follows:

15 (1) Except as provided in section 815 of this act, a certificate of
16 registration shall be granted by the director to all qualified
17 applicants who are certified by the board as having passed the required
18 examination and as having given satisfactory proof of completion of the
19 required experience.

20 (2) Applications for examination shall be filed as the board
21 prescribes by rule. The application and examination fees shall be
22 determined by the director under RCW 43.24.086.

23 (3) An applicant for registration as an architect shall be of a
24 good moral character, at least eighteen years of age, and shall possess
25 any of the following qualifications:

26 (a) Have an accredited architectural degree and three years'
27 practical architectural work experience approved by the board, which
28 may include designing buildings as a principal activity. At least two
29 years' work experience must be supervised by an architect with detailed
30 professional knowledge of the work of the applicant;

31 (b) Have eight years' practical architectural work experience
32 approved by the board. Each year spent in an accredited architectural
33 program approved by the board shall be considered one year of practical
34 experience. At least four years' practical work experience shall be
35 under the direct supervision of an architect; or

36 (c) Be a person who has been designing buildings as a principal
37 activity for eight years, or has an equivalent combination of education
38 and experience, but who was not registered under chapter 323, Laws of

1 1959, as amended, as it existed before July 28, 1992, provided that
2 application is made within four years after July 28, 1992. Nothing in
3 this chapter prevents such a person from designing buildings for four
4 years after July 28, 1992, or the five-year period allowed for
5 completion of the examination process, after that person has applied
6 for registration. A person who has been designing buildings and is
7 qualified under this subsection shall, upon application to the board of
8 registration for architects, be allowed to take the examination for
9 architect registration on an equal basis with other applicants.

10 **Sec. 814.** RCW 18.08.350 and 1993 c 475 s 2 are each amended to
11 read as follows:

12 (1) Except as provided in section 815 of this act, a certificate of
13 registration shall be granted by the director to all qualified
14 applicants who are certified by the board as having passed the required
15 examination and as having given satisfactory proof of completion of the
16 required experience.

17 (2) Applications for examination shall be filed as the board
18 prescribes by rule. The application and examination fees shall be
19 determined by the director under RCW 43.24.086.

20 (3) An applicant for registration as an architect shall be of a
21 good moral character, at least eighteen years of age, and shall possess
22 any of the following qualifications:

23 (a) Have an accredited architectural degree and three years'
24 practical architectural work experience approved by the board, which
25 may include designing buildings as a principal activity. At least two
26 years' work experience must be supervised by an architect with detailed
27 professional knowledge of the work of the applicant; or

28 (b) Have eight years' practical architectural work experience
29 approved by the board. Each year spent in an accredited architectural
30 program approved by the board shall be considered one year of practical
31 experience. At least four years' practical work experience shall be
32 under the direct supervision of an architect.

33 NEW SECTION. **Sec. 815.** A new section is added to chapter 18.08
34 RCW to read as follows:

35 The board shall immediately suspend the certificate of registration
36 or certificate of authorization to practice architecture of a person
37 who has been certified pursuant to section 802 of this act by the

1 department of social and health services as a person who is not in
2 compliance with a support order. If the person has continued to meet
3 other requirements for reinstatement during the suspension, reissuance
4 of the certificate shall be automatic upon the board's receipt of a
5 release issued by the department of social and health services stating
6 that the individual is in compliance with the order.

7 **Sec. 816.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
8 read as follows:

9 (1) No license shall be issued by the department to any person who
10 has been convicted of forgery, embezzlement, obtaining money under
11 false pretenses, extortion, criminal conspiracy, fraud, theft,
12 receiving stolen goods, unlawful issuance of checks or drafts, or other
13 similar offense, or to any partnership of which the person is a member,
14 or to any association or corporation of which the person is an officer
15 or in which as a stockholder the person has or exercises a controlling
16 interest either directly or indirectly.

17 (2) The following shall be grounds for denial, suspension, or
18 revocation of a license, or imposition of an administrative fine by the
19 department:

20 (a) Misrepresentation or concealment of material facts in obtaining
21 a license;

22 (b) Underreporting to the department of sales figures so that the
23 auctioneer or auction company surety bond is in a lower amount than
24 required by law;

25 (c) Revocation of a license by another state;

26 (d) Misleading or false advertising;

27 (e) A pattern of substantial misrepresentations related to
28 auctioneering or auction company business;

29 (f) Failure to cooperate with the department in any investigation
30 or disciplinary action;

31 (g) Nonpayment of an administrative fine prior to renewal of a
32 license;

33 (h) Aiding an unlicensed person to practice as an auctioneer or as
34 an auction company; and

35 (i) Any other violations of this chapter.

36 (3) The department shall immediately suspend the license of a
37 person who has been certified pursuant to section 802 of this act by
38 the department of social and health services as a person who is not in

1 compliance with a support order. If the person has continued to meet
2 all other requirements for reinstatement during the suspension,
3 reissuance of the license shall be automatic upon the department's
4 receipt of a release issued by the department of social and health
5 services stating that the licensee is in compliance with the order.

6 **Sec. 817.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to
7 read as follows:

8 (1) Upon payment of the proper fee, except as provided in section
9 818 of this act, the director shall issue the appropriate license to
10 any person who:

11 (a) Is at least seventeen years of age or older;

12 (b) Has completed and graduated from a course approved by the
13 director of sixteen hundred hours of training in cosmetology, one
14 thousand hours of training in barbering, five hundred hours of training
15 in manicuring, five hundred hours of training in esthetics, and/or five
16 hundred hours of training as an instructor-trainee; and

17 (c) Has received a passing grade on the appropriate licensing
18 examination approved or administered by the director.

19 (2) A person currently licensed under this chapter may qualify for
20 examination and licensure, after the required examination is passed, in
21 another category if he or she has completed the crossover training
22 course approved by the director.

23 (3) Upon payment of the proper fee, the director shall issue a
24 salon/shop license to the operator of a salon/shop if the salon/shop
25 meets the other requirements of this chapter as demonstrated by
26 information submitted by the operator.

27 (4) The director may consult with the state board of health and the
28 department of labor and industries in establishing training and
29 examination requirements.

30 NEW SECTION. **Sec. 818.** A new section is added to chapter 18.16
31 RCW to read as follows:

32 The department shall immediately suspend the license of a person
33 who has been certified pursuant to section 802 of this act by the
34 department of social and health services as a person who is not in
35 compliance with a support order. If the person has continued to meet
36 all other requirements for reinstatement during the suspension,
37 reissuance of the license shall be automatic upon the department's

1 receipt of a release issued by the department of social and health
2 services stating that the licensee is in compliance with the order.

3 NEW SECTION. **Sec. 819.** A new section is added to chapter 18.20
4 RCW to read as follows:

5 The department shall immediately suspend the license of a person
6 who has been certified pursuant to section 802 of this act by the
7 department of social and health services as a person who is not in
8 compliance with a support order. If the person has continued to meet
9 all other requirements for reinstatement during the suspension,
10 reissuance of the license shall be automatic upon the department's
11 receipt of a release issued by the department of social and health
12 services stating that the licensee is in compliance with the order.

13 **Sec. 820.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
14 amended to read as follows:

15 (1) A certificate of registration shall be valid for one year and
16 shall be renewed on or before the expiration date. The department
17 shall issue to the applicant a certificate of registration upon
18 compliance with the registration requirements of this chapter.

19 (2) If the department approves an application, it shall issue a
20 certificate of registration to the applicant. The certificate shall be
21 valid for:

22 (a) One year;

23 (b) Until the bond expires; or

24 (c) Until the insurance expires, whichever comes first. The
25 department shall place the expiration date on the certificate.

26 (3) A contractor may supply a short-term bond or insurance policy
27 to bring its registration period to the full one year.

28 (4) If a contractor's surety bond or other security has an
29 unsatisfied judgment against it or is canceled, or if the contractor's
30 insurance policy is canceled, the contractor's registration shall be
31 automatically suspended on the effective date of the impairment or
32 cancellation. The department shall give notice of the suspension to
33 the contractor.

34 (5) The department shall immediately suspend the certificate of
35 registration of a contractor who has been certified by the department
36 of social and health services as a person who is not in compliance with
37 a support order as provided in section 802 of this act. The

1 certificate of registration shall not be reissued or renewed unless the
2 person provides to the department a release from the department of
3 social and health services stating that he or she is in compliance with
4 the order and the person has continued to meet all other requirements
5 for certification during the suspension.

6 **Sec. 821.** RCW 18.28.060 and 1979 c 156 s 3 are each amended to
7 read as follows:

8 Except as provided in section 822 of this act, the director shall
9 issue a license to an applicant if the following requirements are met:

10 (1) The application is complete and the applicant has complied with
11 RCW 18.28.030.

12 (2) Neither an individual applicant, nor any of the applicant's
13 members if the applicant is a partnership or association, nor any of
14 the applicant's officers or directors if the applicant is a
15 corporation: (a) Has ever been convicted of forgery, embezzlement,
16 obtaining money under false pretenses, larceny, extortion, conspiracy
17 to defraud or any other like offense, or has been disbarred from the
18 practice of law; (b) has participated in a violation of this chapter or
19 of any valid rules, orders or decisions of the director promulgated
20 under this chapter; (c) has had a license to engage in the business of
21 debt adjusting revoked or removed for any reason other than for failure
22 to pay licensing fees in this or any other state; or (d) is an employee
23 or owner of a collection agency, or process serving business.

24 (3) An individual applicant is at least eighteen years of age.

25 (4) An applicant which is a partnership, corporation, or
26 association is authorized to do business in this state.

27 (5) An individual applicant for an original license as a debt
28 adjuster has passed an examination administered by the director, which
29 examination may be oral or written, or partly oral and partly written,
30 and shall be practical in nature and sufficiently thorough to ascertain
31 the applicant's fitness. Questions on bookkeeping, credit adjusting,
32 business ethics, agency, contracts, debtor and creditor relationships,
33 trust funds and the provisions of this chapter shall be included in the
34 examination. No applicant may use any books or other similar aids
35 while taking the examination, and no applicant may take the examination
36 more than three times in any twelve month period.

1 NEW SECTION. **Sec. 822.** A new section is added to chapter 18.28
2 RCW to read as follows:

3 The department shall immediately suspend the license of a person
4 who has been certified pursuant to section 802 of this act by the
5 department of social and health services as a person who is not in
6 compliance with a support order. If the person has continued to meet
7 all other requirements for reinstatement during the suspension,
8 reissuance of the license shall be automatic upon the department's
9 receipt of a release issued by the department of social and health
10 services stating that the licensee is in compliance with the order.

11 **Sec. 823.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to
12 read as follows:

13 The director shall have the following powers and duties:

14 (1) To issue all licenses provided for under this chapter;

15 (2) To renew licenses under this chapter;

16 (3) To collect all fees prescribed and required under this chapter;

17 (~~and~~)

18 (4) To immediately suspend the license of a person who has been
19 certified pursuant to section 802 of this act by the department of
20 social and health services as a person who is not in compliance with a
21 support order; and

22 (5) To keep general books of record of all official acts,
23 proceedings, and transactions of the department of licensing while
24 acting under this chapter.

25 NEW SECTION. **Sec. 824.** A new section is added to chapter 18.39
26 RCW to read as follows:

27 In the case of suspension for failure to comply with a support
28 order under chapter 74.20A RCW, if the person has continued to meet all
29 other requirements for reinstatement during the suspension, reissuance
30 of a license shall be automatic upon the director's receipt of a
31 release issued by the department of social and health services stating
32 that the individual is in compliance with the order.

33 NEW SECTION. **Sec. 825.** A new section is added to chapter 18.43
34 RCW to read as follows:

35 The board shall immediately suspend the registration of a person
36 who has been certified pursuant to section 802 of this act by the

1 department of social and health services as a person who is not in
2 compliance with a support order. If the person has continued to meet
3 all other requirements for membership during the suspension, reissuance
4 of the certificate of registration shall be automatic upon the board's
5 receipt of a release issued by the department of social and health
6 services stating that the person is in compliance with the order.

7 NEW SECTION. **Sec. 826.** A new section is added to chapter 18.44
8 RCW to read as follows:

9 The department shall immediately suspend the certificate of
10 registration of a person who has been certified pursuant to section 802
11 of this act by the department of social and health services as a person
12 who is not in compliance with a support order. If the person has
13 continued to meet all other requirements for certification during the
14 suspension, reissuance of the certificate shall be automatic upon the
15 department's receipt of a release issued by the department of social
16 and health services stating that the person is in compliance with the
17 order.

18 **Sec. 827.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to
19 read as follows:

20 (1) The department may deny, suspend, or revoke a license in any
21 case in which it finds that there has been failure or refusal to comply
22 with the requirements established under this chapter or the rules
23 adopted under it.

24 (2) The department shall immediately suspend the license of a
25 person who has been certified pursuant to section 802 of this act by
26 the department of social and health services as a person who is not in
27 compliance with a support order. If the person has continued to meet
28 all other requirements for reinstatement during the suspension,
29 reissuance of the license shall be automatic upon the department's
30 receipt of a release issued by the department of social and health
31 services stating that the person is in compliance with the order.

32 RCW 43.70.115 governs notice of a license denial, revocation,
33 suspension, or modification and provides the right to an adjudicative
34 proceeding but shall not apply to actions taken under subsection (2) of
35 this section.

1 NEW SECTION. **Sec. 828.** A new section is added to chapter 18.51
2 RCW to read as follows:

3 The department shall immediately suspend the license of a person
4 who has been certified pursuant to section 802 of this act by the
5 department of social and health services, division of support, as a
6 person who is not in compliance with a child support order. If the
7 person has continued to meet all other requirements for reinstatement
8 during the suspension, reissuance of the license shall be automatic
9 upon the department's receipt of a release issued by the division of
10 child support stating that the person is in compliance with the order.

11 NEW SECTION. **Sec. 829.** A new section is added to chapter 18.76
12 RCW to read as follows:

13 The department shall immediately suspend the certification of a
14 poison center medical director or a poison information specialist who
15 has been certified pursuant to section 802 of this act by the
16 department of social and health services as a person who is not in
17 compliance with a support order. If the person has continued to meet
18 all other requirements for certification during the suspension,
19 reissuance of the certification shall be automatic upon the
20 department's receipt of a release issued by the department of social
21 and health services stating that the person is in compliance with the
22 order.

23 NEW SECTION. **Sec. 830.** A new section is added to chapter 18.85
24 RCW to read as follows:

25 The director shall immediately suspend the license of a broker or
26 salesperson who has been certified pursuant to section 802 of this act
27 by the department of social and health services as a person who is not
28 in compliance with a support order. If the person has continued to
29 meet all other requirements for reinstatement during the suspension,
30 reissuance of the license shall be automatic upon the director's
31 receipt of a release issued by the department of social and health
32 services stating that the person is in compliance with the order.

33 **Sec. 831.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
34 to read as follows:

35 (1) The director may refuse to renew, or may suspend or revoke, a
36 certificate of registration to use the titles landscape architect,

1 landscape architecture, or landscape architectural in this state upon
2 the following grounds:

3 ~~((1))~~ (a) The holder of the certificate of registration is
4 impersonating a practitioner or former practitioner.

5 ~~((2))~~ (b) The holder of the certificate of registration is guilty
6 of fraud, deceit, gross negligence, gross incompetency or gross
7 misconduct in the practice of landscape architecture.

8 ~~((3))~~ (c) The holder of the certificate of registration permits
9 his seal to be affixed to any plans, specifications or drawings that
10 were not prepared by him or under his personal supervision by employees
11 subject to his direction and control.

12 ~~((4))~~ (d) The holder of the certificate has committed fraud in
13 applying for or obtaining a certificate.

14 (2) The director shall immediately suspend the certificate of
15 registration of a landscape architect who has been certified pursuant
16 to section 802 of this act by the department of social and health
17 services as a person who is not in compliance with a support order. If
18 the person has continued to meet all other requirements for
19 certification during the suspension, reissuance of the certificate of
20 registration shall be automatic upon the director's receipt of a
21 release issued by the department of social and health services stating
22 that the person is in compliance with the order.

23 **Sec. 832.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
24 read as follows:

25 (1) In cases other than those relating to the failure of a licensee
26 to renew a license, the director may suspend or revoke a license issued
27 pursuant to this chapter for any of the following reasons:

28 ~~((1))~~ (a) For fraud or deception in obtaining the license;

29 ~~((2))~~ (b) For fraud or deception in reporting under RCW
30 18.104.050;

31 ~~((3))~~ (c) For violating the provisions of this chapter, or of any
32 lawful rule or regulation of the department or the department of
33 health.

34 (2) The director shall immediately suspend any license issued under
35 this chapter if the holder of the license has been certified pursuant
36 to section 802 of this act by the department of social and health
37 services as a person who is not in compliance with a support order. If
38 the person has continued to meet all other requirements for

1 reinstatement during the suspension, reissuance of the license shall be
2 automatic upon the director's receipt of a release issued by the
3 department of social and health services stating that the person is in
4 compliance with the order.

5 (3) No license shall be suspended for more than six months, except
6 that a suspension under section 802 of this act shall continue until
7 the department receives a release issued by the department of social
8 and health services stating that the person is in compliance with the
9 order.

10 (4) No person whose license is revoked shall be eligible to apply
11 for a license for one year from the effective date of the final order
12 of revocation.

13 **Sec. 833.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to
14 read as follows:

15 (1) Except as provided in section 834 of this act, the department
16 shall issue a certificate of competency to all applicants who have
17 passed the examination and have paid the fee for the certificate. The
18 certificate shall bear the date of issuance, and shall expire on the
19 birthdate of the holder immediately following the date of issuance.
20 The certificate shall be renewable every other year, upon application,
21 on or before the birthdate of the holder. A renewal fee shall be
22 assessed for each certificate. If a person fails to renew the
23 certificate by the renewal date, he or she must pay a doubled fee. If
24 the person does not renew the certificate within ninety days of the
25 renewal date, he or she must retake the examination and pay the
26 examination fee.

27 The certificate of competency and the temporary permit provided for
28 in this chapter grant the holder the right to engage in the work of
29 plumbing as a journeyman plumber or specialty plumber in accordance
30 with their provisions throughout the state and within any of its
31 political subdivisions on any job or any employment without additional
32 proof of competency or any other license or permit or fee to engage in
33 the work. This section does not preclude employees from adhering to a
34 union security clause in any employment where such a requirement
35 exists.

36 (2) A person who is indentured in an apprenticeship program
37 approved under chapter 49.04 RCW for the plumbing construction trade or
38 who is learning the plumbing construction trade may work in the

1 plumbing construction trade if supervised by a certified journeyman
2 plumber or a certified specialty plumber in that plumber's specialty.
3 All apprentices and individuals learning the plumbing construction
4 trade shall obtain a plumbing training certificate from the department.
5 The certificate shall authorize the holder to learn the plumbing
6 construction trade while under the direct supervision of a journeyman
7 plumber or a specialty plumber working in his or her specialty. The
8 holder of the plumbing training certificate shall renew the certificate
9 annually. At the time of renewal, the holder shall provide the
10 department with an accurate list of the holder's employers in the
11 plumbing construction industry for the previous year and the number of
12 hours worked for each employer. An annual fee shall be charged for the
13 issuance or renewal of the certificate. The department shall set the
14 fee by rule. The fee shall cover but not exceed the cost of
15 administering and enforcing the trainee certification and supervision
16 requirements of this chapter. Apprentices and individuals learning the
17 plumbing construction trade shall have their plumbing training
18 certificates in their possession at all times that they are performing
19 plumbing work. They shall show their certificates to an authorized
20 representative of the department at the representative's request.

21 (3) Any person who has been issued a plumbing training certificate
22 under this chapter may work if that person is under supervision.
23 Supervision shall consist of a person being on the same job site and
24 under the control of either a journeyman plumber or an appropriate
25 specialty plumber who has an applicable certificate of competency
26 issued under this chapter. Either a journeyman plumber or an
27 appropriate specialty plumber shall be on the same job site as the
28 noncertified individual for a minimum of seventy-five percent of each
29 working day unless otherwise provided in this chapter. The ratio of
30 noncertified individuals to certified journeymen or specialty plumbers
31 working on a job site shall be: (a) From July 28, 1985, through June
32 30, 1988, not more than three noncertified plumbers working on any one
33 job site for every certified journeyman or specialty plumber; (b)
34 effective July 1, 1988, not more than two noncertified plumbers working
35 on any one job site for every certified specialty plumber or journeyman
36 plumber working as a specialty plumber; and (c) effective July 1, 1988,
37 not more than one noncertified plumber working on any one job site for
38 every certified journeyman plumber working as a journeyman plumber.

1 An individual who has a current training certificate and who has
2 successfully completed or is currently enrolled in an approved
3 apprenticeship program or in a technical school program in the plumbing
4 construction trade in a school approved by the (~~commission for~~
5 ~~vocational education~~) work force training and education coordinating
6 board, may work without direct on-site supervision during the last six
7 months of meeting the practical experience requirements of this
8 chapter.

9 NEW SECTION. Sec. 834. A new section is added to chapter 18.106
10 RCW to read as follows:

11 The department shall immediately suspend any certificate of
12 competency issued under this chapter if the holder of the certificate
13 has been certified pursuant to section 802 of this act by the
14 department of social and health services as a person who is not in
15 compliance with a support order. If the person has continued to meet
16 all other requirements for certification during the suspension,
17 reissuance of the certificate of competency shall be automatic upon the
18 department's receipt of a release issued by the department of social
19 and health services stating that the person is in compliance with the
20 order.

21 NEW SECTION. Sec. 835. A new section is added to chapter 18.130
22 RCW to read as follows:

23 The secretary shall immediately suspend the license of any person
24 subject to this chapter who has been certified by the department of
25 social and health services as a person who is not in compliance with a
26 support order as provided in section 802 of this act.

27 **Sec. 836.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
28 read as follows:

29 A person whose license has been suspended or revoked under this
30 chapter may petition the disciplining authority for reinstatement after
31 an interval as determined by the disciplining authority in the order.
32 The disciplining authority shall hold hearings on the petition and may
33 deny the petition or may order reinstatement and impose terms and
34 conditions as provided in RCW 18.130.160 and issue an order of
35 reinstatement. The disciplining authority may require successful
36 completion of an examination as a condition of reinstatement.

1 A person whose license has been suspended for noncompliance with a
2 support order under section 802 of this act may petition for
3 reinstatement at any time by providing the secretary a release issued
4 by the department of social and health services stating that the person
5 is in compliance with the order. If the person has continued to meet
6 all other requirements for reinstatement during the suspension, the
7 secretary shall automatically reissue the person's license upon receipt
8 of the release, and payment of a reinstatement fee, if any.

9 NEW SECTION. Sec. 837. A new section is added to chapter 18.140
10 RCW to read as follows:

11 The director shall immediately suspend any license or certificate
12 issued under this chapter if the holder has been certified pursuant to
13 section 802 of this act by the department of social and health services
14 as a person who is not in compliance with a support order. If the
15 person has continued to meet all other requirements for reinstatement
16 during the suspension, reissuance of the license or certificate shall
17 be automatic upon the director's receipt of a release issued by the
18 department of social and health services stating that the person is in
19 compliance with the order.

20 **Sec. 838.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8
21 are each reenacted and amended to read as follows:

22 Except as provided in section 839 of this act, the department
23 shall issue a certificate to any applicant who meets the standards
24 established under this chapter and who:

25 (1) Is holding one of the following:

26 (a) Certificate of proficiency, registered professional reporter,
27 registered merit reporter, or registered diplomate reporter from
28 (~~the~~) the national court reporters association;

29 (b) Certificate of proficiency or certificate of merit from
30 (~~the~~) the national stenomask verbatim reporters association; or

31 (c) A current Washington state court reporter certification; or

32 (2) Has passed an examination approved by the director or an
33 examination that meets or exceeds the standards established by the
34 director.

35 NEW SECTION. Sec. 839. A new section is added to chapter 18.145
36 RCW to read as follows:

1 The director shall immediately suspend any certificate issued under
2 this chapter if the holder has been certified pursuant to section 802
3 of this act by the department of social and health services as a person
4 who is not in compliance with a support order. If the person has
5 continued to meet all other requirements for certification during the
6 suspension, reissuance of the certificate shall be automatic upon the
7 director's receipt of a release issued by the department of social and
8 health services stating that the person is in compliance with the
9 order.

10 **Sec. 840.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
11 read as follows:

12 (1) The state director of fire protection may refuse to issue or
13 renew or may suspend or revoke the privilege of a licensed fire
14 protection sprinkler system contractor or the certificate of a
15 certificate of competency holder to engage in the fire protection
16 sprinkler system business or in lieu thereof, establish penalties as
17 prescribed by Washington state law, for any of the following reasons:

18 (a) Gross incompetency or gross negligence in the preparation of
19 technical drawings, installation, repair, alteration, maintenance,
20 inspection, service, or addition to fire protection sprinkler systems;

21 (b) Conviction of a felony;

22 (c) Fraudulent or dishonest practices while engaging in the fire
23 protection sprinkler systems business;

24 (d) Use of false evidence or misrepresentation in an application
25 for a license or certificate of competency;

26 (e) Permitting his or her license to be used in connection with the
27 preparation of any technical drawings which have not been prepared by
28 him or her personally or under his or her immediate supervision, or in
29 violation of this chapter; or

30 (f) Knowingly violating any provisions of this chapter or the
31 regulations issued thereunder.

32 (2) The state director of fire protection shall revoke the license
33 of a licensed fire protection sprinkler system contractor or the
34 certificate of a certificate of competency holder who engages in the
35 fire protection sprinkler system business while the license or
36 certificate of competency is suspended.

37 (3) The state director of fire protection shall immediately suspend
38 any license or certificate issued under this chapter if the holder has

1 been certified pursuant to section 802 of this act by the department of
2 social and health services as a person who is not in compliance with a
3 support order. If the person has continued to meet all other
4 requirements for issuance or reinstatement during the suspension,
5 issuance or reissuance of the license or certificate shall be automatic
6 upon the director's receipt of a release issued by the department of
7 social and health services stating that the person is in compliance
8 with the order.

9 (4) Any licensee or certificate of competency holder who is
10 aggrieved by an order of the state director of fire protection
11 suspending or revoking a license may, within thirty days after notice
12 of such suspension or revocation, appeal under chapter 34.05 RCW. This
13 subsection does not apply to actions taken under subsection (3) of this
14 section.

15 **Sec. 841.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to
16 read as follows:

17 The following acts are prohibited and constitute grounds for
18 disciplinary action, assessing administrative penalties, or denial,
19 suspension, or revocation of any license under this chapter, as deemed
20 appropriate by the director:

21 (1) Knowingly violating any of the provisions of this chapter or
22 the rules adopted under this chapter;

23 (2) Knowingly making a material misstatement or omission in the
24 application for or renewal of a license or firearms certificate,
25 including falsifying requested identification information;

26 (3) Not meeting the qualifications set forth in RCW 18.165.030,
27 18.165.040, or 18.165.050;

28 (4) Failing to return immediately on demand a firearm issued by an
29 employer;

30 (5) Carrying a firearm in the performance of his or her duties if
31 not the holder of a valid armed private investigator license, or
32 carrying a firearm not meeting the provisions of this chapter while in
33 the performance of his or her duties;

34 (6) Failing to return immediately on demand company identification,
35 badges, or other items issued to the private investigator by an
36 employer;

37 (7) Making any statement that would reasonably cause another person
38 to believe that the private investigator is a sworn peace officer;

1 (8) Divulging confidential information obtained in the course of
2 any investigation to which he or she was assigned;

3 (9) Acceptance of employment that is adverse to a client or former
4 client and relates to a matter about which a licensee has obtained
5 confidential information by reason of or in the course of the
6 licensee's employment by the client;

7 (10) Conviction of a gross misdemeanor or felony or the commission
8 of any act involving moral turpitude, dishonesty, or corruption whether
9 the act constitutes a crime or not. If the act constitutes a crime,
10 conviction in a criminal proceeding is not a condition precedent to
11 disciplinary action. Upon such a conviction, however, the judgment and
12 sentence is conclusive evidence at the ensuing disciplinary hearing of
13 the guilt of the license holder or applicant of the crime described in
14 the indictment or information, and of the person's violation of the
15 statute on which it is based. For the purposes of this section,
16 conviction includes all instances in which a plea of guilty or nolo
17 contendere is the basis for the conviction and all proceedings in which
18 the sentence has been deferred or suspended;

19 (11) Advertising that is false, fraudulent, or misleading;

20 (12) Incompetence or negligence that results in injury to a person
21 or that creates an unreasonable risk that a person may be harmed;

22 (13) Suspension, revocation, or restriction of the individual's
23 license to practice the profession by competent authority in any state,
24 federal, or foreign jurisdiction, a certified copy of the order,
25 stipulation, or agreement being conclusive evidence of the revocation,
26 suspension, or restriction;

27 (14) Failure to cooperate with the director by:

28 (a) Not furnishing any necessary papers or documents requested by
29 the director for purposes of conducting an investigation for
30 disciplinary action, denial, suspension, or revocation of a license
31 under this chapter;

32 (b) Not furnishing in writing a full and complete explanation
33 covering the matter contained in a complaint filed with the department;
34 or

35 (c) Not responding to subpoenas issued by the director, whether or
36 not the recipient of the subpoena is the accused in the proceeding;

37 (15) Failure to comply with an order issued by the director or an
38 assurance of discontinuance entered into with the director;

1 (16) Aiding or abetting an unlicensed person to practice if a
2 license is required;

3 (17) Misrepresentation or fraud in any aspect of the conduct of the
4 business or profession;

5 (18) Failure to adequately supervise employees to the extent that
6 the public health or safety is at risk;

7 (19) Interference with an investigation or disciplinary proceeding
8 by willful misrepresentation of facts before the director or the
9 director's authorized representative, or by the use of threats or
10 harassment against any client or witness to prevent them from providing
11 evidence in a disciplinary proceeding or any other legal action;

12 (20) Assigning or transferring any license issued pursuant to the
13 provisions of this chapter, except as provided in RCW 18.165.050;

14 (21) Assisting a client to locate, trace, or contact a person when
15 the investigator knows that the client is prohibited by any court order
16 from harassing or contacting the person whom the investigator is being
17 asked to locate, trace, or contact, as it pertains to domestic
18 violence, stalking, or minor children;

19 (22) Failure to maintain bond or insurance; ((or))

20 (23) Failure to have a qualifying principal in place; or

21 (24) Being certified as not in compliance with a support order as
22 provided in section 802 of this act.

23 NEW SECTION. Sec. 842. A new section is added to chapter 18.165
24 RCW to read as follows:

25 The director shall immediately suspend a license issued under this
26 chapter if the holder has been certified pursuant to section 802 of
27 this act by the department of social and health services as a person
28 who is not in compliance with a support order. If the person has
29 continued to meet all other requirements for reinstatement during the
30 suspension, reissuance of the license shall be automatic upon the
31 director's receipt of a release issued by the department of social and
32 health services stating that the person is in compliance with the
33 order.

34 **Sec. 843.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to
35 read as follows:

36 In addition to the provisions of section 844 of this act, the
37 following acts are prohibited and constitute grounds for disciplinary

1 action, assessing administrative penalties, or denial, suspension, or
2 revocation of any license under this chapter, as deemed appropriate by
3 the director:

4 (1) Knowingly violating any of the provisions of this chapter or
5 the rules adopted under this chapter;

6 (2) Practicing fraud, deceit, or misrepresentation in any of the
7 private security activities covered by this chapter;

8 (3) Knowingly making a material misstatement or omission in the
9 application for a license or firearms certificate;

10 (4) Not meeting the qualifications set forth in RCW 18.170.030,
11 18.170.040, or 18.170.060;

12 (5) Failing to return immediately on demand a firearm issued by an
13 employer;

14 (6) Carrying a firearm in the performance of his or her duties if
15 not the holder of a valid armed private security guard license, or
16 carrying a firearm not meeting the provisions of this chapter while in
17 the performance of his or her duties;

18 (7) Failing to return immediately on demand any uniform, badge, or
19 other item of equipment issued to the private security guard by an
20 employer;

21 (8) Making any statement that would reasonably cause another person
22 to believe that the private security guard is a sworn peace officer;

23 (9) Divulging confidential information that may compromise the
24 security of any premises, or valuables shipment, or any activity of a
25 client to which he or she was assigned;

26 (10) Conviction of a gross misdemeanor or felony or the commission
27 of any act involving moral turpitude, dishonesty, or corruption whether
28 the act constitutes a crime or not. If the act constitutes a crime,
29 conviction in a criminal proceeding is not a condition precedent to
30 disciplinary action. Upon such a conviction, however, the judgment and
31 sentence is conclusive evidence at the ensuing disciplinary hearing of
32 the guilt of the license holder or applicant of the crime described in
33 the indictment or information, and of the person's violation of the
34 statute on which it is based. For the purposes of this section,
35 conviction includes all instances in which a plea of guilty or nolo
36 contendere is the basis for the conviction and all proceedings in which
37 the sentence has been deferred or suspended;

38 (11) Misrepresentation or concealment of a material fact in
39 obtaining a license or in reinstatement thereof;

- 1 (12) Advertising that is false, fraudulent, or misleading;
- 2 (13) Incompetence or negligence that results in injury to a person
3 or that creates an unreasonable risk that a person may be harmed;
- 4 (14) Suspension, revocation, or restriction of the individual's
5 license to practice the profession by competent authority in any state,
6 federal, or foreign jurisdiction, a certified copy of the order,
7 stipulation, or agreement being conclusive evidence of the revocation,
8 suspension, or restriction;
- 9 (15) Failure to cooperate with the director by:
- 10 (a) Not furnishing any necessary papers or documents requested by
11 the director for purposes of conducting an investigation for
12 disciplinary action, denial, suspension, or revocation of a license
13 under this chapter;
- 14 (b) Not furnishing in writing a full and complete explanation
15 covering the matter contained in a complaint filed with the department;
16 or
- 17 (c) Not responding to subpoenas issued by the director, whether or
18 not the recipient of the subpoena is the accused in the proceeding;
- 19 (16) Failure to comply with an order issued by the director or an
20 assurance of discontinuance entered into with the disciplining
21 authority;
- 22 (17) Aiding or abetting an unlicensed person to practice if a
23 license is required;
- 24 (18) Misrepresentation or fraud in any aspect of the conduct of the
25 business or profession;
- 26 (19) Failure to adequately supervise employees to the extent that
27 the public health or safety is at risk;
- 28 (20) Interference with an investigation or disciplinary proceeding
29 by willful misrepresentation of facts before the director or the
30 director's authorized representative, or by the use of threats or
31 harassment against a client or witness to prevent them from providing
32 evidence in a disciplinary proceeding or any other legal action;
- 33 (21) Assigning or transferring any license issued pursuant to the
34 provisions of this chapter, except as provided in RCW 18.170.060;
- 35 (22) Failure to maintain insurance; and
- 36 (23) Failure to have a qualifying principal in place.

37 NEW SECTION. **Sec. 844.** A new section is added to chapter 18.170
38 RCW to read as follows:

1 The director shall immediately suspend any license issued under
2 this chapter if the holder has been certified pursuant to section 802
3 of this act by the department of social and health services as a person
4 who is not in compliance with a support order. If the person has
5 continued to meet all other requirements for reinstatement during the
6 suspension, reissuance of the license shall be automatic upon the
7 director's receipt of a release issued by the department of social and
8 health services stating that the person is in compliance with the
9 order.

10 NEW SECTION. **Sec. 845.** A new section is added to chapter 18.175
11 RCW to read as follows:

12 The director shall immediately suspend a certificate of
13 registration issued under this chapter if the holder has been certified
14 pursuant to section 802 of this act by the department of social and
15 health services as a person who is not in compliance with a support
16 order. If the person has continued to meet all other requirements for
17 certification during the suspension, reissuance of the certificate
18 shall be automatic upon the director's receipt of a release issued by
19 the department of social and health services stating that the person is
20 in compliance with the order.

21 NEW SECTION. **Sec. 846.** A new section is added to chapter 18.185
22 RCW to read as follows:

23 The director shall immediately suspend any license issued under
24 this chapter if the holder has been certified pursuant to section 802
25 of this act by the department of social and health services as a person
26 who is not in compliance with a support order. If the person has
27 continued to meet all other requirements for reinstatement during the
28 suspension, reissuance of the license shall be automatic upon the
29 director's receipt of a release issued by the department of social and
30 health services stating that the person is in compliance with the
31 order.

32 **Sec. 847.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
33 read as follows:

34 This section governs the denial of an application for a license or
35 the suspension, revocation, or modification of a license by the
36 department.

1 (1) The department shall give written notice of the denial of an
2 application for a license to the applicant or his or her agent. The
3 department shall give written notice of revocation, suspension, or
4 modification of a license to the licensee or his or her agent. The
5 notice shall state the reasons for the action. The notice shall be
6 personally served in the manner of service of a summons in a civil
7 action or shall be given in ((an other)) another manner that shows
8 proof of receipt.

9 (2) Except as otherwise provided in this subsection and in
10 subsection (4) of this section, revocation, suspension, or modification
11 is effective twenty-eight days after the licensee or the agent receives
12 the notice.

13 (a) The department may make the date the action is effective later
14 than twenty-eight days after receipt. If the department does so, it
15 shall state the effective date in the written notice given the licensee
16 or agent.

17 (b) The department may make the date the action is effective sooner
18 than twenty-eight days after receipt when necessary to protect the
19 public health, safety, or welfare. When the department does so, it
20 shall state the effective date and the reasons supporting the effective
21 date in the written notice given to the licensee or agent.

22 (c) When the department has received certification pursuant to
23 chapter 74.20A RCW from the division of child support that the licensee
24 is a person who is not in compliance with a support order, the
25 department shall provide that the suspension is effective immediately
26 upon receipt of the suspension notice by the licensee.

27 (3) Except for licensees suspended for noncompliance with a support
28 order under chapter 74.20A RCW, a license applicant or licensee who is
29 aggrieved by a department denial, revocation, suspension, or
30 modification has the right to an adjudicative proceeding. The
31 proceeding is governed by the Administrative Procedure Act, chapter
32 34.05 RCW. The application must be in writing, state the basis for
33 contesting the adverse action, include a copy of the adverse notice, be
34 served on and received by the department within twenty-eight days of
35 the license applicant's or licensee's receiving the adverse notice, and
36 be served in a manner that shows proof of receipt.

37 (4)(a) If the department gives a licensee twenty-eight or more days
38 notice of revocation, suspension, or modification and the licensee
39 files an appeal before its effective date, the department shall not

1 implement the adverse action until the final order has been entered.
2 The presiding or reviewing officer may permit the department to
3 implement part or all of the adverse action while the proceedings are
4 pending if the appellant causes an unreasonable delay in the
5 proceeding, if the circumstances change so that implementation is in
6 the public interest, or for other good cause.

7 (b) If the department gives a licensee less than twenty-eight days
8 notice of revocation, suspension, or modification and the licensee
9 timely files a sufficient appeal, the department may implement the
10 adverse action on the effective date stated in the notice. The
11 presiding or reviewing officer may order the department to stay
12 implementation of part or all of the adverse action while the
13 proceedings are pending if staying implementation is in the public
14 interest or for other good cause.

15 NEW SECTION. **Sec. 848.** A new section is added to chapter 28A.410
16 RCW to read as follows:

17 Any certificate or permit authorized under this chapter or chapter
18 28A.405 RCW shall be suspended by the authority authorized to grant the
19 certificate or permit if the department of social and health services
20 certifies that the person is not in compliance with a support order as
21 provided in section 802 of this act. If the person continues to meet
22 other requirements for reinstatement during the suspension, reissuance
23 of the certificate or permit shall be automatic after the person
24 provides the authority a release issued by the department of social and
25 health services stating that the person is in compliance with the
26 order.

27 **Sec. 849.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to
28 read as follows:

29 This section governs the denial of an application for a license or
30 the suspension, revocation, or modification of a license by the
31 department. This section does not govern actions taken under chapter
32 18.130 RCW.

33 (1) The department shall give written notice of the denial of an
34 application for a license to the applicant or his or her agent. The
35 department shall give written notice of revocation, suspension, or
36 modification of a license to the licensee or his or her agent. The
37 notice shall state the reasons for the action. The notice shall be

1 personally served in the manner of service of a summons in a civil
2 action or shall be given in ((~~an other~~ [another])) another manner that
3 shows proof of receipt.

4 (2) Except as otherwise provided in this subsection and in
5 subsection (4) of this section, revocation, suspension, or modification
6 is effective twenty-eight days after the licensee or the agent receives
7 the notice.

8 (a) The department may make the date the action is effective later
9 than twenty-eight days after receipt. If the department does so, it
10 shall state the effective date in the written notice given the licensee
11 or agent.

12 (b) The department may make the date the action is effective sooner
13 than twenty-eight days after receipt when necessary to protect the
14 public health, safety, or welfare. When the department does so, it
15 shall state the effective date and the reasons supporting the effective
16 date in the written notice given to the licensee or agent.

17 (c) When the department has received certification pursuant to
18 chapter 74.20A RCW from the department of social and health services
19 that the licensee is a person who is not in compliance with a child
20 support order, the department shall provide that the suspension is
21 effective immediately upon receipt of the suspension notice by the
22 licensee.

23 (3) Except for licensees suspended for noncompliance with a child
24 support order under chapter 74.20A RCW, a license applicant or licensee
25 who is aggrieved by a department denial, revocation, suspension, or
26 modification has the right to an adjudicative proceeding. The
27 proceeding is governed by the Administrative Procedure Act, chapter
28 34.05 RCW. The application must be in writing, state the basis for
29 contesting the adverse action, include a copy of the adverse notice, be
30 served on and received by the department within twenty-eight days of
31 the license applicant's or licensee's receiving the adverse notice, and
32 be served in a manner that shows proof of receipt.

33 (4)(a) If the department gives a licensee twenty-eight or more days
34 notice of revocation, suspension, or modification and the licensee
35 files an appeal before its effective date, the department shall not
36 implement the adverse action until the final order has been entered.
37 The presiding or reviewing officer may permit the department to
38 implement part or all of the adverse action while the proceedings are
39 pending if the appellant causes an unreasonable delay in the

1 proceeding, if the circumstances change so that implementation is in
2 the public interest, or for other good cause.

3 (b) If the department gives a licensee less than twenty-eight days
4 notice of revocation, suspension, or modification and the licensee
5 timely files a sufficient appeal, the department may implement the
6 adverse action on the effective date stated in the notice. The
7 presiding or reviewing officer may order the department to stay
8 implementation of part or all of the adverse action while the
9 proceedings are pending if staying implementation is in the public
10 interest or for other good cause.

11 **Sec. 850.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to
12 read as follows:

13 (1) The department has the power, in case of serious noncompliance
14 with the provisions of this chapter, to revoke or suspend for such a
15 period as it determines, any electrical contractor license or
16 electrical contractor administrator certificate issued under this
17 chapter. The department shall notify the holder of the license or
18 certificate of the revocation or suspension by certified mail. A
19 revocation or suspension is effective twenty days after the holder
20 receives the notice. Any revocation or suspension is subject to review
21 by an appeal to the board. The filing of an appeal stays the effect of
22 a revocation or suspension until the board makes its decision. The
23 appeal shall be filed within twenty days after notice of the revocation
24 or suspension is given by certified mail sent to the address of the
25 holder of the license or certificate as shown on the application for
26 the license or certificate, and shall be effected by filing a written
27 notice of appeal with the department, accompanied by a certified check
28 for two hundred dollars, which shall be returned to the holder of the
29 license or certificate if the decision of the department is not
30 sustained by the board. The hearing shall be conducted in accordance
31 with chapter 34.05 RCW. If the board sustains the decision of the
32 department, the two hundred dollars shall be applied by the department
33 to the payment of the per diem and expenses of the members of the board
34 incurred in the matter, and any balance remaining after payment of per
35 diem and expenses shall be paid into the electrical license fund.

36 (2) The department shall immediately suspend the license or
37 certificate of a person who has been certified pursuant to section 802
38 of this act by the department of social and health services as a person

1 who is not in compliance with a support order. If the person has
2 continued to meet all other requirements for reinstatement during the
3 suspension, reissuance of the license or certificate shall be automatic
4 upon the department's receipt of a release issued by the department of
5 social and health services stating that the licensee is in compliance
6 with the order.

7 **Sec. 851.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to
8 read as follows:

9 (1) The department may revoke any certificate of competency upon
10 the following grounds:

11 (a) The certificate was obtained through error or fraud;

12 (b) The holder thereof is judged to be incompetent to work in the
13 electrical construction trade as a journeyman electrician or specialty
14 electrician;

15 (c) The holder thereof has violated any of the provisions of RCW
16 19.28.510 through 19.28.620 or any rule adopted under this chapter.

17 (2) Before any certificate of competency shall be revoked, the
18 holder shall be given written notice of the department's intention to
19 do so, mailed by registered mail, return receipt requested, to the
20 holder's last known address. The notice shall enumerate the
21 allegations against the holder, and shall give the holder the
22 opportunity to request a hearing before the board. At the hearing, the
23 department and the holder may produce witnesses and give testimony.
24 The hearing shall be conducted in accordance with chapter 34.05 RCW.
25 The board shall render its decision based upon the testimony and
26 evidence presented, and shall notify the parties immediately upon
27 reaching its decision. A majority of the board shall be necessary to
28 render a decision.

29 (3) The department shall immediately suspend the license or
30 certificate of a person who has been certified pursuant to section 802
31 of this act by the department of social and health services as a person
32 who is not in compliance with a support order. If the person has
33 continued to meet all other requirements for reinstatement during the
34 suspension, reissuance of the license or certificate shall be automatic
35 upon the department's receipt of a release issued by the department of
36 social and health services stating that the licensee is in compliance
37 with the order.

1 **Sec. 852.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to
2 read as follows:

3 Any person may protest the grant or renewal of a license under this
4 section. The director may revoke, suspend, or refuse to issue or renew
5 any license when it is shown that:

6 (1) The farm labor contractor or any agent of the contractor has
7 violated or failed to comply with any of the provisions of this
8 chapter;

9 (2) The farm labor contractor has made any misrepresentations or
10 false statements in his or her application for a license;

11 (3) The conditions under which the license was issued have changed
12 or no longer exist;

13 (4) The farm labor contractor, or any agent of the contractor, has
14 violated or wilfully aided or abetted any person in the violation of,
15 or failed to comply with, any law of the state of Washington regulating
16 employment in agriculture, the payment of wages to farm employees, or
17 the conditions, terms, or places of employment affecting the health and
18 safety of farm employees, which is applicable to the business
19 activities, or operations of the contractor in his or her capacity as
20 a farm labor contractor;

21 (5) The farm labor contractor or any agent of the contractor has in
22 recruiting farm labor solicited or induced the violation of any then
23 existing contract of employment of such laborers; or

24 (6) The farm labor contractor or any agent of the contractor has an
25 unsatisfied judgment against him or her in any state or federal court,
26 arising out of his or her farm labor contracting activities.

27 The director shall immediately suspend the license or certificate
28 of a person who has been certified pursuant to section 802 of this act
29 by the department of social and health services as a person who is not
30 in compliance with a support order. If the person has continued to
31 meet all other requirements for reinstatement during the suspension,
32 reissuance of the license or certificate shall be automatic upon the
33 director's receipt of a release issued by the department of social and
34 health services stating that the licensee is in compliance with the
35 order.

36 **Sec. 853.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to
37 read as follows:

1 In addition to other provisions of this chapter, any license issued
2 pursuant to this chapter or any application therefor may be denied, not
3 renewed, revoked, or suspended, or in lieu of or in addition to
4 suspension a licensee may be assessed a civil, monetary penalty in an
5 amount not to exceed one thousand dollars:

6 (1) If an individual applicant or licensee is less than eighteen
7 years of age or is not a resident of this state.

8 (2) If an applicant or licensee is not authorized to do business in
9 this state.

10 (3) If the application or renewal forms required by this chapter
11 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if
12 applicable, have not been paid, and the surety bond or cash deposit or
13 other negotiable security acceptable to the director required by RCW
14 19.16.190, if applicable, has not been filed or renewed or is canceled.

15 (4) If any individual applicant, owner, officer, director, or
16 managing employee of a nonindividual applicant or licensee:

17 (a) Shall have knowingly made a false statement of a material fact
18 in any application for a collection agency license or an out-of-state
19 collection agency license or renewal thereof, or in any data attached
20 thereto and two years have not elapsed since the date of such
21 statement;

22 (b) Shall have had a license to engage in the business of a
23 collection agency or out-of-state collection agency denied, not
24 renewed, suspended, or revoked by this state, any other state, or
25 foreign country, for any reason other than the nonpayment of licensing
26 fees or failure to meet bonding requirements: PROVIDED, That the terms
27 of this subsection shall not apply if:

28 (i) Two years have elapsed since the time of any such denial,
29 nonrenewal, or revocation; or

30 (ii) The terms of any such suspension have been fulfilled;

31 (c) Has been convicted in any court of any felony involving
32 forgery, embezzlement, obtaining money under false pretenses, larceny,
33 extortion, or conspiracy to defraud and is incarcerated for that
34 offense or five years have not elapsed since the date of such
35 conviction;

36 (d) Has had any judgment entered against him in any civil action
37 involving forgery, embezzlement, obtaining money under false pretenses,
38 larceny, extortion, or conspiracy to defraud and five years have not
39 elapsed since the date of the entry of the final judgment in said

1 action: PROVIDED, That in no event shall a license be issued unless
2 the judgment debt has been discharged;

3 (e) Has had his license to practice law suspended or revoked and
4 two years have not elapsed since the date of such suspension or
5 revocation, unless he has been relicensed to practice law in this
6 state;

7 (f) Has had any judgment entered against him or it under the
8 provisions of RCW 19.86.080 or 19.86.090 involving a violation or
9 violations of RCW 19.86.020 and two years have not elapsed since the
10 entry of the final judgment: PROVIDED, That in no event shall a
11 license be issued unless the terms of such judgment, if any, have been
12 fully complied with: PROVIDED FURTHER, That said judgment shall not be
13 grounds for denial, suspension, nonrenewal, or revocation of a license
14 unless the judgment arises out of and is based on acts of the
15 applicant, owner, officer, director, managing employee, or licensee
16 while acting for or as a collection agency or an out-of-state
17 collection agency;

18 (g) Has petitioned for bankruptcy, and two years have not elapsed
19 since the filing of said petition;

20 (h) Shall be insolvent in the sense that his or its liabilities
21 exceed his or its assets or in the sense that he or it cannot meet his
22 or its obligations as they mature;

23 (i) Has failed to pay any civil, monetary penalty assessed in
24 accordance with RCW 19.16.351 or 19.16.360 within ten days after the
25 assessment becomes final;

26 (j) Has knowingly failed to comply with, or violated any provisions
27 of this chapter or any rule or regulation issued pursuant to this
28 chapter, and two years have not elapsed since the occurrence of said
29 noncompliance or violation; or

30 (k) Has been found by a court of competent jurisdiction to have
31 violated the federal fair debt collection practices act, 15 U.S.C. Sec.
32 1692 et seq., or the Washington state consumer protection act, chapter
33 19.86 RCW, and two years have not elapsed since that finding.

34 Except as otherwise provided in this section, any person who is
35 engaged in the collection agency business as of January 1, 1972 shall,
36 upon filing the application, paying the fees, and filing the surety
37 bond or cash deposit or other negotiable security in lieu of bond
38 required by this chapter, be issued a license ((hereunder)) under this
39 chapter.

1 The director shall immediately suspend the license or certificate
2 of a person who has been certified pursuant to section 802 of this act
3 by the department of social and health services as a person who is not
4 in compliance with a support order. If the person has continued to
5 meet all other requirements for reinstatement during the suspension,
6 reissuance of the license or certificate shall be automatic upon the
7 director's receipt of a release issued by the department of social and
8 health services stating that the licensee is in compliance with the
9 order.

10 **Sec. 854.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended
11 to read as follows:

12 (1) In accordance with the provisions of chapter 34.05 RCW as now
13 or as hereafter amended, the director may by order deny, suspend or
14 revoke the license of any employment agency if he finds that the
15 applicant or licensee:

16 (~~(1)~~) (a) Was previously the holder of a license issued under
17 this chapter, which was revoked for cause and never reissued by the
18 director, or which license was suspended for cause and the terms of the
19 suspension have not been fulfilled;

20 (~~(2)~~) (b) Has been found guilty of any felony within the past
21 five years involving moral turpitude, or for any misdemeanor concerning
22 fraud or conversion, or suffering any judgment in any civil action
23 involving wilful fraud, misrepresentation or conversion;

24 (~~(3)~~) (c) Has made a false statement of a material fact in his
25 application or in any data attached thereto;

26 (~~(4)~~) (d) Has violated any provisions of this chapter, or failed
27 to comply with any rule or regulation issued by the director pursuant
28 to this chapter.

29 (2) The director shall immediately suspend the license or
30 certificate of a person who has been certified pursuant to section 802
31 of this act by the department of social and health services as a person
32 who is not in compliance with a support order. If the person has
33 continued to meet all other requirements for reinstatement during the
34 suspension, reissuance of the license or certificate shall be automatic
35 upon the director's receipt of a release issued by the department of
36 social and health services stating that the licensee is in compliance
37 with the order.

1 **Sec. 855.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to
2 read as follows:

3 (1) The director of agriculture may cancel or suspend any such
4 license if he finds after proper investigation that (a) the licensee
5 has violated any provision of this chapter or of any other law of this
6 state relating to the operation of refrigerated lockers or of the sale
7 of any human food in connection therewith, or any regulation effective
8 under any act the administration of which is in the charge of the
9 department of agriculture, or (b) the licensed refrigerated locker
10 premises or any equipment used therein or in connection therewith is in
11 an unsanitary condition and the licensee has failed or refused to
12 remedy the same within ten days after receipt from the director of
13 agriculture of written notice to do so.

14 (2) No license shall be revoked or suspended by the director
15 without delivery to the licensee of a written statement of the charge
16 involved and an opportunity to answer such charge within ten days from
17 the date of such notice.

18 (3) Any order made by the director suspending or revoking any
19 license may be reviewed by certiorari in the superior court of the
20 county in which the licensed premises are located, within ten days from
21 the date notice in writing of the director's order revoking or
22 suspending such license has been served upon him.

23 (4) The director shall immediately suspend the license or
24 certificate of a person who has been certified pursuant to section 802
25 of this act by the department of social and health services as a person
26 who is not in compliance with a support order. If the person has
27 continued to meet all other requirements for reinstatement during the
28 suspension, reissuance of the license or certificate shall be automatic
29 upon the director's receipt of a release issued by the department of
30 social and health services stating that the licensee is in compliance
31 with the order.

32 **Sec. 856.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to
33 read as follows:

34 (1) A registration or an application for registration of camping
35 resort contracts or renewals thereof may by order be denied, suspended,
36 or revoked if the director finds that:

1 (a) The advertising, sales techniques, or trade practices of the
2 applicant, registrant, or its affiliate or agent have been or are
3 deceptive, false, or misleading;

4 (b) The applicant or registrant has failed to file copies of the
5 camping resort contract form under RCW 19.105.360;

6 (c) The applicant, registrant, or affiliate has failed to comply
7 with any provision of this chapter, the rules adopted or the conditions
8 of a permit granted under this chapter, or a stipulation or final order
9 previously entered into by the operator or issued by the department
10 under this chapter;

11 (d) The applicant's, registrant's, or affiliate's offering of
12 camping resort contracts has worked or would work a fraud upon
13 purchasers or owners of camping resort contracts;

14 (e) The camping resort operator or any officer, director, or
15 affiliate of the camping resort operator has been within the last five
16 years convicted of or pleaded nolo contendere to any misdemeanor or
17 felony involving conversion, embezzlement, theft, fraud, or dishonesty,
18 has been enjoined from or had any civil penalty assessed for a finding
19 of dishonest dealing or fraud in a civil suit, or been found to have
20 engaged in any violation of any act designed to protect consumers, or
21 has been engaged in dishonest practices in any industry involving sales
22 to consumers;

23 (f) The applicant or registrant has represented or is representing
24 to purchasers in connection with the offer or sale of a camping resort
25 contract that a camping resort property, facility, amenity camp site,
26 or other development is planned, promised, or required, and the
27 applicant or registrant has not provided the director with a security
28 or assurance of performance as required by this chapter;

29 (g) The applicant or registrant has not provided or is no longer
30 providing the director with the necessary security arrangements to
31 assure future availability of titles or properties as required by this
32 chapter or agreed to in the permit to market;

33 (h) The applicant or registrant is or has been employing
34 unregistered salespersons or offering or proposing a membership
35 referral program not in compliance with this chapter;

36 (i) The applicant or registrant has breached any escrow, impound,
37 reserve account, or trust arrangement or the conditions of an order or
38 permit to market required by this chapter;

1 (j) The applicant or registrant has breached any stipulation or
2 order entered into in settlement of the department's filing of a
3 previous administrative action;

4 (k) The applicant or registrant has filed or caused to be filed
5 with the director any document or affidavit, or made any statement
6 during the course of a registration or exemption procedure with the
7 director, that is materially untrue or misleading;

8 (l) The applicant or registrant has engaged in a practice of
9 failing to provide the written disclosures to purchasers or prospective
10 purchasers as required under this chapter;

11 (m) The applicant, registrant, or any of its officers, directors,
12 or employees, if the operator is other than a natural person, have
13 wilfully done, or permitted any of their salespersons or agents to do,
14 any of the following:

15 (i) Engage in a pattern or practice of making untrue or misleading
16 statements of a material fact, or omitting to state a material fact;

17 (ii) Employ any device, scheme, or artifice to defraud purchasers
18 or members;

19 (iii) Engage in a pattern or practice of failing to provide the
20 written disclosures to purchasers or prospective purchasers as required
21 under this chapter;

22 (n) The applicant or registrant has failed to provide a bond,
23 letter of credit, or other arrangement to assure delivery of promised
24 gifts, prizes, awards, or other items of consideration, as required
25 under this chapter, breached such a security arrangement, or failed to
26 maintain such a security arrangement in effect because of a resignation
27 or loss of a trustee, impound, or escrow agent;

28 (o) The applicant or registrant has engaged in a practice of
29 selling contracts using material amendments or codicils that have not
30 been filed or are the consequences of breaches or alterations in
31 previously filed contracts;

32 (p) The applicant or registrant has engaged in a practice of
33 selling or proposing to sell contracts in a ratio of contracts to sites
34 available in excess of that filed in the affidavit required by this
35 chapter;

36 (q) The camping resort operator has withdrawn, has the right to
37 withdraw, or is proposing to withdraw from use all or any portion of
38 any camping resort property devoted to the camping resort program,
39 unless:

1 (i) Adequate provision has been made to provide within a reasonable
2 time thereafter a substitute property in the same general area that is
3 at least as desirable for the purpose of camping and outdoor
4 recreation;

5 (ii) The property is withdrawn because, despite good faith efforts
6 by the camping resort operator, a nonaffiliate of the camping resort
7 has exercised a right of withdrawal from use by the camping resort
8 (such as withdrawal following expiration of a lease of the property to
9 the camping resort) and the terms of the withdrawal right have been
10 disclosed in writing to all purchasers at or prior to the time of any
11 sales of camping resort contracts after the camping resort has
12 represented to purchasers that the property is or will be available for
13 camping or recreation purposes;

14 (iii) The specific date upon which the withdrawal becomes effective
15 has been disclosed in writing to all purchasers and members prior to
16 the time of any sales of camping resort contracts after the camping
17 resort has represented to purchasers that the property is or will be
18 available for camping or recreation purposes;

19 (iv) The rights of members and owners of the camping resort
20 contracts under the express terms of the camping resort contract have
21 expired, or have been specifically limited, upon the lapse of a stated
22 or determinable period of time, and the director by order has found
23 that the withdrawal is not otherwise inconsistent with the protection
24 of purchasers or the desire of the majority of the owners of camping
25 resort contracts, as expressed in their previously obtained vote of
26 approval;

27 (r) The format, form, or content of the written disclosures
28 provided therein is not complete, full, or materially accurate, or
29 statements made therein are materially false, misleading, or deceptive;

30 (s) The applicant or registrant has failed or declined to respond
31 to any subpoena lawfully issued and served by the department under this
32 chapter;

33 (t) The applicant or registrant has failed to file an amendment for
34 a material change in the manner or at the time required under this
35 chapter or its implementing rules;

36 (u) The applicant or registrant has filed voluntarily or been
37 placed involuntarily into a federal bankruptcy or is proposing to do
38 so; or

1 (v) A camping resort operator's rights or interest in a campground
2 has been terminated by foreclosure or the operations in a camping
3 resort have been terminated in a manner contrary to contract
4 provisions.

5 (2) Any applicant or registrant who has violated subsection (1)(a),
6 (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be
7 fined by the director in an amount not to exceed one thousand dollars
8 for each such violation. Proceedings seeking such fines shall be held
9 in accordance with chapter 34.05 RCW and may be filed either separately
10 or in conjunction with other administrative proceedings to deny,
11 suspend, or revoke registrations authorized under this chapter. Fines
12 collected from such proceedings shall be deposited in the state general
13 fund.

14 (3) An operator, registrant, or applicant against whom
15 administrative or legal proceedings have been filed shall be
16 responsible for and shall reimburse the state, by payment into the
17 general fund, for all administrative and legal costs actually incurred
18 by the department in issuing, processing, and conducting any such
19 administrative or legal proceeding authorized under this chapter that
20 results in a final legal or administrative determination of any type or
21 degree in favor of the department.

22 (4) No order may be entered under this section without appropriate
23 prior notice to the applicant or registrant of opportunity for a
24 hearing and written findings of fact and conclusions of law, except
25 that the director may by order summarily deny an application for
26 registration or renewal under any of the above subsections and may
27 summarily suspend or revoke a registration under subsection (1)(d),
28 (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine
29 may be imposed by summary order.

30 (5) The proceedings to deny an application or renewal, suspend or
31 revoke a registration or permit, whether summarily or otherwise, or
32 impose a fine shall be held in accordance with chapter 34.05 RCW.

33 (6) The director may enter into assurances of discontinuance in
34 lieu of issuing a statement of charges or a cease and desist order or
35 conducting a hearing under this chapter. The assurances shall consist
36 of a statement of the law in question and an agreement not to violate
37 the stated provision. The applicant or registrant shall not be
38 required to admit to any violation of the law, nor shall the assurance
39 be construed as such an admission. Violating or breaching an assurance

1 under this subsection is grounds for suspension or revocation of
2 registration or imposition of a fine.

3 (7) The director shall immediately suspend the license or
4 certificate of a person who has been certified pursuant to section 802
5 of this act by the department of social and health services as a person
6 who is not in compliance with a support order. If the person has
7 continued to meet all other requirements for reinstatement during the
8 suspension, reissuance of the license or certificate shall be automatic
9 upon the director's receipt of a release issued by the department of
10 social and health services stating that the licensee is in compliance
11 with the order.

12 **Sec. 857.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to
13 read as follows:

14 (1) A salesperson may apply for registration by filing in a
15 complete and readable form with the director an application form
16 provided by the director which includes the following:

17 (a) A statement whether or not the applicant within the past five
18 years has been convicted of, pleaded nolo contendere to, or been ordered
19 to serve probation for a period of a year or more for any misdemeanor
20 or felony involving conversion, embezzlement, theft, fraud, or
21 dishonesty or the applicant has been enjoined from, had any civil
22 penalty assessed for, or been found to have engaged in any violation of
23 any act designed to protect consumers;

24 (b) A statement fully describing the applicant's employment history
25 for the past five years and whether or not any termination of
26 employment during the last five years was the result of any theft,
27 fraud, or act of dishonesty;

28 (c) A consent to service comparable to that required of operators
29 under this chapter; and

30 (d) Required filing fees.

31 (2) The director may by order deny, suspend, or revoke a camping
32 resort salesperson's registration or application for registration under
33 this chapter or the person's license or application under chapter 18.85
34 RCW, or impose a fine on such persons not exceeding two hundred dollars
35 per violation, if the director finds that the order is necessary for
36 the protection of purchasers or owners of camping resort contracts and
37 the applicant or registrant is guilty of:

1 (a) Obtaining registration by means of fraud, misrepresentation, or
2 concealment, or through the mistake or inadvertence of the director;

3 (b) Violating any of the provisions of this chapter or any lawful
4 rules adopted by the director pursuant thereto;

5 (c) Being convicted in a court of competent jurisdiction of this or
6 any other state, or federal court, of forgery, embezzlement, obtaining
7 money under false pretenses, bribery, larceny, extortion, conspiracy to
8 defraud, or any similar offense or offenses. For the purposes of this
9 section, "being convicted" includes all instances in which a plea of
10 guilty or nolo contendere is the basis for the conviction, and all
11 proceedings in which the sentence has been deferred or suspended;

12 (d) Making, printing, publishing, distributing, or causing,
13 authorizing, or knowingly permitting the making, printing, publication,
14 or distribution of false statements, descriptions, or promises of such
15 character as to reasonably induce any person to act thereon, if the
16 statements, descriptions, or promises purport to be made or to be
17 performed by either the applicant or registrant and the applicant or
18 registrant then knew or, by the exercise of reasonable care and
19 inquiry, could have known, of the falsity of the statements,
20 descriptions, or promises;

21 (e) Knowingly committing, or being a party to, any material fraud,
22 misrepresentation, concealment, conspiracy, collusion, trick, scheme,
23 or device whereby any other person lawfully relies upon the work,
24 representation, or conduct of the applicant or registrant;

25 (f) Failing, upon demand, to disclose to the director or the
26 director's authorized representatives acting by authority of law any
27 information within his or her knowledge or to produce for inspection
28 any document, book or record in his or her possession, which is
29 material to the salesperson's registration or application for
30 registration;

31 (g) Continuing to sell camping resort contracts in a manner whereby
32 the interests of the public are endangered, if the director has, by
33 order in writing, stated objections thereto;

34 (h) Committing any act of fraudulent or dishonest dealing or a
35 crime involving moral turpitude, and a certified copy of the final
36 holding of any court of competent jurisdiction in such matter shall be
37 conclusive evidence in any hearing under this chapter;

38 (i) Misrepresentation of membership in any state or national
39 association; or

1 (j) Discrimination against any person in hiring or in sales
2 activity on the basis of race, color, creed, or national origin, or
3 violating any state or federal antidiscrimination law.

4 (3) No order may be entered under this section without appropriate
5 prior notice to the applicant or registrant of opportunity for a
6 hearing and written findings of fact and conclusions of law, except
7 that the director may by order summarily deny an application for
8 registration under this section.

9 (4) The proceedings to deny an application or renewal, suspend or
10 revoke a registration or permit, whether summarily or otherwise, or
11 impose a fine shall be held in accordance with chapter 34.05 RCW.

12 (5) The director, subsequent to any complaint filed against a
13 salesperson or pursuant to an investigation to determine violations,
14 may enter into stipulated assurances of discontinuances in lieu of
15 issuing a statement of charges or a cease and desist order or
16 conducting a hearing. The assurance shall consist of a statement of
17 the law in question and an agreement not to violate the stated
18 provision. The salesperson shall not be required to admit to any
19 violation of the law, nor shall the assurance be construed as such an
20 admission. Violation of an assurance under this subsection is grounds
21 for a disciplinary action, a suspension of registration, or a fine not
22 to exceed one thousand dollars.

23 (6) The director may by rule require such further information or
24 conditions for registration as a camping resort salesperson, including
25 qualifying examinations and fingerprint cards prepared by authorized
26 law enforcement agencies, as the director deems necessary to protect
27 the interests of purchasers.

28 (7) Registration as a camping resort salesperson shall be effective
29 for a period of one year unless the director specifies otherwise or the
30 salesperson transfers employment to a different registrant.
31 Registration as a camping resort salesperson shall be renewed annually,
32 or at the time of transferring employment, whichever occurs first, by
33 the filing of a form prescribed by the director for that purpose.

34 (8) It is unlawful for a registrant of camping resort contracts to
35 employ or a person to act as a camping resort salesperson covered under
36 this section unless the salesperson has in effect with the department
37 and displays a valid registration in a conspicuous location at each of
38 the sales offices at which the salesperson is employed. It is the
39 responsibility of both the operator and the salesperson to notify the

1 department when and where a salesperson is employed, his or her
2 responsibilities and duties, and when the salesperson's employment or
3 reported duties are changed or terminated.

4 (9) The director shall immediately suspend the license or
5 certificate of a person who has been certified pursuant to section 802
6 of this act by the department of social and health services as a person
7 who is not in compliance with a support order. If the person has
8 continued to meet all other requirements for reinstatement during the
9 suspension, reissuance of the license or certificate shall be automatic
10 upon the director's receipt of a release issued by the department of
11 social and health services stating that the licensee is in compliance
12 with the order.

13 **Sec. 858.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to
14 read as follows:

15 (1) The director may deny, suspend, or revoke the registration of
16 a seller of travel if the director finds that the applicant:

17 (a) Was previously the holder of a registration issued under this
18 chapter, and the registration was revoked for cause and never reissued
19 by the director, or the registration was suspended for cause and the
20 terms of the suspension have not been fulfilled;

21 (b) Has been found guilty of a felony within the past five years
22 involving moral turpitude, or of a misdemeanor concerning fraud or
23 conversion, or suffers a judgment in a civil action involving willful
24 fraud, misrepresentation, or conversion;

25 (c) Has made a false statement of a material fact in an application
26 under this chapter or in data attached to it;

27 (d) Has violated this chapter or failed to comply with a rule
28 adopted by the director under this chapter;

29 (e) Has failed to display the registration as provided in this
30 chapter;

31 (f) Has published or circulated a statement with the intent to
32 deceive, misrepresent, or mislead the public; or

33 (g) Has committed a fraud or fraudulent practice in the operation
34 and conduct of a travel agency business, including, but not limited to,
35 intentionally misleading advertising.

36 (2) If the seller of travel is found in violation of this chapter
37 or in violation of the consumer protection act, chapter 19.86 RCW, by
38 the entry of a judgment or by settlement of a claim, the director may

1 revoke the registration of the seller of travel, and the director may
2 reinstate the registration at the director's discretion.

3 (3) The director shall immediately suspend the license or
4 certificate of a person who has been certified pursuant to section 802
5 of this act by the department of social and health services as a person
6 who is not in compliance with a support order. If the person has
7 continued to meet all other requirements for reinstatement during the
8 suspension, reissuance of the license or certificate shall be automatic
9 upon the director's receipt of a release issued by the department of
10 social and health services stating that the licensee is in compliance
11 with the order.

12 **Sec. 859.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to
13 read as follows:

14 (1) In order to maintain or defend a lawsuit or do any business in
15 this state, a commercial telephone solicitor must be registered with
16 the department of licensing. Prior to doing business in this state, a
17 commercial telephone solicitor shall register with the department of
18 licensing. Doing business in this state includes both commercial
19 telephone solicitation from a location in Washington and solicitation
20 of purchasers located in Washington.

21 (2) The department of licensing, in registering commercial
22 telephone solicitors, shall have the authority to require the
23 submission of information necessary to assist in identifying and
24 locating a commercial telephone solicitor, including past business
25 history, prior judgments, and such other information as may be useful
26 to purchasers.

27 (3) The department of licensing shall issue a registration number
28 to the commercial telephone solicitor.

29 (4) It is a violation of this chapter for a commercial telephone
30 solicitor to:

31 (a) Fail to maintain a valid registration;

32 (b) Advertise that one is registered as a commercial telephone
33 solicitor or to represent that such registration constitutes approval
34 or endorsement by any government or governmental office or agency;

35 (c) Provide inaccurate or incomplete information to the department
36 of licensing when making a registration application; or

37 (d) Represent that a person is registered or that such person has
38 a valid registration number when such person does not.

1 (5) An annual registration fee shall be assessed by the department
2 of licensing, the amount of which shall be determined at the discretion
3 of the director of the department of licensing, and which shall be
4 reasonably related to the cost of administering the provisions of this
5 chapter.

6 (6) The department shall immediately suspend the license or
7 certificate of a person who has been certified pursuant to section 802
8 of this act by the department of social and health services as a person
9 who is not in compliance with a support order. If the person has
10 continued to meet all other requirements for reinstatement during the
11 suspension, reissuance of the license or certificate shall be automatic
12 upon the department's receipt of a release issued by the department of
13 social and health services stating that the licensee is in compliance
14 with the order.

15 **Sec. 860.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to
16 read as follows:

17 (1) An application for registration as an international student
18 exchange visitor placement organization shall be submitted in the form
19 prescribed by the secretary of state. The application shall include:

20 (a) Evidence that the organization meets the standards established
21 by the secretary of state under RCW 19.166.050;

22 (b) The name, address, and telephone number of the organization,
23 its chief executive officer, and the person within the organization who
24 has primary responsibility for supervising placements within the state;

25 (c) The organization's unified business identification number, if
26 any;

27 (d) The organization's United States Information Agency number, if
28 any;

29 (e) Evidence of council on standards for international educational
30 travel listing, if any;

31 (f) Whether the organization is exempt from federal income tax; and

32 (g) A list of the organization's placements in Washington for the
33 previous academic year including the number of students placed, their
34 home countries, the school districts in which they were placed, and the
35 length of their placements.

36 (2) The application shall be signed by the chief executive officer
37 of the organization and the person within the organization who has
38 primary responsibility for supervising placements within Washington.

1 If the secretary of state determines that the application is complete,
2 the secretary of state shall file the application and the applicant is
3 registered.

4 (3) International student exchange visitor placement organizations
5 that have registered shall inform the secretary of state of any changes
6 in the information required under subsection (1) of this section within
7 thirty days of the change.

8 (4) Registration shall be renewed annually as established by rule
9 by the office of the secretary of state.

10 (5) The office of the secretary of state shall immediately suspend
11 the license or certificate of a person who has been certified pursuant
12 to section 802 of this act by the department of social and health
13 services as a person who is not in compliance with a support order. If
14 the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license or
16 certificate shall be automatic upon the office of the secretary of
17 state's receipt of a release issued by the department of social and
18 health services stating that the licensee is in compliance with the
19 order.

20 NEW SECTION. Sec. 861. A new section is added to chapter 20.01
21 RCW to read as follows:

22 The director shall immediately suspend the license or certificate
23 of a person who has been certified pursuant to section 802 of this act
24 by the department of social and health services as a person who is not
25 in compliance with a support order. If the person has continued to
26 meet all other requirements for reinstatement during the suspension,
27 reissuance of the license or certificate shall be automatic upon the
28 director's receipt of a release issued by the department of social and
29 health services stating that the licensee is in compliance with the
30 order.

31 **Sec. 862.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to
32 read as follows:

33 The director may by order deny, suspend, or revoke registration of
34 any broker-dealer, salesperson, investment adviser representative, or
35 investment adviser; censure or fine the registrant or an officer,
36 director, partner, or person occupying similar functions for a
37 registrant; or restrict or limit a registrant's function or activity of

1 business for which registration is required in this state; if the
2 director finds that the order is in the public interest and that the
3 applicant or registrant or, in the case of a broker-dealer or
4 investment adviser, any partner, officer, or director:

5 (1) Has filed an application for registration under this section
6 which, as of its effective date, or as of any date after filing in the
7 case of an order denying effectiveness, was incomplete in any material
8 respect or contained any statement which was, in the light of the
9 circumstances under which it was made, false, or misleading with
10 respect to any material fact;

11 (2) Has willfully violated or willfully failed to comply with any
12 provision of this chapter or a predecessor act or any rule or order
13 under this chapter or a predecessor act, or any provision of chapter
14 21.30 RCW or any rule or order thereunder;

15 (3) Has been convicted, within the past five years, of any
16 misdemeanor involving a security, or a commodity contract or commodity
17 option as defined in RCW 21.30.010, or any aspect of the securities or
18 investment commodities business, or any felony involving moral
19 turpitude;

20 (4) Is permanently or temporarily enjoined by any court of
21 competent jurisdiction from engaging in or continuing any conduct or
22 practice involving any aspect of the securities or investment
23 commodities business;

24 (5) Is the subject of an order of the director denying, suspending,
25 or revoking registration as a broker-dealer, salesperson, investment
26 adviser, or investment adviser representative;

27 (6) Is the subject of an order entered within the past five years
28 by the securities administrator of any other state or by the federal
29 securities and exchange commission denying or revoking registration as
30 a broker-dealer or salesperson, or a commodity broker-dealer or sales
31 representative, or the substantial equivalent of those terms as defined
32 in this chapter or by the commodity futures trading commission denying
33 or revoking registration as a commodity merchant as defined in RCW
34 21.30.010, or is the subject of an order of suspension or expulsion
35 from membership in or association with a self-regulatory organization
36 registered under the securities exchange act of 1934 or the federal
37 commodity exchange act, or is the subject of a United States post
38 office fraud order; but (a) the director may not institute a revocation
39 or suspension proceeding under this clause more than one year from the

1 date of the order relied on, and (b) the director may not enter any
2 order under this clause on the basis of an order unless that order was
3 based on facts which would currently constitute a ground for an order
4 under this section;

5 (7) Has engaged in dishonest or unethical practices in the
6 securities or investment commodities business;

7 (8) Is insolvent, either in the sense that his or her liabilities
8 exceed his or her assets or in the sense that he or she cannot meet his
9 or her obligations as they mature; but the director may not enter an
10 order against a broker-dealer or investment adviser under this clause
11 without a finding of insolvency as to the broker-dealer or investment
12 adviser;

13 (9) Has not complied with a condition imposed by the director under
14 RCW 21.20.100, or is not qualified on the basis of such factors as
15 training, experience, or knowledge of the securities business; or

16 (10)(a) Has failed to supervise reasonably a salesperson or an
17 investment adviser representative. For the purposes of this
18 subsection, no person fails to supervise reasonably another person, if:

19 (i) There are established procedures, and a system for applying
20 those procedures, that would reasonably be expected to prevent and
21 detect, insofar as practicable, any violation by another person of this
22 chapter, or a rule or order under this chapter; and

23 (ii) The supervising person has reasonably discharged the duties
24 and obligations required by these procedures and system without
25 reasonable cause to believe that another person was violating this
26 chapter or rules or orders under this chapter.

27 (b) The director may issue a summary order pending final
28 determination of a proceeding under this section upon a finding that it
29 is in the public interest and necessary or appropriate for the
30 protection of investors. The director may not impose a fine under this
31 section except after notice and opportunity for hearing. The fine
32 imposed under this section may not exceed five thousand dollars for
33 each act or omission that constitutes the basis for issuing the order.

34 The director shall immediately suspend the license or certificate
35 of a person who has been certified pursuant to section 802 of this act
36 by the department of social and health services as a person who is not
37 in compliance with a support order. If the person has continued to
38 meet all other requirements for reinstatement during the suspension,
39 reissuance of the license or certificate shall be automatic upon the

1 director's receipt of a release issued by the department of social and
2 health services stating that the licensee is in compliance with the
3 order.

4 NEW SECTION. Sec. 863. A new section is added to chapter 48.17
5 RCW to read as follows:

6 The commissioner shall immediately suspend the license or
7 certificate of a person who has been certified pursuant to section 802
8 of this act by the department of social and health services as a person
9 who is not in compliance with a support order. If the person has
10 continued to meet all other requirements for reinstatement during the
11 suspension, reissuance of the license or certificate shall be automatic
12 upon the commissioner's receipt of a release issued by the department
13 of social and health services stating that the licensee is in
14 compliance with the order.

15 NEW SECTION. Sec. 864. A new section is added to chapter 74.15
16 RCW to read as follows:

17 The secretary shall immediately suspend the license or certificate
18 of a person who has been certified pursuant to section 802 of this act
19 by the department of social and health services as a person who is not
20 in compliance with a support order. If the person has continued to
21 meet all other requirements for reinstatement during the suspension,
22 reissuance of the license or certificate shall be automatic upon the
23 secretary's receipt of a release issued by the department of social and
24 health services stating that the licensee is in compliance with the
25 order.

26 NEW SECTION. Sec. 865. A new section is added to chapter 47.68
27 RCW to read as follows:

28 The department shall immediately suspend the license or certificate
29 of a person who has been certified pursuant to section 802 of this act
30 by the department of social and health services as a person who is not
31 in compliance with a support order. If the person has continued to
32 meet all other requirements for reinstatement during the suspension,
33 reissuance of the license or certificate shall be automatic upon the
34 department's receipt of a release issued by the department of social
35 and health services stating that the licensee is in compliance with the
36 order.

1 NEW SECTION. **Sec. 866.** A new section is added to chapter 71.12
2 RCW to read as follows:

3 The department of health shall immediately suspend the license or
4 certificate of a person who has been certified pursuant to section 802
5 of this act by the department of social and health services as a person
6 who is not in compliance with a support order. If the person has
7 continued to meet all other requirements for reinstatement during the
8 suspension, reissuance of the license or certificate shall be automatic
9 upon the department of health's receipt of a release issued by the
10 department of social and health services stating that the licensee is
11 in compliance with the order.

12 **Sec. 867.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to
13 read as follows:

14 (1) The board shall regulate a required alcohol server education
15 program that includes:

16 (a) Development of the curriculum and materials for the education
17 program;

18 (b) Examination and examination procedures;

19 (c) Certification procedures, enforcement policies, and penalties
20 for education program instructors and providers;

21 (d) The curriculum for an approved class 12 alcohol permit training
22 program that includes but is not limited to the following subjects:

23 (i) The physiological effects of alcohol including the effects of
24 alcohol in combination with drugs;

25 (ii) Liability and legal information;

26 (iii) Driving while intoxicated;

27 (iv) Intervention with the problem customer, including ways to stop
28 service, ways to deal with the belligerent customer, and alternative
29 means of transportation to get the customer safely home;

30 (v) Methods for checking proper identification of customers;

31 (vi) Nationally recognized programs, such as TAM (Techniques in
32 Alcohol Management) and TIPS (Training for Intervention Programs)
33 modified to include Washington laws and regulations.

34 (2) The board shall provide the program through liquor licensee
35 associations, independent contractors, private persons, private or
36 public schools certified by the board, or any combination of such
37 providers.

1 (3) Except as provided in section 869 of this act, each training
2 entity shall provide a class 12 permit to the manager or bartender who
3 has successfully completed a course the board has certified. A list of
4 the individuals receiving the class 12 permit shall be forwarded to the
5 board on the completion of each course given by the training entity.

6 (4) After January 1, 1997, the board shall require all alcohol
7 servers applying for a class 13 alcohol server permit to view a video
8 training session. Retail liquor licensees shall fully compensate
9 employees for the time spent participating in this training session.

10 (5) When requested by a retail liquor licensee, the board shall
11 provide copies of videotaped training programs that have been produced
12 by private vendors and make them available for a nominal fee to cover
13 the cost of purchasing and shipment, with the fees being deposited in
14 the liquor revolving fund for distribution to the board as needed.

15 (6) Each training entity may provide the board with a video program
16 of not less than one hour that covers the subjects in subsection
17 (1)(d)(i) through (v) of this section that will be made available to a
18 licensee for the training of a class 13 alcohol server.

19 (7) Except as provided in section 869 of this act, applicants shall
20 be given a class 13 permit upon the successful completion of the
21 program.

22 (8) A list of the individuals receiving the class 13 permit shall
23 be forwarded to the board on the completion of each video training
24 program.

25 (9) The board shall develop a model permit for the class 12 and 13
26 permits. The board may provide such permits to training entities or
27 licensees for a nominal cost to cover production.

28 (10)(a) Persons who have completed a nationally recognized alcohol
29 management or intervention program since July 1, 1993, may be issued a
30 class 12 or 13 permit upon providing proof of completion of such
31 training to the board.

32 (b) Persons who completed the board's alcohol server training
33 program after July 1, 1993, but before July 1, 1995, may be issued a
34 class 13 permit upon providing proof of completion of such training to
35 the board.

36 NEW SECTION. Sec. 868. A new section is added to chapter 66.20
37 RCW to read as follows:

1 The board shall immediately suspend the license of a person who has
2 been certified pursuant to section 802 of this act by the department of
3 social and health services as a person who is not in compliance with a
4 support order. If the person has continued to meet all other
5 requirements for reinstatement during the suspension, reissuance of the
6 license shall be automatic upon the board's receipt of a release issued
7 by the department of social and health services stating that the
8 licensee is in compliance with the order.

9 NEW SECTION. **Sec. 869.** A new section is added to chapter 66.24
10 RCW to read as follows:

11 The board shall immediately suspend the license of a person who has
12 been certified pursuant to section 802 of this act by the department of
13 social and health services as a person who is not in compliance with a
14 support order. If the person has continued to meet all other
15 requirements for reinstatement during the suspension, reissuance of the
16 license shall be automatic upon the board's receipt of a release issued
17 by the department of social and health services stating that the
18 licensee is in compliance with the order.

19 NEW SECTION. **Sec. 870.** A new section is added to chapter 88.02
20 RCW to read as follows:

21 The department shall immediately suspend the vessel registration or
22 vessel dealer's registration of a person who has been certified
23 pursuant to section 802 of this act by the department of social and
24 health services as a person who is not in compliance with a support
25 order. If the person has continued to meet all other requirements for
26 reinstatement during the suspension, reissuance of the registration
27 shall be automatic upon the department's receipt of a release issued by
28 the department of social and health services stating that the licensee
29 is in compliance with the order.

30 **Sec. 871.** RCW 67.08.040 and 1993 c 278 s 14 are each amended to
31 read as follows:

32 Except as provided in RCW 67.08.100, upon the approval by the
33 department of any application for a license, as hereinabove provided,
34 and the filing of the bond the department shall forthwith issue such
35 license.

1 **Sec. 872.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
2 read as follows:

3 (1) The department may grant annual licenses upon application in
4 compliance with the rules and regulations prescribed by the director,
5 and the payment of the fees, the amount of which is to be set by the
6 director in accordance with RCW 43.24.086, prescribed to promoters,
7 managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the
8 provisions of this section shall not apply to contestants or
9 participants in strictly amateur contests and/or fraternal
10 organizations and/or veterans' organizations chartered by congress or
11 the defense department or any bona fide athletic club which is a member
12 of the Pacific northwest association of the amateur athletic union of
13 the United States, holding and promoting athletic contests and where
14 all funds are used primarily for the benefit of their members.

15 (2) Any such license may be revoked by the department for any cause
16 which it shall deem sufficient.

17 (3) No person shall participate or serve in any of the above
18 capacities unless licensed as provided in this chapter.

19 (4) The referee for any boxing contest shall be designated by the
20 department from among such licensed referees.

21 (5) The referee for any wrestling exhibition or show shall be
22 provided by the promoter and licensed by the department.

23 (6) The department shall immediately suspend the license or
24 certificate of a person who has been certified pursuant to section 802
25 of this act by the department of social and health services as a person
26 who is not in compliance with a support order. If the person has
27 continued to meet all other requirements for reinstatement during the
28 suspension, reissuance of the license or certificate shall be automatic
29 upon the department's receipt of a release issued by the department of
30 social and health services stating that the licensee is in compliance
31 with the order.

32 **Sec. 873.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read
33 as follows:

34 (1) The department shall not issue or renew a master license to any
35 person if:

36 (a) The person does not have a valid tax registration, if required;

37 (b) The person is a corporation delinquent in fees or penalties
38 owing to the secretary of state or is not validly registered under

1 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute
2 now or hereafter adopted which gives corporate or business licensing
3 responsibilities to the secretary of state; or

4 (c) The person has not submitted the sum of all fees and deposits
5 required for the requested individual license endorsements, any
6 outstanding master license delinquency fee, or other fees and penalties
7 to be collected through the system.

8 (2) Nothing in this section shall prevent registration by the state
9 of an employer for the purpose of paying an employee of that employer
10 industrial insurance or unemployment insurance benefits.

11 (3) The department shall immediately suspend the license or
12 certificate of a person who has been certified pursuant to section 802
13 of this act by the department of social and health services as a person
14 who is not in compliance with a support order. If the person has
15 continued to meet all other requirements for reinstatement during the
16 suspension, reissuance of the license or certificate shall be automatic
17 upon the department's receipt of a release issued by the department of
18 social and health services stating that the licensee is in compliance
19 with the order.

20 **Sec. 874.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to
21 read as follows:

22 Except as provided in section 877 of this act, at the close of each
23 examination the department of licensing shall prepare the proper
24 licenses, where no further fee is required to be paid, and issue
25 licenses to the successful applicants signed by the director and notify
26 all successful applicants, where a further fee is required, of the fact
27 that they are entitled to receive such license upon the payment of such
28 further fee to the department of licensing and notify all applicants
29 who have failed to pass the examination of that fact.

30 **Sec. 875.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to
31 read as follows:

32 Except as provided in section 877 of this act, whenever there is
33 filed in a matter under the jurisdiction of the director of licensing
34 any complaint charging that the holder of a license has been guilty of
35 any act or omission which by the provisions of the law under which the
36 license was issued would warrant the revocation thereof, verified in
37 the manner provided by law, the director of licensing shall request the

1 governor to appoint, and the governor shall appoint within thirty days
2 of the request, two qualified practitioners of the profession or
3 calling of the person charged, who, with the director or his duly
4 appointed representative, shall constitute a committee to hear and
5 determine the charges and, in case the charges are sustained, impose
6 the penalty provided by law. In addition, the governor shall appoint
7 a consumer member of the committee.

8 The decision of any three members of such committee shall be the
9 decision of the committee.

10 The appointed members of the committee shall be compensated in
11 accordance with RCW 43.03.240 and shall be reimbursed for their travel
12 expenses, in accordance with RCW 43.03.050 and 43.03.060.

13 **Sec. 876.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to
14 read as follows:

15 Except as provided in section 877 of this act, any person feeling
16 aggrieved by the refusal of the director to issue a license, or to
17 renew one, or by the revocation or suspension of a license shall have
18 a right of appeal to superior court from the decision of the director
19 of licensing, which shall be taken, prosecuted, heard, and determined
20 in the manner provided in chapter 34.05 RCW.

21 The decision of the superior court may be reviewed by the supreme
22 court or the court of appeals in the same manner as other civil cases.

23 NEW SECTION. **Sec. 877.** A new section is added to chapter 43.24
24 RCW to read as follows:

25 The department shall immediately suspend any license issued by the
26 department of licensing of a person who has been certified pursuant to
27 section 802 of this act by the department of social and health services
28 as a person who is not in compliance with a support order. If the
29 person has continued to meet all other requirements for reinstatement
30 during the suspension, reissuance of the license shall be automatic
31 upon the department's receipt of a release issued by the department of
32 social and health services stating that the licensee is in compliance
33 with the order.

34 **Sec. 878.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to
35 read as follows:

1 All persons engaged in the manufacture of explosives, or any
2 process involving explosives, or where explosives are used as a
3 component part in the manufacture of any article or device, on (~~the~~
4 ~~date when this 1969 amendatory act takes effect~~) August 11, 1969,
5 shall within sixty days thereafter, and all persons engaging in the
6 manufacture of explosives, or any process involving explosives, or
7 where explosives are used as a component part in the manufacture of any
8 article or device after (~~this act takes effect~~) August 11, 1969,
9 shall, before so engaging, make an application in writing, subscribed
10 to by such person or his agent, to the department of labor and
11 industries, the application stating:

- 12 (1) Location of place of manufacture or processing;
- 13 (2) Kind of explosives manufactured, processed or used;
- 14 (3) The distance that such explosives manufacturing building is
15 located or intended to be located from the other factory buildings,
16 magazines, inhabited buildings, railroads and highways and public
17 utility transmission systems;
- 18 (4) The name and address of the applicant;
- 19 (5) The reason for desiring to manufacture explosives;
- 20 (6) The applicant's citizenship, if the applicant is an individual;
- 21 (7) If the applicant is a partnership, the names and addresses of
22 the partners, and their citizenship;
- 23 (8) If the applicant is an association or corporation, the names
24 and addresses of the officers and directors thereof, and their
25 citizenship; and
- 26 (9) Such other pertinent information as the director of labor and
27 industries shall require to effectuate the purpose of this chapter.

28 There shall be kept in the main office on the premises of each
29 explosives manufacturing plant a plan of said plant showing the
30 location of all explosives manufacturing buildings and the distance
31 they are located from other factory buildings where persons are
32 employed and from magazines, and these plans shall at all times be open
33 to inspection by duly authorized inspectors of the department of labor
34 and industries. The superintendent of each plant shall upon demand of
35 said inspector furnish the following information:

- 36 (a) The maximum amount and kind of explosive material which is or
37 will be present in each building at one time.

1 (b) The nature and kind of work carried on in each building and
2 whether or not said buildings are surrounded by natural or artificial
3 barricades.

4 Except as provided in RCW 70.74.370, the department of labor and
5 industries shall as soon as possible after receiving such application
6 cause an inspection to be made of the explosives manufacturing plant,
7 and if found to be in accordance with RCW 70.74.030 and 70.74.050 and
8 70.74.061, such department shall issue a license to the person applying
9 therefor showing compliance with the provisions of this chapter if the
10 applicant demonstrates that either the applicant or the officers,
11 agents or employees of the applicant are sufficiently experienced in
12 the manufacture of explosives and the applicant meets the
13 qualifications for a license under RCW 70.74.360. Such license shall
14 continue in full force and effect until expired, suspended, or revoked
15 by the department pursuant to this chapter.

16 **Sec. 879.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to
17 read as follows:

18 Every person desiring to engage in the business of dealing in
19 explosives shall apply to the department of labor and industries for a
20 license therefor. Said application shall state, among other things:

- 21 (1) The name and address of applicant;
- 22 (2) The reason for desiring to engage in the business of dealing in
23 explosives;
- 24 (3) Citizenship, if an individual applicant;
- 25 (4) If a partnership, the names and addresses of the partners and
26 their citizenship;
- 27 (5) If an association or corporation, the names and addresses of
28 the officers and directors thereof and their citizenship; and
- 29 (6) Such other pertinent information as the director of labor and
30 industries shall require to effectuate the purpose of this chapter.

31 Except as provided in RCW 70.74.370, the department of labor and
32 industries shall issue the license if the applicant demonstrates that
33 either the applicant or the principal officers, agents, or employees of
34 the applicant are experienced in the business of dealing in explosives,
35 possess suitable facilities therefor, have not been convicted of any
36 crime that would warrant revocation or nonrenewal of a license under
37 this chapter, and have never had an explosives-related license revoked
38 under this chapter or under similar provisions of any other state.

1 **Sec. 880.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to
2 read as follows:

3 (1) The department of labor and industries shall revoke and not
4 renew the license of any person holding a manufacturer, dealer,
5 purchaser, user, or storage license upon conviction of any of the
6 following offenses, which conviction has become final:

7 (a) A violent offense as defined in RCW 9.94A.030;

8 (b) A crime involving perjury or false swearing, including the
9 making of a false affidavit or statement under oath to the department
10 of labor and industries in an application or report made pursuant to
11 this title;

12 (c) A crime involving bomb threats;

13 (d) A crime involving a schedule I or II controlled substance, or
14 any other drug or alcohol related offense, unless such other drug or
15 alcohol related offense does not reflect a drug or alcohol dependency.
16 However, the department of labor and industries may condition renewal
17 of the license to any convicted person suffering a drug or alcohol
18 dependency who is participating in an alcoholism or drug recovery
19 program acceptable to the department of labor and industries and has
20 established control of their alcohol or drug dependency. The
21 department of labor and industries shall require the licensee to
22 provide proof of such participation and control;

23 (e) A crime relating to possession, use, transfer, or sale of
24 explosives under this chapter or any other chapter of the Revised Code
25 of Washington.

26 (2) The department of labor and industries shall revoke the license
27 of any person adjudged to be mentally ill or insane, or to be
28 incompetent due to any mental disability or disease. The director
29 shall not renew the license until the person has been restored to
30 competency.

31 (3) The department of labor and industries is authorized to
32 suspend, for a period of time not to exceed six months, the license of
33 any person who has violated this chapter or the rules promulgated
34 pursuant to this chapter.

35 (4) The department of labor and industries may revoke the license
36 of any person who has repeatedly violated this chapter or the rules
37 promulgated pursuant to this chapter, or who has twice had his or her
38 license suspended under this chapter.

1 (5) The department of labor and industries shall immediately
2 suspend the license or certificate of a person who has been certified
3 pursuant to section 802 of this act by the department of social and
4 health services as a person who is not in compliance with a support
5 order. If the person has continued to meet all other requirements for
6 reinstatement during the suspension, reissuance of the license or
7 certificate shall be automatic upon the department of labor and
8 industries' receipt of a release issued by the department of social and
9 health services stating that the licensee is in compliance with the
10 order.

11 (6) Upon receipt of notification by the department of labor and
12 industries of revocation or suspension, a licensee must surrender
13 immediately to the department any or all such licenses revoked or
14 suspended.

15 **Sec. 881.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to
16 read as follows:

17 (1) Every license shall be issued in the name of the applicant, and
18 the holder thereof shall not allow any other person to use the license.

19 (2) For the purpose of considering any application for a license,
20 the board may cause an inspection of the premises to be made, and may
21 inquire into all matters in connection with the construction and
22 operation of the premises. For the purpose of reviewing any
23 application for a license and for considering the denial, suspension or
24 revocation of any license, the liquor control board may consider any
25 prior criminal conduct of the applicant and the provisions of RCW
26 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
27 board may, in its discretion, grant or refuse the license applied for.
28 Authority to approve an uncontested or unopposed license may be granted
29 by the board to any staff member the board designates in writing.
30 Conditions for granting such authority shall be adopted by rule. No
31 retail license of any kind may be issued to:

32 (a) A person who has not resided in the state for at least one
33 month prior to making application, except in cases of licenses issued
34 to dining places on railroads, boats, or aircraft;

35 (b) A copartnership, unless all of the members thereof are
36 qualified to obtain a license, as provided in this section;

1 (c) A person whose place of business is conducted by a manager or
2 agent, unless such manager or agent possesses the same qualifications
3 required of the licensee; or

4 (d) A corporation, unless it was created under the laws of the
5 state of Washington or holds a certificate of authority to transact
6 business in the state of Washington.

7 (3)(a) The board may, in its discretion, subject to the provisions
8 of RCW 66.08.150, suspend or cancel any license; and all rights of the
9 licensee to keep or sell liquor thereunder shall be suspended or
10 terminated, as the case may be.

11 (b) The board shall immediately suspend the license or certificate
12 of a person who has been certified pursuant to section 802 of this act
13 by the department of social and health services as a person who is not
14 in compliance with a support order. If the person has continued to
15 meet all other requirements for reinstatement during the suspension,
16 reissuance of the license or certificate shall be automatic upon the
17 board's receipt of a release issued by the department of social and
18 health services stating that the licensee is in compliance with the
19 order.

20 (c) The board may request the appointment of administrative law
21 judges under chapter 34.12 RCW who shall have power to administer
22 oaths, issue subpoenas for the attendance of witnesses and the
23 production of papers, books, accounts, documents, and testimony,
24 examine witnesses, and to receive testimony in any inquiry,
25 investigation, hearing, or proceeding in any part of the state, under
26 such rules and regulations as the board may adopt.

27 (d) Witnesses shall be allowed fees and mileage each way to and
28 from any such inquiry, investigation, hearing, or proceeding at the
29 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
30 need not be paid in advance of appearance of witnesses to testify or to
31 produce books, records, or other legal evidence.

32 (e) In case of disobedience of any person to comply with the order
33 of the board or a subpoena issued by the board, or any of its members,
34 or administrative law judges, or on the refusal of a witness to testify
35 to any matter regarding which he or she may be lawfully interrogated,
36 the judge of the superior court of the county in which the person
37 resides, on application of any member of the board or administrative
38 law judge, shall compel obedience by contempt proceedings, as in the

1 case of disobedience of the requirements of a subpoena issued from said
2 court or a refusal to testify therein.

3 (4) Upon receipt of notice of the suspension or cancellation of a
4 license, the licensee shall forthwith deliver up the license to the
5 board. Where the license has been suspended only, the board shall
6 return the license to the licensee at the expiration or termination of
7 the period of suspension. The board shall notify all vendors in the
8 city or place where the licensee has its premises of the suspension or
9 cancellation of the license; and no employee may allow or cause any
10 liquor to be delivered to or for any person at the premises of that
11 licensee.

12 (5)(a) At the time of the original issuance of a class H license,
13 the board shall prorate the license fee charged to the new licensee
14 according to the number of calendar quarters, or portion thereof,
15 remaining until the first renewal of that license is required.

16 (b) Unless sooner canceled, every license issued by the board shall
17 expire at midnight of the thirtieth day of June of the fiscal year for
18 which it was issued. However, if the board deems it feasible and
19 desirable to do so, it may establish, by rule pursuant to chapter 34.05
20 RCW, a system for staggering the annual renewal dates for any and all
21 licenses authorized by this chapter. If such a system of staggered
22 annual renewal dates is established by the board, the license fees
23 provided by this chapter shall be appropriately prorated during the
24 first year that the system is in effect.

25 (6) Every license issued under this section shall be subject to all
26 conditions and restrictions imposed by this title or by the regulations
27 in force from time to time. All conditions and restrictions imposed by
28 the board in the issuance of an individual license shall be listed on
29 the face of the individual license along with the trade name, address,
30 and expiration date.

31 (7) Every licensee shall post and keep posted its license, or
32 licenses, in a conspicuous place on the premises.

33 (8) Before the board shall issue a license to an applicant it shall
34 give notice of such application to the chief executive officer of the
35 incorporated city or town, if the application be for a license within
36 an incorporated city or town, or to the county legislative authority,
37 if the application be for a license outside the boundaries of
38 incorporated cities or towns; and such incorporated city or town,
39 through the official or employee selected by it, or the county

1 legislative authority or the official or employee selected by it, shall
2 have the right to file with the board within twenty days after date of
3 transmittal of such notice, written objections against the applicant or
4 against the premises for which the license is asked, and shall include
5 with such objections a statement of all facts upon which such
6 objections are based, and in case written objections are filed, may
7 request and the liquor control board may in its discretion hold a
8 formal hearing subject to the applicable provisions of Title 34 RCW.
9 Upon the granting of a license under this title the board shall send a
10 duplicate of the license or written notification to the chief executive
11 officer of the incorporated city or town in which the license is
12 granted, or to the county legislative authority if the license is
13 granted outside the boundaries of incorporated cities or towns.

14 (9) Before the board issues any license to any applicant, it shall
15 give (a) due consideration to the location of the business to be
16 conducted under such license with respect to the proximity of churches,
17 schools, and public institutions and (b) written notice by certified
18 mail of the application to churches, schools, and public institutions
19 within five hundred feet of the premises to be licensed. The board
20 shall issue no beer retailer license class A, B, D, or E or wine
21 retailer license class C or F or class H license covering any premises
22 not now licensed, if such premises are within five hundred feet of the
23 premises of any tax-supported public elementary or secondary school
24 measured along the most direct route over or across established public
25 walks, streets, or other public passageway from the outer property line
26 of the school grounds to the nearest public entrance of the premises
27 proposed for license, and if, after receipt by the school or public
28 institution of the notice as provided in this subsection, the board
29 receives written notice, within twenty days after posting such notice,
30 from an official representative or representatives of the school within
31 five hundred feet of said proposed licensed premises, indicating to the
32 board that there is an objection to the issuance of such license
33 because of proximity to a school. For the purpose of this section,
34 church shall mean a building erected for and used exclusively for
35 religious worship and schooling or other activity in connection
36 therewith. No liquor license may be issued or reissued by the board to
37 any motor sports facility or licensee operating within the motor sports
38 facility unless the motor sports facility enforces a program reasonably
39 calculated to prevent alcohol or alcoholic beverages not purchased

1 within the facility from entering the facility and such program is
2 approved by local law enforcement agencies. It is the intent under
3 this subsection that a retail license shall not be issued by the board
4 where doing so would, in the judgment of the board, adversely affect a
5 private school meeting the requirements for private schools under Title
6 28A RCW, which school is within five hundred feet of the proposed
7 licensee. The board shall fully consider and give substantial weight
8 to objections filed by private schools. If a license is issued despite
9 the proximity of a private school, the board shall state in a letter
10 addressed to the private school the board's reasons for issuing the
11 license.

12 (10) The restrictions set forth in subsection (9) of this section
13 shall not prohibit the board from authorizing the assumption of
14 existing licenses now located within the restricted area by other
15 persons or licenses or relocations of existing licensed premises within
16 the restricted area. In no case may the licensed premises be moved
17 closer to a church or school than it was before the assumption or
18 relocation.

19 (11) Nothing in this section prohibits the board, in its
20 discretion, from issuing a temporary retail or wholesaler license to an
21 applicant assuming an existing retail or wholesaler license to continue
22 the operation of the retail or wholesaler premises during the period
23 the application for the license is pending and when the following
24 conditions exist:

25 (a) The licensed premises has been operated under a retail or
26 wholesaler license within ninety days of the date of filing the
27 application for a temporary license;

28 (b) The retail or wholesaler license for the premises has been
29 surrendered pursuant to issuance of a temporary operating license;

30 (c) The applicant for the temporary license has filed with the
31 board an application to assume the retail or wholesaler license at such
32 premises to himself or herself; and

33 (d) The application for a temporary license is accompanied by a
34 temporary license fee established by the board by rule.

35 A temporary license issued by the board under this section shall be
36 for a period not to exceed sixty days. A temporary license may be
37 extended at the discretion of the board for an additional sixty-day
38 period upon payment of an additional fee and upon compliance with all
39 conditions required in this section.

1 Refusal by the board to issue or extend a temporary license shall
2 not entitle the applicant to request a hearing. A temporary license
3 may be canceled or suspended summarily at any time if the board
4 determines that good cause for cancellation or suspension exists. RCW
5 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

6 Application for a temporary license shall be on such form as the
7 board shall prescribe. If an application for a temporary license is
8 withdrawn before issuance or is refused by the board, the fee which
9 accompanied such application shall be refunded in full.

10 **Sec. 882.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to
11 read as follows:

12 (1) The department shall issue a certificate of manufactured home
13 installation to an applicant who has taken the training course, passed
14 the examination, paid the fees, and in all other respects (~~meet[s]~~)
15 meets the qualifications. The certificate shall bear the date of
16 issuance, a certification identification number, and is renewable every
17 three years upon application and completion of a continuing education
18 program as determined by the department. A renewal fee shall be
19 assessed for each certificate. If a person fails to renew a
20 certificate by the renewal date, the person must retake the examination
21 and pay the examination fee.

22 (2) The certificate of manufactured home installation provided for
23 in this chapter grants the holder the right to engage in manufactured
24 home installation throughout the state, without any other installer
25 certification.

26 (3) The department shall immediately suspend the license or
27 certificate of a person who has been certified pursuant to section 802
28 of this act by the department of social and health services as a person
29 who is not in compliance with a support order. If the person has
30 continued to meet all other requirements for reinstatement during the
31 suspension, reissuance of the license or certificate shall be automatic
32 upon the department's receipt of a release issued by the department of
33 social and health services stating that the licensee is in compliance
34 with the order.

35 **Sec. 883.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to
36 read as follows:

1 (1) The department shall establish a process to certify incinerator
2 and landfill operators. To the greatest extent possible, the
3 department shall rely on the certification standards and procedures
4 developed by national organizations and the federal government.

5 (2) Operators shall be certified if they:

6 (a) Attend the required training sessions;

7 (b) Successfully complete required examinations; and

8 (c) Pay the prescribed fee.

9 (3) By January 1, 1991, the department shall adopt rules to require
10 incinerator and appropriate landfill operators to:

11 (a) Attend a training session concerning the operation of the
12 relevant type of landfill or incinerator;

13 (b) Demonstrate sufficient skill and competency for proper
14 operation of the incinerator or landfill by successfully completing an
15 examination prepared by the department; and

16 (c) Renew the certificate of competency at reasonable intervals
17 established by the department.

18 (4) The department shall provide for the collection of fees for the
19 issuance and renewal of certificates. These fees shall be sufficient
20 to recover the costs of the certification program.

21 (5) The department shall establish an appeals process for the
22 denial or revocation of a certificate.

23 (6) The department shall establish a process to automatically
24 certify operators who have received comparable certification from
25 another state, the federal government, a local government, or a
26 professional association.

27 (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or
28 operator of an incinerator or landfill may apply to the department for
29 interim certification. Operators shall receive interim certification
30 if they:

31 (a) Have received training provided by a recognized national
32 organization, educational institution, or the federal government that
33 is acceptable to the department; or

34 (b) Have received individualized training in a manner approved by
35 the department; and

36 (c) Have successfully completed any required examinations.

37 (8) No interim certification shall be valid after January 1, 1992,
38 and interim certification shall not automatically qualify operators for
39 certification pursuant to subsections (2) through (4) of this section.

1 (9) The department shall immediately suspend the license or
2 certificate of a person who has been certified pursuant to section 802
3 of this act by the department of social and health services as a person
4 who is not in compliance with a support order. If the person has
5 continued to meet all other requirements for reinstatement during the
6 suspension, reissuance of the license or certificate shall be automatic
7 upon the department's receipt of a release issued by the department of
8 social and health services stating that the licensee is in compliance
9 with the order.

10 NEW SECTION. Sec. 884. A new section is added to chapter 70.95B
11 RCW to read as follows:

12 The director shall immediately suspend the license or certificate
13 of a person who has been certified pursuant to section 802 of this act
14 by the department of social and health services as a person who is not
15 in compliance with a support order. If the person has continued to
16 meet all other requirements for reinstatement during the suspension,
17 reissuance of the license or certificate shall be automatic upon the
18 director's receipt of a release issued by the department of social and
19 health services stating that the licensee is in compliance with the
20 order.

21 **Sec. 885.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to
22 read as follows:

23 Any license, permit, or certification provided for in this chapter
24 may be revoked or suspended, and any license, permit, or certification
25 application may be denied by the director for cause. If the director
26 suspends a license under this chapter with respect to activity of a
27 continuing nature under chapter 34.05 RCW, the director may elect to
28 suspend the license for a subsequent license year during a period that
29 coincides with the period commencing thirty days before and ending
30 thirty days after the date of the incident or incidents giving rise to
31 the violation.

32 The director shall immediately suspend the license or certificate
33 of a person who has been certified pursuant to section 802 of this act
34 by the department of social and health services as a person who is not
35 in compliance with a support order. If the person has continued to
36 meet all other requirements for reinstatement during the suspension,
37 reissuance of the license or certificate shall be automatic upon the

1 director's receipt of a release issued by the department of social and
2 health services stating that the licensee is in compliance with the
3 order.

4 **Sec. 886.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to
5 read as follows:

6 (1) After January 1, 1991, a contractor may not perform
7 decontamination, demolition, or disposal work unless issued a
8 certificate by the state department of health. The department shall
9 establish performance standards for contractors by rule in accordance
10 with chapter 34.05 RCW, the administrative procedure act. The
11 department shall train and test, or may approve courses to train and
12 test, contractors and their employees on the essential elements in
13 assessing property used as an illegal drug manufacturing or storage
14 site to determine hazard reduction measures needed, techniques for
15 adequately reducing contaminants, use of personal protective equipment,
16 methods for proper demolition, removal, and disposal of contaminated
17 property, and relevant federal and state regulations. Upon successful
18 completion of the training, the contractor or employee shall be
19 certified.

20 (2) The department may require the successful completion of annual
21 refresher courses provided or approved by the department for the
22 continued certification of the contractor or employee.

23 (3) The department shall provide for reciprocal certification of
24 any individual trained to engage in decontamination, demolition, or
25 disposal work in another state when the prior training is shown to be
26 substantially similar to the training required by the department. The
27 department may require such individuals to take an examination or
28 refresher course before certification.

29 (4) The department may deny, suspend, or revoke a certificate for
30 failure to comply with the requirements of this chapter or any rule
31 adopted pursuant to this chapter. A certificate may be denied,
32 suspended, or revoked on any of the following grounds:

33 (a) Failing to perform decontamination, demolition, or disposal
34 work under the supervision of trained personnel;

35 (b) Failing to file a work plan;

36 (c) Failing to perform work pursuant to the work plan;

37 (d) Failing to perform work that meets the requirements of the
38 department; ((or))

1 (e) The certificate was obtained by error, misrepresentation, or
2 fraud; or

3 (f) If the person has been certified pursuant to section 802 of
4 this act by the department of social and health services as a person
5 who is not in compliance with a support order. If the person has
6 continued to meet all other requirements for reinstatement during the
7 suspension, reissuance of the license or certificate shall be automatic
8 upon the department's receipt of a release issued by the department of
9 social and health services stating that the person is in compliance
10 with the order.

11 (5) A contractor who violates any provision of this chapter may be
12 assessed a fine not to exceed five hundred dollars for each violation.

13 (6) The department of health shall prescribe fees as provided for
14 in RCW 43.70.250 for the issuance and renewal of certificates, the
15 administration of examinations, and for the review of training courses.

16 (7) The decontamination account is hereby established in the state
17 treasury. All fees collected under this chapter shall be deposited in
18 this account. Moneys in the account may only be spent after
19 appropriation for costs incurred by the department in the
20 administration and enforcement of this chapter.

21 **Sec. 887.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to
22 read as follows:

23 (1) The director shall enforce all laws and rules relating to the
24 licensing of mortgage brokers, grant or deny licenses to mortgage
25 brokers, and hold hearings.

26 (2) The director may impose the following sanctions:

27 (a) Deny applications for licenses for: (i) Violations of orders,
28 including cease and desist orders issued under this chapter; or (ii)
29 any violation of RCW 19.146.050 or 19.146.0201 (1) through (9);

30 (b) Suspend or revoke licenses for:

31 (i) False statements or omission of material information on the
32 application that, if known, would have allowed the director to deny the
33 application for the original license;

34 (ii) Failure to pay a fee required by the director or maintain the
35 required bond;

36 (iii) Failure to comply with any directive or order of the
37 director; or

1 (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9)
2 or (13), 19.146.205(3), or 19.146.265;

3 (c) Impose fines on the licensee, employee or loan originator of
4 the licensee, or other person subject to this chapter for:

5 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),
6 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
7 19.146.265; or

8 (ii) Failure to comply with any directive or order of the director;

9 (d) Issue orders directing a licensee, its employee or loan
10 originator, or other person subject to this chapter to:

11 (i) Cease and desist from conducting business in a manner that is
12 injurious to the public or violates any provision of this chapter; or
13 (ii) Pay restitution to an injured borrower; or

14 (e) Issue orders removing from office or prohibiting from
15 participation in the conduct of the affairs of a licensed mortgage
16 broker, or both, any officer, principal, employee, or loan originator
17 of any licensed mortgage broker or any person subject to licensing
18 under this chapter for:

19 (i) Any violation of 19.146.0201 (1) through (9) or (13),
20 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
21 19.146.265; or

22 (ii) False statements or omission of material information on the
23 application that, if known, would have allowed the director to deny the
24 application for the original license;

25 (iii) Conviction of a gross misdemeanor involving dishonesty or
26 financial misconduct or a felony after obtaining a license; or

27 (iv) Failure to comply with any directive or order of the director.

28 (3) Each day's continuance of a violation or failure to comply with
29 any directive or order of the director is a separate and distinct
30 violation or failure.

31 (4) The director shall establish by rule standards for licensure of
32 applicants licensed in other jurisdictions. Every licensed mortgage
33 broker that does not maintain a physical office within the state must
34 maintain a registered agent within the state to receive service of any
35 lawful process in any judicial or administrative noncriminal suit,
36 action, or proceeding, against the licensed mortgage broker which
37 arises under this chapter or any rule or order under this chapter, with
38 the same force and validity as if served personally on the licensed
39 mortgage broker. Service upon the registered agent shall be effective

1 if the plaintiff, who may be the director in a suit, action, or
2 proceeding instituted by him or her, sends notice of the service and a
3 copy of the process by registered mail to the defendant or respondent
4 at the last address of the respondent or defendant on file with the
5 director. In any judicial action, suit, or proceeding arising under
6 this chapter or any rule or order adopted under this chapter between
7 the department or director and a licensed mortgage broker who does not
8 maintain a physical office in this state, venue shall be exclusively in
9 the superior court of Thurston county.

10 (5) The director shall immediately suspend the license or
11 certificate of a person who has been certified pursuant to section 802
12 of this act by the department of social and health services as a person
13 who is not in compliance with a support order. If the person has
14 continued to meet all other requirements for reinstatement during the
15 suspension, reissuance of the license or certificate shall be automatic
16 upon the director's receipt of a release issued by the department of
17 social and health services stating that the licensee is in compliance
18 with the order.

19 NEW SECTION. Sec. 888. A new section is added to chapter 75.25
20 RCW to read as follows:

21 The director shall immediately suspend the license or certificate
22 of a person who has been certified pursuant to section 802 of this act
23 by the department of social and health services as a person who is not
24 in compliance with a support order. If the person has continued to
25 meet all other requirements for reinstatement during the suspension,
26 reissuance of the license or certificate shall be automatic upon the
27 director's receipt of a release issued by the department of social and
28 health services stating that the licensee is in compliance with the
29 order.

30 NEW SECTION. Sec. 889. A new section is added to chapter 77.32
31 RCW to read as follows:

32 The director shall immediately suspend the license or certificate
33 of a person who has been certified pursuant to section 802 of this act
34 by the department of social and health services as a person who is not
35 in compliance with a support order. If the person has continued to
36 meet all other requirements for reinstatement during the suspension,
37 reissuance of the license or certificate shall be automatic upon the

1 director's receipt of a release issued by the department of social and
2 health services stating that the licensee is in compliance with the
3 order.

4 **Sec. 890.** RCW 75.25.150 and 1994 c 255 s 7 are each amended to
5 read as follows:

6 It is unlawful to dig for, fish for, harvest, or possess shellfish,
7 food fish, or seaweed without the licenses required by this chapter or
8 with a suspended license pursuant to section 802 of this act.

9 NEW SECTION. **Sec. 891.** A new section is added to chapter 75.25
10 RCW to read as follows:

11 Licenses issued pursuant to this chapter shall be invalid for any
12 period in which a person is certified by the department of social and
13 health services as a person in noncompliance with a support order.
14 Fisheries patrol officers, ex officio fisheries patrol officers, and
15 authorized fisheries employees shall enforce this section through
16 checks of the department of licensing's computer data base.
17 Presentation of a release issued by the department of social and health
18 services stating that the person is in compliance with an order shall
19 serve as prima facie proof of compliance with a support order.

20 NEW SECTION. **Sec. 892.** A new section is added to chapter 77.32
21 RCW to read as follows:

22 Licenses issued pursuant to this chapter shall be invalid for any
23 period in which a person is certified by the department of social and
24 health services as a person in noncompliance with a support order.
25 Wildlife agents and ex officio wildlife agents shall enforce this
26 section through checks of the department of licensing's computer data
27 base. Presentation of a release issued by the department of social and
28 health services stating that the person is in compliance with an order
29 shall serve as prima facie proof of compliance with a support order.

30 **Sec. 893.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to
31 read as follows:

32 (1) Except as otherwise provided by this title, it is unlawful to
33 engage in any of the following activities without a license or permit
34 issued by the director:

35 (a) Commercially fish for or take food fish or shellfish;

1 (b) Deliver food fish or shellfish taken in offshore waters;
2 (c) Operate a charter boat or commercial fishing vessel engaged in
3 a fishery;

4 (d) Engage in processing or wholesaling food fish or shellfish; or

5 (e) Act as a guide for salmon for personal use in freshwater rivers
6 and streams, other than that part of the Columbia river below the
7 bridge at Longview.

8 (2) No person may engage in the activities described in subsection
9 (1) of this section unless the licenses or permits required by this
10 title are in the person's possession, (~~and~~) the person is the named
11 license holder or an alternate operator designated on the license, and
12 the person's license is not suspended pursuant to section 894 of this
13 act.

14 (3) A valid Oregon license that is equivalent to a license under
15 this title is valid in the concurrent waters of the Columbia river if
16 the state of Oregon recognizes as valid the equivalent Washington
17 license. The director may identify by rule what Oregon licenses are
18 equivalent.

19 (4) No license or permit is required for the production or
20 harvesting of private sector cultured aquatic products as defined in
21 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
22 aquatic products. However, if a means of identifying such products is
23 required by rules adopted under RCW 15.85.060, the exemption from
24 licensing or permit requirements established by this subsection applies
25 only if the aquatic products are identified in conformance with those
26 rules.

27 NEW SECTION. Sec. 894. A new section is added to chapter 75.28
28 RCW to read as follows:

29 The department shall immediately suspend the license of a person
30 who has been certified pursuant to section 802 of this act by the
31 department of social and health services as a person who is not in
32 compliance with a support order. If the person has continued to meet
33 all other requirements for reinstatement during the suspension,
34 reissuance of the license shall be automatic upon the department's
35 receipt of a release issued by the department of social and health
36 services stating that the licensee is in compliance with the order.

1 NEW SECTION. **Sec. 895.** (1) The director of the department of fish
2 and wildlife and the director of the department of information services
3 shall jointly develop a comprehensive, state-wide implementation plan
4 for the automated issuance, revocation, and general administration of
5 hunting, fishing, and recreational licenses administered under the
6 authority of the department of fish and wildlife to ensure compliance
7 with the license suspension requirements for failure to pay child
8 support in section 802 of this act.

9 (2) The plan shall detail the implementation steps necessary to
10 effectuate the automated administration of hunting, fishing, and
11 recreational licenses and shall include recommendations regarding all
12 costs and equipment associated with the plan.

13 (3) The plan shall be submitted to the legislature for review by
14 September 1, 1997.

15 **Sec. 896.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to
16 read as follows:

17 (1) If the (~~office of support enforcement~~) division of child
18 support is providing support enforcement services under RCW 26.23.045,
19 or if a party is applying for support enforcement services by signing
20 the application form on the bottom of the support order, the superior
21 court shall include in all court orders that establish or modify a
22 support obligation:

23 (a) A provision that orders and directs the responsible parent to
24 make all support payments to the Washington state support registry;

25 (b) A statement that (~~a notice of payroll deduction may be issued,~~
26 ~~or other income withholding action under chapter 26.18 or 74.20A RCW~~
27 ~~may be taken~~) withholding action may be taken against wages, earnings,
28 assets, or benefits, and liens enforced against real and personal
29 property under the child support statutes of this or any other state,
30 without further notice to the responsible parent at any time after
31 entry of the court order, unless:

32 (i) One of the parties demonstrates, and the court finds, that
33 there is good cause not to require immediate income withholding and
34 that withholding should be delayed until a payment is past due; or

35 (ii) The parties reach a written agreement that is approved by the
36 court that provides for an alternate arrangement; (~~and~~)

1 (c) A statement that the receiving parent might be required to
2 submit an accounting of how the support is being spent to benefit the
3 child; and

4 (d) A statement that the responsible parent's privileges to obtain
5 and maintain a license, as defined in section 802 of this act, may not
6 be renewed, or may be suspended if the parent is not in compliance with
7 a support order as defined in section 802 of this act.

8 As used in this subsection and subsection (3) of this section,
9 "good cause not to require immediate income withholding" means a
10 written determination of why implementing immediate wage withholding
11 would not be in the child's best interests and, in modification cases,
12 proof of timely payment of previously ordered support.

13 (2) In all other cases not under subsection (1) of this section,
14 the court may order the responsible parent to make payments directly to
15 the person entitled to receive the payments, to the Washington state
16 support registry, or may order that payments be made in accordance with
17 an alternate arrangement agreed upon by the parties.

18 (a) The superior court shall include in all orders under this
19 subsection that establish or modify a support obligation:

20 (i) A statement that ~~((a notice of payroll deduction may be issued~~
21 ~~or other income))~~ withholding action ~~((under chapter 26.18 or 74.20A~~
22 ~~RCW))~~ may be taken against wages, earnings, assets, or benefits, and
23 liens enforced against real and personal property under the child
24 support statutes of this or any other state, without further notice to
25 the responsible parent at any time after entry of the court order,
26 unless:

27 (A) One of the parties demonstrates, and the court finds, that
28 there is good cause not to require immediate income withholding and
29 that withholding should be delayed until a payment is past due; or

30 (B) The parties reach a written agreement that is approved by the
31 court that provides for an alternate arrangement; and

32 (ii) A statement that the receiving parent may be required to
33 submit an accounting of how the support is being spent to benefit the
34 child.

35 As used in this subsection, "good cause not to require immediate
36 income withholding" is any reason that the court finds appropriate.

37 (b) The superior court may order immediate or delayed income
38 withholding as follows:

1 (i) Immediate income withholding may be ordered if the responsible
2 parent has earnings. If immediate income withholding is ordered under
3 this subsection, all support payments shall be paid to the Washington
4 state support registry. The superior court shall issue a mandatory
5 wage assignment order as set forth in chapter 26.18 RCW when the
6 support order is signed by the court. The parent entitled to receive
7 the transfer payment is responsible for serving the employer with the
8 order and for its enforcement as set forth in chapter 26.18 RCW.

9 (ii) If immediate income withholding is not ordered, the court
10 shall require that income withholding be delayed until a payment is
11 past due. The support order shall contain a statement that (~~a notice~~
12 ~~of payroll deduction may be issued, or other income withholding action~~
13 ~~under chapter 26.18 or 74.20A RCW may be taken~~) withholding action may
14 be taken against wages, earnings, assets, or benefits, and liens
15 enforced against real and personal property under the child support
16 statutes of this or any other state, without further notice to the
17 responsible parent, after a payment is past due.

18 (c) If a mandatory wage withholding order under chapter 26.18 RCW
19 is issued under this subsection and the (~~office of support~~
20 ~~enforcement~~) division of child support provides support enforcement
21 services under RCW 26.23.045, the existing wage withholding assignment
22 is prospectively superseded upon the (~~office of support~~
23 ~~enforcement's~~) division of child support's subsequent service of an
24 income withholding notice.

25 (3) The office of administrative hearings and the department of
26 social and health services shall require that all support obligations
27 established as administrative orders include a provision which orders
28 and directs that the responsible parent shall make all support payments
29 to the Washington state support registry. All administrative orders
30 shall also state that the responsible parent's privileges to obtain and
31 maintain a license, as defined in section 802 of this act, may not be
32 renewed, or may be suspended if the parent is not in compliance with a
33 support order as defined in section 802 of this act. All
34 administrative orders shall also state that (~~a notice of payroll~~
35 deduction may be issued, or other income withholding action taken)
36 withholding action may be taken against wages, earnings, assets, or
37 benefits, and liens enforced against real and personal property under
38 the child support statutes of this or any other state without further

1 notice to the responsible parent at any time after entry of the order,
2 unless:

3 (a) One of the parties demonstrates, and the presiding officer
4 finds, that there is good cause not to require immediate income
5 withholding; or

6 (b) The parties reach a written agreement that is approved by the
7 presiding officer that provides for an alternate agreement.

8 (4) If the support order does not include the provision ordering
9 and directing that all payments be made to the Washington state support
10 registry and a statement that (~~a notice of payroll deduction may be~~
11 ~~issued~~) withholding action may be taken against wages, earnings,
12 assets, or benefits if a support payment is past due or at any time
13 after the entry of the order, or that a parent's licensing privileges
14 may not be renewed, or may be suspended, the (~~office of support~~
15 ~~enforcement~~) division of child support may serve a notice on the
16 responsible parent stating such requirements and authorizations.
17 Service may be by personal service or any form of mail requiring a
18 return receipt.

19 (5) Every support order shall state:

20 (a) The address where the support payment is to be sent;

21 (b) That (~~a notice of payroll deduction may be issued or other~~
22 ~~income withholding action under chapter 26.18 or 74.20A RCW may be~~
23 ~~taken~~) withholding action may be taken against wages, earnings,
24 assets, or benefits, and liens enforced against real and personal
25 property under the child support statutes of this or any other state,
26 without further notice to the responsible parent at any time after
27 entry of (~~an order by the court~~) a support order, unless:

28 (i) One of the parties demonstrates, and the court finds, that
29 there is good cause not to require immediate income withholding; or

30 (ii) The parties reach a written agreement that is approved by the
31 court that provides for an alternate arrangement;

32 (c) The income of the parties, if known, or that their income is
33 unknown and the income upon which the support award is based;

34 (d) The support award as a sum certain amount;

35 (e) The specific day or date on which the support payment is due;

36 (f) The social security number, residence address, date of birth,
37 telephone number, driver's license number, and name and address of the
38 employer of the responsible parent;

1 (g) The social security number and residence address of the
2 physical custodian except as provided in subsection (6) of this
3 section;

4 (h) The names, dates of birth, and social security numbers, if any,
5 of the dependent children;

6 (~~i) ((In cases requiring payment to the Washington state support
7 registry, that the parties are to notify the Washington state support
8 registry of any change in residence address. The responsible parent
9 shall notify the registry of the name and address of his or her current
10 employer,))~~ A provision requiring the responsible parent to keep the
11 Washington state support registry informed of whether he or she has
12 access to health insurance coverage at reasonable cost and, if so, the
13 health insurance policy information;

14 (j) That any parent owing a duty of child support shall be
15 obligated to provide health insurance coverage for his or her child if
16 coverage that can be extended to cover the child is or becomes
17 available to that parent through employment or is union-related as
18 provided under RCW 26.09.105;

19 (k) That if proof of health insurance coverage or proof that the
20 coverage is unavailable is not provided within twenty days, the obligee
21 or the department may seek direct enforcement of the coverage through
22 the obligor's employer or union without further notice to the obligor
23 as provided under chapter 26.18 RCW; ~~((and))~~

24 (l) The reasons for not ordering health insurance coverage if the
25 order fails to require such coverage; and

26 (m) That the responsible parent's privileges to obtain and maintain
27 a license, as defined in section 802 of this act, may not be renewed,
28 or may be suspended if the parent is not in compliance with a support
29 order as defined in section 802 of this act.

30 (6) The physical custodian's address:

31 (a) Shall be omitted from an order entered under the administrative
32 procedure act. When the physical custodian's address is omitted from
33 an order, the order shall state that the custodian's address is known
34 to the ~~((office of support enforcement))~~ division of child support.

35 (b) A responsible parent may request the physical custodian's
36 residence address by submission of a request for disclosure under RCW
37 26.23.120 to the ~~((office of support enforcement))~~ division of child
38 support.

1 (7) (~~The superior court clerk, the office of administrative~~
2 ~~hearings, and the department of social and health services shall,~~
3 ~~within five days of entry, forward to the Washington state support~~
4 ~~registry, a true and correct copy of all superior court orders or~~
5 ~~administrative orders establishing or modifying a support obligation~~
6 ~~which provide that support payments shall be made to the support~~
7 ~~registry. If a superior court order entered prior to January 1, 1988,~~
8 ~~directs the responsible parent to make support payments to the clerk,~~
9 ~~the clerk shall send a true and correct copy of the support order and~~
10 ~~the payment record to the registry for enforcement action when the~~
11 ~~clerk identifies that a payment is more than fifteen days past due.~~
12 ~~The office of support enforcement shall reimburse the clerk for the~~
13 ~~reasonable costs of copying and sending copies of court orders to the~~
14 ~~registry at the reimbursement rate provided in Title IV D of the social~~
15 ~~security act.~~

16 (8) ~~Receipt of a support order by the registry or other action~~
17 ~~under this section on behalf of a person or persons who have not made~~
18 ~~a written application for support enforcement services to the office of~~
19 ~~support enforcement and who are not recipients of public assistance is~~
20 ~~deemed to be a request for payment services only.~~

21 (9)) After the responsible parent has been ordered or notified to
22 make payments to the Washington state support registry under this
23 section, the responsible parent shall be fully responsible for making
24 all payments to the Washington state support registry and shall be
25 subject to payroll deduction or other income_withholding action. The
26 responsible parent shall not be entitled to credit against a support
27 obligation for any payments made to a person or agency other than to
28 the Washington state support registry except as provided under RCW
29 74.20.101. A civil action may be brought by the payor to recover
30 payments made to persons or agencies who have received and retained
31 support moneys paid contrary to the provisions of this section.

32 **Sec. 897.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to
33 read as follows:

34 The wage assignment order shall be substantially in the following
35 form:

36 IN THE SUPERIOR COURT OF THE
37 STATE OF WASHINGTON IN AND FOR THE
38 COUNTY OF

1 ,
2 Obligee No.
3 vs.
4 , WAGE ASSIGNMENT
5 Obligor ORDER
6 ,
7 Employer

8 THE STATE OF WASHINGTON TO:
9 Employer

10 AND TO:
11 Obligor

12 The above-named obligee claims that the above-named obligor is
13 subject to a support order requiring immediate income withholding or is
14 more than fifteen days past due in either child support or spousal
15 maintenance payments, or both, in an amount equal to or greater than
16 the child support or spousal maintenance payable for one month. The
17 amount of the accrued child support or spousal maintenance debt as of
18 this date is dollars, the amount of arrearage payments
19 specified in the support or spousal maintenance order (if applicable)
20 is dollars per , and the amount of the current
21 and continuing support or spousal maintenance obligation under the
22 order is dollars per

23 You are hereby commanded to answer this order by filling in the
24 attached form according to the instructions, and you must mail or
25 deliver the original of the answer to the court, one copy to the
26 Washington state support registry, one copy to the obligee or obligee's
27 attorney, and one copy to the obligor within twenty days after service
28 of this wage assignment order upon you.

29 If you possess any earnings or other remuneration for employment
30 due and owing to the obligor, then you shall do as follows:

31 (1) Withhold from the obligor's earnings or remuneration each
32 month, or from each regular earnings disbursement, the lesser of:

33 (a) The sum of the accrued support or spousal maintenance debt and
34 the current support or spousal maintenance obligation;

35 (b) The sum of the specified arrearage payment amount and the
36 current support or spousal maintenance obligation; or

37 (c) Fifty percent of the disposable earnings or remuneration of the
38 obligor.

1 (2) The total amount withheld above is subject to the wage
2 assignment order, and all other sums may be disbursed to the obligor.

3 (3) Upon receipt of this wage assignment order you shall make
4 immediate deductions from the obligor's earnings or remuneration and
5 remit to the Washington state support registry or other address
6 specified below the proper amounts at each regular pay interval.

7 You shall continue to withhold the ordered amounts from nonexempt
8 earnings or remuneration of the obligor until notified by:

9 (a) The court that the wage assignment has been modified or
10 terminated; or

11 (b) The addressee specified in the wage assignment order under this
12 section that the accrued child support or spousal maintenance debt has
13 been paid.

14 You shall promptly notify the court and the addressee specified in
15 the wage assignment order under this section if and when the employee
16 is no longer employed by you, or if the obligor no longer receives
17 earnings or remuneration from you. If you no longer employ the
18 employee, the wage assignment order shall remain in effect for one year
19 after the employee has left your employment or you are no longer in
20 possession of any earnings or remuneration owed to the employee,
21 whichever is later. You shall continue to hold the wage assignment
22 order during that period. If the employee returns to your employment
23 during the one-year period you shall immediately begin to withhold the
24 employee's earnings according to the terms of the wage assignment
25 order. If the employee has not returned to your employment within one
26 year, the wage assignment will cease to have effect at the expiration
27 of the one-year period, unless you still owe the employee earnings or
28 other remuneration.

29 You shall deliver the withheld earnings or remuneration to the
30 Washington state support registry or other address stated below at each
31 regular pay interval.

32 You shall deliver a copy of this order to the obligor as soon as is
33 reasonably possible. This wage assignment order has priority over any
34 other wage assignment or garnishment, except for another wage
35 assignment or garnishment for child support or spousal maintenance, or
36 order to withhold or deliver under chapter 74.20A RCW.

37 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO
38 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED

1 SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE OR SUBJECT
2 TO CONTEMPT OF COURT.

3 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE
4 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT
5 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.
6 REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO
7 THIS ORDER, YOU MAY HAVE SUSPENDED OR NOT HAVE RENEWED A PROFESSIONAL,
8 DRIVER'S, OR OTHER LICENSE IF YOU ACCRUE CHILD SUPPORT ARREARAGES
9 TOTALING MORE THAN SIX MONTHS OF CHILD SUPPORT PAYMENTS OR FAIL TO MAKE
10 PAYMENTS TOWARDS A SUPPORT ARREARAGE IN AN AMOUNT THAT EXCEEDS SIX
11 MONTHS OF PAYMENTS.

12 DATED THIS day of, 19. . . .

13
14 Oblige, Judge/Court Commissioner
15 or obligee's attorney
16 Send withheld payments to:
17
18
19

20 **Sec. 898.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to
21 read as follows:

22 (1) The ((office of support enforcement)) division of child support
23 may issue a notice of payroll deduction:

24 (a) As authorized by a support order that contains ((the income
25 withholding notice provisions in RCW 26.23.050 or a substantially
26 similar notice)) a notice clearly stating that child support may be
27 collected by withholding from earnings, wages, or benefits without
28 further notice to the obligated parent; or

29 (b) After service of a notice containing an income-withholding
30 provision under this chapter or chapter 74.20A RCW.

31 (2) The ((office of support enforcement)) division of child support
32 shall serve a notice of payroll deduction upon a responsible parent's
33 employer or upon the employment security department for the state in
34 possession of or owing any benefits from the unemployment compensation
35 fund to the responsible parent pursuant to Title 50 RCW ((by personal
36 service or by any form of mail requiring a return receipt)):

1 (a) In the manner prescribed for the service of a summons in a
2 civil action;

3 (b) By certified mail, return receipt requested; or

4 (c) By electronic means if there is an agreement between the
5 secretary and the person, firm, corporation, association, political
6 subdivision, department of the state, or agency, subdivision, or
7 instrumentality of the United States to accept service by electronic
8 means.

9 (3) Service of a notice of payroll deduction upon an employer or
10 employment security department requires the employer or employment
11 security department to immediately make a mandatory payroll deduction
12 from the responsible parent's unpaid disposable earnings or
13 unemployment compensation benefits. The employer or employment
14 security department shall thereafter deduct each pay period the amount
15 stated in the notice divided by the number of pay periods per month.
16 The payroll deduction each pay period shall not exceed fifty percent of
17 the responsible parent's disposable earnings.

18 (4) A notice of payroll deduction for support shall have priority
19 over any wage assignment, garnishment, attachment, or other legal
20 process.

21 (5) The notice of payroll deduction shall be in writing and
22 include:

23 (a) The name and social security number of the responsible parent;

24 (b) The amount to be deducted from the responsible parent's
25 disposable earnings each month, or alternate amounts and frequencies as
26 may be necessary to facilitate processing of the payroll deduction;

27 (c) A statement that the total amount withheld shall not exceed
28 fifty percent of the responsible parent's disposable earnings; ((and))

29 (d) The address to which the payments are to be mailed or
30 delivered; and

31 (e) A notice to the responsible parent warning the responsible
32 parent that, despite the payroll deduction, the responsible parent's
33 privileges to obtain and maintain a license, as defined in section 802
34 of this act, may not be renewed, or may be suspended if the parent is
35 not in compliance with a support order as defined in section 802 of
36 this act.

37 (6) An informational copy of the notice of payroll deduction shall
38 be mailed to the last known address of the responsible parent by
39 regular mail.

1 (7) An employer or employment security department that receives a
2 notice of payroll deduction shall make immediate deductions from the
3 responsible parent's unpaid disposable earnings and remit proper
4 amounts to the Washington state support registry on each date the
5 responsible parent is due to be paid.

6 (8) An employer, or the employment security department, upon whom
7 a notice of payroll deduction is served, shall make an answer to the
8 (~~office of support enforcement~~) division of child support within
9 twenty days after the date of service. The answer shall confirm
10 compliance and institution of the payroll deduction or explain the
11 circumstances if no payroll deduction is in effect. The answer shall
12 also state whether the responsible parent is employed by or receives
13 earnings from the employer or receives unemployment compensation
14 benefits from the employment security department, whether the employer
15 or employment security department anticipates paying earnings or
16 unemployment compensation benefits and the amount of earnings. If the
17 responsible parent is no longer employed, or receiving earnings from
18 the employer, the answer shall state the present employer's name and
19 address, if known. If the responsible parent is no longer receiving
20 unemployment compensation benefits from the employment security
21 department, the answer shall state the present employer's name and
22 address, if known.

23 (9) The employer or employment security department may deduct a
24 processing fee from the remainder of the responsible parent's earnings
25 after withholding under the notice of payroll deduction, even if the
26 remainder is exempt under RCW 26.18.090. The processing fee may not
27 exceed: (a) Ten dollars for the first disbursement made to the
28 Washington state support registry; and (b) one dollar for each
29 subsequent disbursement to the registry.

30 (10) The notice of payroll deduction shall remain in effect until
31 released by the (~~office of support enforcement~~) division of child
32 support, the court enters an order terminating the notice and approving
33 an alternate arrangement under RCW 26.23.050(~~(+2)~~), or one year has
34 expired since the employer has employed the responsible parent or has
35 been in possession of or owing any earnings to the responsible parent
36 or the employment security department has been in possession of or
37 owing any unemployment compensation benefits to the responsible parent.

38 (11) The division of child support may use uniform interstate
39 withholding forms adopted by the United States department of health and

1 human services to take withholding actions under this section when the
2 responsible parent is receiving earnings or unemployment compensation
3 in another state.

4 **IX. CHILD SUPPORT ENFORCEMENT**

5 **Sec. 901.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to
6 read as follows:

7 (1) Whenever the department (~~(of social and health services)~~)
8 receives an application for public assistance on behalf of a child, the
9 department shall take appropriate action under the provisions of this
10 chapter, chapter 74.20A RCW, or other appropriate statutes of this
11 state to establish or enforce support obligations against the parent or
12 other persons owing a duty to pay support moneys.

13 (2) The secretary may accept a request for support enforcement
14 services on behalf of persons who are not recipients of public
15 assistance and may take appropriate action to establish or enforce
16 support obligations against the parent or other persons owing a duty to
17 pay moneys. Requests accepted under this subsection may be conditioned
18 upon the payment of a fee as required through regulation issued by the
19 secretary. (~~Action may be taken under the provisions of chapter 74.20~~
20 ~~RCW, the abandonment or nonsupport statutes, or other appropriate~~
21 ~~statutes of this state, including but not limited to remedies~~
22 ~~established in chapter 74.20A RCW, to establish and enforce said~~
23 ~~support obligations.)) The secretary may establish by regulation,
24 reasonable standards and qualifications for support enforcement
25 services under this subsection.~~

26 (3) The secretary may accept requests for support enforcement
27 services from child support enforcement agencies in other states
28 operating child support programs under Title IV-D of the social
29 security act or from foreign countries, and may take appropriate action
30 to establish and enforce support obligations, or to enforce subpoenas,
31 information requests, orders for genetic testing, and collection
32 actions issued by the other agency against the parent or other person
33 owing a duty to pay support moneys, the parent or other person's
34 employer, or any other person or entity properly subject to child
35 support collection or information-gathering processes. The request
36 shall contain and be accompanied by such information and documentation
37 as the secretary may by rule require, and be signed by an authorized

1 representative of the agency. The secretary may adopt rules setting
2 forth the duration and nature of services provided under this
3 subsection.

4 (4) The department may take action to establish, enforce, and
5 collect a support obligation, including performing related services,
6 under this chapter and chapter 74.20A RCW, or through the attorney
7 general or prosecuting attorney for action under chapter 26.09, 26.18,
8 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common
9 law of this state.

10 (5) Whenever a support order is filed with the Washington state
11 support registry under chapter 26.23 RCW, the department may take
12 appropriate action under the provisions of this chapter, chapter 26.23
13 or 74.20A RCW, or other appropriate law of this state to establish or
14 enforce the support obligations contained in that order against the
15 responsible parent or other persons owing a duty to pay support moneys.

16 (6) The secretary may charge and collect a fee from the person
17 obligated to pay support to compensate the department for services
18 rendered in establishment of or enforcement of support obligations.
19 This fee shall be limited to not more than ten percent of any support
20 money collected as a result of action taken by the secretary. The fee
21 charged shall be in addition to the support obligation. In no event
22 may any moneys collected by the department (~~of social and health~~
23 ~~services~~) from the person obligated to pay support be retained as
24 satisfaction of fees charged until all current support obligations have
25 been satisfied. The secretary shall by regulation establish reasonable
26 fees for support enforcement services and said schedule of fees shall
27 be made available to any person obligated to pay support. The
28 secretary may, on showing of necessity, waive or defer any such fee.

29 (7) Fees, due and owing, may be collected as delinquent support
30 moneys utilizing any of the remedies in chapter 74.20 RCW, chapter
31 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity
32 available to the department or any agencies with whom it has a
33 cooperative or contractual arrangement to establish, enforce, or
34 collect support moneys or support obligations.

35 (8) The secretary may waive the fee, or any portion thereof, as a
36 part of a compromise of disputed claims or may grant partial or total
37 charge off of said fee if the secretary finds there are no available,
38 practical, or lawful means by which said fee may be collected or to
39 facilitate payment of the amount of delinquent support moneys owed.

1 (9) The secretary shall adopt rules conforming to federal laws,
2 rules, and regulations required to be observed in maintaining the state
3 child support enforcement program required under Title IV-D of the
4 federal social security act. The adoption of these rules shall be
5 calculated to promote the cost-effective use of the agency's resources
6 and not otherwise cause the agency to divert its resources from its
7 essential functions.

8 NEW SECTION. Sec. 902. A new section is added to chapter 74.20A
9 RCW to read as follows:

10 CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--
11 COLLECTION AS CHILD SUPPORT. (1) If a person or entity not entitled to
12 child support payments wrongfully or negligently retains child support
13 payments owed to another or to the Washington state support registry,
14 those payments retain their character as child support payments and may
15 be collected by the division of child support using any remedy
16 available to the division of child support under Washington law for the
17 collection of child support.

18 (2) Child support moneys subject to collection under this section
19 may be collected for the duration of the statute of limitations as it
20 applies to the support order governing the support obligations, and any
21 legislative or judicial extensions thereto.

22 (3) This section applies to the following:

23 (a) Cases in which an employer or other entity obligated to
24 withhold child support payments from the parent's pay, bank, or escrow
25 account, or from any other asset or distribution of money to the
26 parent, has withheld those payments and failed to remit them to the
27 payee;

28 (b) Cases in which child support moneys have been paid to the wrong
29 person or entity in error;

30 (c) Cases in which child support recipients have retained child
31 support payments in violation of a child support assignment executed or
32 arising by operation of law in exchange for the receipt of public
33 assistance; and

34 (d) Any other case in which child support payments are retained by
35 a party not entitled to them.

36 (4) This section does not apply to fines levied under section
37 903(3)(b) of this act.

1 NEW SECTION. **Sec. 903.** A new section is added to chapter 74.20A
2 RCW to read as follows:

3 NONCOMPLIANCE WITH CHILD SUPPORT PROCESSES--NOTICE--HEARINGS--
4 LIABILITY. (1) The division of child support may issue a notice of
5 noncompliance to any person, firm, entity, or agency of state or
6 federal government that the division believes is not complying with:

7 (a) A notice of payroll deduction issued under chapter 26.23 RCW;

8 (b) A lien, order to withhold and deliver, or assignment of
9 earnings issued under this chapter;

10 (c) Any other wage assignment, garnishment, attachment, or
11 withholding instrument properly served by the agency or firm providing
12 child support enforcement services for another state, under Title IV-D
13 of the federal social security act;

14 (d) A subpoena issued by the division of child support, or the
15 agency or firm providing child support enforcement for another state,
16 under Title IV-D of the federal social security act;

17 (e) An information request issued by the division of child support,
18 or the agency or firm providing child support enforcement for another
19 state under Title IV-D of the federal social security act, to an
20 employer or entity required to respond to such requests under section
21 907 of this act; or

22 (f) The duty to report newly hired employees imposed by RCW
23 26.23.040.

24 (2) Liability for noncompliance with a wage withholding,
25 garnishment, order to withhold and deliver, or any other lien or
26 attachment issued to secure payment of child support is governed by RCW
27 26.23.090 and 74.20A.100, except that liability for noncompliance with
28 remittance time frames is governed by subsection (3) of this section.

29 (3) The division of child support may impose fines of up to one
30 hundred dollars per occurrence for:

31 (a) Noncompliance with a subpoena or an information request issued
32 by the division of child support, or the agency or firm providing child
33 support enforcement services for another state under Title IV-D of the
34 federal social security act;

35 (b) Noncompliance with the required time frames for remitting
36 withheld support moneys to the Washington state support registry, or
37 the agency or firm providing child support enforcement services for
38 another state, except that no liability shall be established for
39 failure to make timely remittance unless the division of child support

1 has provided the person, firm, entity, or agency of state or federal
2 government with written warning:

- 3 (i) Explaining the duty to remit withheld payments promptly;
- 4 (ii) Explaining the potential for fines for delayed submission; and
- 5 (iii) Providing a contact person within the division of child
6 support with whom the person, firm, entity, or agency of state or
7 federal government may seek assistance with child support withholding
8 issues.

9 (4) The division of child support may assess fines according to RCW
10 26.23.040 for failure to comply with employer reporting requirements.

11 (5) The division of child support may suspend licenses for failure
12 to comply with a subpoena issued under section 908 of this act.

13 (6) The division of child support may serve a notice of
14 noncompliance by personal service or by any method of mailing requiring
15 a return receipt.

16 (7) The liability asserted by the division of child support in the
17 notice of noncompliance becomes final and collectible on the twenty-
18 first day after the date of service, unless within that time the
19 person, firm, entity, or agency of state or federal government:

20 (a) Initiates an action in superior court to contest the notice of
21 noncompliance;

22 (b) Requests a hearing by delivering a hearing request to the
23 division of child support in accordance with rules adopted by the
24 secretary under this section; or

25 (c) Contacts the division of child support and negotiates an
26 alternate resolution to the asserted noncompliance or demonstrates that
27 the person, firm, entity, or agency of state or federal government has
28 complied with the child support processes.

29 (8) The notice of noncompliance shall contain:

30 (a) A full and fair disclosure of the rights and obligations
31 created by this section; and

32 (b) Identification of the:

33 (i) Child support process with respect to which the division of
34 child support is alleging noncompliance; and

35 (ii) State child support enforcement agency issuing the original
36 child support process.

37 (9) In an administrative hearing convened under subsection (7)(b)
38 of this section, the presiding officer shall determine whether or not,
39 and to what extent, liability for noncompliance exists under this

1 section, and shall enter an order containing these findings. If
2 liability does exist, the presiding officer shall include language in
3 the order advising the parties to the proceeding that the liability may
4 be collected by any means available to the division of child support
5 under subsection (12) of this section without further notice to the
6 liable party.

7 (10) Hearings under this section are governed by the administrative
8 procedure act, chapter 34.05 RCW.

9 (11) After the twenty days following service of the notice, the
10 person, firm, entity, or agency of state or federal government may
11 petition for a late hearing. A petition for a late hearing does not
12 stay any collection action to recover the debt. A late hearing is
13 available upon a showing of any of the grounds stated in civil rule 60
14 for the vacation of orders.

15 (12) The division of child support may collect any obligation
16 established under this section using any of the remedies available
17 under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the
18 collection of child support.

19 (13) The division of child support may enter agreements for the
20 repayment of obligations under this section. Agreements may:

21 (a) Suspend the obligation imposed by this section conditioned on
22 future compliance with child support processes. Such suspension shall
23 end automatically upon any failure to comply with a child support
24 process. Amounts suspended become fully collectible without further
25 notice automatically upon failure to comply with a child support
26 process;

27 (b) Resolve amounts due under this section and provide for
28 repayment.

29 (14) The secretary may adopt rules to implement this section.

30 **Sec. 904.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to
31 read as follows:

32 (1) The employer shall be liable to the Washington state support
33 registry, or to the agency or firm providing child support enforcement
34 for another state, under Title IV-D of the federal social security act
35 and issuing a notice, garnishment, or wage assignment attaching wages
36 or earnings in satisfaction of a support obligation, for one hundred
37 percent of the amount of the support debt, or the amount of support

1 moneys which should have been withheld from the employee's earnings,
2 whichever is the lesser amount, if the employer:

3 (a) Fails or refuses, after being served with a notice of payroll
4 deduction, or substantially similar action issued by the agency or firm
5 providing child support enforcement for another state, under Title IV-D
6 of the federal social security act, to deduct and promptly remit from
7 unpaid earnings the amounts of money required in the notice;

8 (b) Fails or refuses to submit an answer to the notice of payroll
9 deduction, or substantially similar action issued by the agency or firm
10 providing child support enforcement for another state, under Title IV-D
11 of the federal social security act, after being served; or

12 (c) Is unwilling to comply with the other requirements of RCW
13 26.23.060.

14 (2) Liability may be established in superior court or may be
15 established pursuant to ((RCW 74.20A.270)) section 903 of this act.
16 Awards in superior court and in actions pursuant to ((RCW 74.20A.270))
17 section 903 of this act shall include costs, interest under RCW
18 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs
19 as a part of the award. Debts established pursuant to this section may
20 be collected ((pursuant to chapter 74.20A RCW utilizing any of the
21 remedies contained in that chapter)) by the division of child support
22 using any of the remedies available under chapter 26.09, 26.18, 26.21,
23 26.23, 74.20, or 74.20A RCW for the collection of child support.

24 **Sec. 905.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to
25 read as follows:

26 (1) Any person, firm, corporation, association, political
27 subdivision or department of the state shall be liable to the
28 department, or to the agency or firm providing child support
29 enforcement for another state, under Title IV-D of the federal social
30 security act and issuing a notice, garnishment, or wage assignment
31 attaching wages or earnings in satisfaction of a support obligation, in
32 an amount equal to one hundred percent of the value of the debt which
33 is the basis of the lien, order to withhold and deliver, distraint, or
34 assignment of earnings, or the amount that should have been withheld,
35 whichever amount is less, together with costs, interest, and reasonable
36 attorney fees if that person or entity:

37 (a) Fails to answer an order to withhold and deliver, or
38 substantially similar action issued by the agency or firm providing

1 child support enforcement for another state, under Title IV-D of the
2 federal social security act, within the time prescribed herein;

3 (b) Fails or refuses to deliver property pursuant to said order;

4 (c) After actual notice of filing of a support lien, pays over,
5 releases, sells, transfers, or conveys real or personal property
6 subject to a support lien to or for the benefit of the debtor or any
7 other person;

8 (d) Fails or refuses to surrender property distrained under RCW
9 74.20A.130 upon demand; or

10 (e) Fails or refuses to honor an assignment of earnings presented
11 by the secretary.

12 (2) The secretary is authorized to issue a notice of ((debt
13 pursuant to RCW 74.20A.040 and to take appropriate action to collect
14 the debt under this chapter if:

15 (a) A judgment has been entered as the result of an action in
16 superior court against a person, firm, corporation, association,
17 political subdivision, or department of the state based on a violation
18 of this section; or

19 (b) Liability has been established under RCW 74.20A.270))
20 noncompliance under section 903 of this act or to proceed in superior
21 court to obtain a judgment for noncompliance under this section.

22 **Sec. 906.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156
23 are each reenacted and amended to read as follows:

24 (1) The secretary may issue a notice of ((noncompliance)) retained
25 support or notice to recover a support payment to any person((, firm,
26 corporation, association, or political subdivision of the state of
27 Washington or any officer or agent thereof who has violated chapter
28 26.18 RCW, RCW 74.20A.100, or 26.23.040,))):

29 (a) Who is in possession of support moneys, or who has had support
30 moneys in his or her possession at some time in the past, which support
31 moneys were or are claimed by the department as the property of the
32 department by assignment, subrogation, or by operation of law or legal
33 process under chapter 74.20A RCW((, if the support moneys have not been
34 remitted to the department as required by law))):

35 (b) Who has received a support payment erroneously directed to the
36 wrong payee, or issued by the department in error; or

37 (c) Who is in possession of a support payment obtained through the
38 internal revenue service tax refund offset process, which payment was

1 later reclaimed from the department by the internal revenue service as
2 a result of an amended tax return filed by the obligor or the obligor's
3 spouse.

4 (2) The notice shall ~~((describe the claim of the department,~~
5 stating)) state the legal basis for the claim and shall provide
6 sufficient detail to enable the person ~~((, firm, corporation,~~
7 association, or political subdivision or officer or agent thereof upon
8 whom service is made)) to identify the support moneys in issue ~~((or the~~
9 specific violation of RCW 74.20A.100 that has occurred. The notice may
10 also make inquiry as to relevant facts necessary to the resolution of
11 the issue)).

12 (3) The department shall serve the notice ~~((may be served))~~ by
13 certified mail, return receipt requested, or in the manner of a summons
14 in a civil action. ~~((Upon service of the notice all moneys not yet~~
15 disbursed or spent or like moneys to be received in the future are
16 deemed to be impounded and shall be held in trust pending answer to the
17 notice and any adjudicative proceeding.))

18 (4) The amounts claimed in the notice ~~((shall be answered under~~
19 oath and in writing within twenty days of the date of service, which
20 answer shall include true answers to the matters inquired of in the
21 notice. The answer shall also either acknowledge)) shall become
22 assessed, determined, and subject to collection twenty days from the
23 date of service of the notice unless within those twenty days the
24 person in possession of the support moneys:

25 (a) Acknowledges the department's right to the moneys ~~((or~~
26 application for)) and executes an agreed settlement providing for
27 repayment of the moneys; or

28 (b) Requests an adjudicative proceeding to ~~((contest the allegation~~
29 that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been
30 violated, or)) determine the rights to ownership of the support moneys
31 in issue. The hearing shall be held pursuant to this section, chapter
32 34.05 RCW, the Administrative Procedure Act, and the rules of the
33 department. The burden of proof to establish ownership of the support
34 moneys claimed ~~((, including but not limited to moneys not yet disbursed~~
35 or spent,)) is on the department.

36 ~~((If no answer is made within the twenty days, the department's~~
37 claim shall be assessed and determined and subject to collection action
38 as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW
39 26.23.040. Any such debtor))

1 (5) After the twenty-day period, a person served with a notice
2 under this section may, at any time within one year from the date of
3 service of the notice of support debt, petition the secretary or the
4 secretary's designee for an adjudicative proceeding upon a showing of
5 any of the grounds enumerated in RCW 4.72.010 or superior court civil
6 rule 60. A copy of the petition shall also be served on the
7 department. The filing of the petition shall not stay any collection
8 action being taken, but the debtor may petition the secretary or the
9 secretary's designee for an order staying collection action pending the
10 final administrative order. Any such moneys held and/or taken by
11 collection action ~~((prior to))~~ after the date of any such stay ~~((and~~
12 ~~any support moneys claimed by the department, including moneys to be~~
13 ~~received in the future to which the department may have a claim,))~~
14 shall be held ~~((in trust))~~ by the department pending the final order,
15 to be disbursed in accordance with the final order. ~~((The secretary or~~
16 ~~the secretary's designee shall condition the stay to provide for the~~
17 ~~trust.~~

18 ~~If the petition is granted the issue in the proceeding is limited~~
19 ~~to the determination of the ownership of the moneys claimed in the~~
20 ~~notice of debt. The right to an adjudicative proceeding is conditioned~~
21 ~~upon holding of any funds not yet disbursed or expended or to be~~
22 ~~received in the future in trust pending the final order in these~~
23 ~~proceedings. The presiding or reviewing officer shall enter an~~
24 ~~appropriate order providing for the terms of the trust.))~~

25 (6) If the debtor fails to attend or participate in the hearing or
26 other stage of an adjudicative proceeding, the presiding officer shall,
27 upon showing of valid service, enter an order declaring the amount of
28 support moneys, as claimed in the notice, to be assessed and determined
29 and subject to collection action.

30 (7) The department may take action to collect an obligation
31 established under this section using any remedy available under this
32 chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection
33 of child support.

34 (8) If, at any time, the superior court enters judgment for an
35 amount of debt at variance with the amount determined by the final
36 order in an adjudicative proceeding, the judgment shall supersede the
37 final administrative order. ((Any debt determined by the superior
38 court in excess of the amount determined by the final administrative
39 order shall be the property of the department as assigned under 42

1 U.S.C.—602(A)(26)(a),—RCW—74.20.040,—74.20A.250,—74.20.320,—or
2 74.20.330.) The department may(~~(, despite any final administrative~~
3 ~~order,)~~) take action pursuant to chapter 74.20 or 74.20A RCW to obtain
4 such a judgment or to collect moneys determined by such a judgment to
5 be due and owing.

6 If public assistance moneys have been paid to a parent for the
7 benefit of that parent's minor dependent children, debt under this
8 chapter shall not be incurred by nor at any time be collected from that
9 parent because of that payment of assistance. (~~(Nothing in this~~
10 ~~section prohibits or limits the department from acting pursuant to RCW~~
11 ~~74.20.320 and this section to assess a debt against a recipient or ex-~~
12 ~~recipient for receipt of support moneys paid in satisfaction of the~~
13 ~~debt assigned under RCW 74.20.330 which have been assigned to the~~
14 ~~department but were received by a recipient or ex-recipient from~~
15 ~~another responsible parent and not remitted to the department.—To~~
16 ~~collect these wrongfully retained funds from the recipient, the~~
17 ~~department may not take collection action in excess of ten percent of~~
18 ~~the grant payment standard during any month the public assistance~~
19 ~~recipient remains in that status unless required by federal law.))~~

20 (9) If a person owing a debt established under this section is
21 receiving public assistance, the department may collect the debt by
22 offsetting up to ten percent of the grant payment received by the
23 person. No collection action may be taken against the earnings of a
24 person receiving cash public assistance to collect a debt assessed
25 under this section.

26 (10) Payments not credited against the department's debt pursuant
27 to RCW 74.20.101 may not be assessed or collected under this section.

28 NEW SECTION. Sec. 907. A new section is added to chapter 74.20A
29 RCW to read as follows:

30 ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY. (1)
31 Notwithstanding any other provision of Washington law, the division of
32 child support, the Washington state support registry, or the agency or
33 firm providing child support enforcement services for another state
34 under Title IV-D of the federal social security act may access records
35 of the following nature, in the possession of any agency or entity
36 listed in this section:

37 (a) Records of state and local agencies, including but not limited
38 to:

1 (i) The center for health statistics, including but not limited to
2 records of birth, marriage, and death;

3 (ii) Tax and revenue records, including, but not limited to,
4 information on residence addresses, employers, and assets;

5 (iii) Records concerning real and titled personal property;

6 (iv) Records of occupational, professional, and recreational
7 licenses and records concerning the ownership and control of
8 corporations, partnerships, and other business entities;

9 (v) Employment security records;

10 (vi) Records of agencies administering public assistance programs;
11 and

12 (vii) Records of the department of corrections, and of county and
13 municipal correction or confinement facilities;

14 (b) Records of public utilities and cable television companies
15 relating to persons who owe or are owed support, or against whom a
16 support obligation is sought, including names and addresses of the
17 individuals, and employers' names and addresses pursuant to section 908
18 of this act and RCW 74.20A.120; and

19 (c) Records held by financial institutions, pursuant to section 909
20 of this act.

21 (2) Upon the request of the division of child support, the
22 Washington state support registry, or the agency or firm providing
23 child support enforcement services for another state under Title IV-D
24 of the social security act, any employer shall provide information as
25 to the employment, earnings, benefits, and residential address and
26 phone number of any employee.

27 (3) Entities in possession of records described in subsection
28 (1)(a) and (c) of this section must provide information and records
29 upon the request of the division of child support, the Washington state
30 support registry, or the agency or firm providing child support
31 enforcement services for another state under Title IV-D of the federal
32 social security act. The division of child support may enter into
33 agreements providing for electronic access to these records.

34 (4) Public utilities and cable television companies must provide
35 the information in response to a judicial or administrative subpoena
36 issued by the division of child support, the Washington state support
37 registry, or the agency or firm providing child support enforcement
38 services for another state under Title IV-D of the federal social
39 security act.

1 (5) Entities responding to information requests and subpoenas under
2 this section are not liable for disclosing information pursuant to the
3 request or subpoena.

4 (6) The division of child support shall maintain all information
5 gathered under this section confidential and shall only disclose this
6 information as provided under RCW 26.23.120.

7 (7) The division of child support may impose fines for
8 noncompliance with this section using the notice of noncompliance under
9 section 903 of this act.

10 NEW SECTION. **Sec. 908.** A new section is added to chapter 74.20
11 RCW to read as follows:

12 SUBPOENA AUTHORITY--ENFORCEMENT. In carrying out the provisions of
13 this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the
14 secretary and other duly authorized officers of the department may
15 subpoena witnesses, take testimony, and compel the production of such
16 papers, books, records, and documents as they may deem relevant to the
17 performance of their duties. The division of child support may enforce
18 subpoenas issued under this power according to section 903 of this act.

19 NEW SECTION. **Sec. 909.** A new section is added to chapter 74.20A
20 RCW to read as follows:

21 FINANCIAL INSTITUTION DATA MATCHES. (1) Each calendar quarter
22 financial institutions doing business in the state of Washington shall
23 report to the department the name, record address, social security
24 number or other taxpayer identification number, and other information
25 determined necessary by the department for each individual who
26 maintains an account at such institution and is identified by the
27 department as owing a support debt.

28 (2) The department and financial institutions shall enter into
29 agreements to develop and operate a data match system, using automated
30 data exchanges to the extent feasible, to minimize the cost of
31 providing information required under subsection (1) of this section.

32 (3) The department may pay a reasonable fee to a financial
33 institution for conducting the data match not to exceed the actual
34 costs incurred.

35 (4) A financial institution is not liable for any disclosure of
36 information to the department under this section.

1 (5) The division of child support shall maintain all information
2 gathered under this section confidential and shall only disclose this
3 information as provided under RCW 26.23.120.

4 **Sec. 910.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996
5 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as
6 follows:

7 (1) The following are exempt from public inspection and copying:

8 (a) Personal information in any files maintained for students in
9 public schools, patients or clients of public institutions or public
10 health agencies, or welfare recipients.

11 (b) Personal information in files maintained for employees,
12 appointees, or elected officials of any public agency to the extent
13 that disclosure would violate their right to privacy.

14 (c) Information required of any taxpayer in connection with the
15 assessment or collection of any tax if the disclosure of the
16 information to other persons would (i) be prohibited to such persons by
17 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
18 in unfair competitive disadvantage to the taxpayer.

19 (d) Specific intelligence information and specific investigative
20 records compiled by investigative, law enforcement, and penology
21 agencies, and state agencies vested with the responsibility to
22 discipline members of any profession, the nondisclosure of which is
23 essential to effective law enforcement or for the protection of any
24 person's right to privacy.

25 (e) Information revealing the identity of persons who are witnesses
26 to or victims of crime or who file complaints with investigative, law
27 enforcement, or penology agencies, other than the public disclosure
28 commission, if disclosure would endanger any person's life, physical
29 safety, or property. If at the time a complaint is filed the
30 complainant, victim or witness indicates a desire for disclosure or
31 nondisclosure, such desire shall govern. However, all complaints filed
32 with the public disclosure commission about any elected official or
33 candidate for public office must be made in writing and signed by the
34 complainant under oath.

35 (f) Test questions, scoring keys, and other examination data used
36 to administer a license, employment, or academic examination.

37 (g) Except as provided by chapter 8.26 RCW, the contents of real
38 estate appraisals, made for or by any agency relative to the

1 acquisition or sale of property, until the project or prospective sale
2 is abandoned or until such time as all of the property has been
3 acquired or the property to which the sale appraisal relates is sold,
4 but in no event shall disclosure be denied for more than three years
5 after the appraisal.

6 (h) Valuable formulae, designs, drawings, and research data
7 obtained by any agency within five years of the request for disclosure
8 when disclosure would produce private gain and public loss.

9 (i) Preliminary drafts, notes, recommendations, and intra-agency
10 memorandums in which opinions are expressed or policies formulated or
11 recommended except that a specific record shall not be exempt when
12 publicly cited by an agency in connection with any agency action.

13 (j) Records which are relevant to a controversy to which an agency
14 is a party but which records would not be available to another party
15 under the rules of pretrial discovery for causes pending in the
16 superior courts.

17 (k) Records, maps, or other information identifying the location of
18 archaeological sites in order to avoid the looting or depredation of
19 such sites.

20 (l) Any library record, the primary purpose of which is to maintain
21 control of library materials, or to gain access to information, which
22 discloses or could be used to disclose the identity of a library user.

23 (m) Financial information supplied by or on behalf of a person,
24 firm, or corporation for the purpose of qualifying to submit a bid or
25 proposal for (i) a ferry system construction or repair contract as
26 required by RCW 47.60.680 through 47.60.750 or (ii) highway
27 construction or improvement as required by RCW 47.28.070.

28 (n) Railroad company contracts filed prior to July 28, 1991, with
29 the utilities and transportation commission under RCW 81.34.070, except
30 that the summaries of the contracts are open to public inspection and
31 copying as otherwise provided by this chapter.

32 (o) Financial and commercial information and records supplied by
33 private persons pertaining to export services provided pursuant to
34 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
35 export projects pursuant to RCW 43.23.035.

36 (p) Financial disclosures filed by private vocational schools under
37 chapters 28B.85 and 28C.10 RCW.

1 (q) Records filed with the utilities and transportation commission
2 or attorney general under RCW 80.04.095 that a court has determined are
3 confidential under RCW 80.04.095.

4 (r) Financial and commercial information and records supplied by
5 businesses or individuals during application for loans or program
6 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
7 or during application for economic development loans or program
8 services provided by any local agency.

9 (s) Membership lists or lists of members or owners of interests of
10 units in timeshare projects, subdivisions, camping resorts,
11 condominiums, land developments, or common-interest communities
12 affiliated with such projects, regulated by the department of
13 licensing, in the files or possession of the department.

14 (t) All applications for public employment, including the names of
15 applicants, resumes, and other related materials submitted with respect
16 to an applicant.

17 (u) The residential addresses and residential telephone numbers of
18 employees or volunteers of a public agency which are held by the agency
19 in personnel records, employment or volunteer rosters, or mailing lists
20 of employees or volunteers.

21 (v) The residential addresses and residential telephone numbers of
22 the customers of a public utility contained in the records or lists
23 held by the public utility of which they are customers, except that
24 this information may be released to the division of child support or
25 the agency or firm providing child support enforcement for another
26 state under Title IV-D of the federal social security act, for the
27 establishment, enforcement, or modification of a support order.

28 (w)(i) The federal social security number of individuals governed
29 under chapter 18.130 RCW maintained in the files of the department of
30 health, except this exemption does not apply to requests made directly
31 to the department from federal, state, and local agencies of
32 government, and national and state licensing, credentialing,
33 investigatory, disciplinary, and examination organizations; (ii) the
34 current residential address and current residential telephone number of
35 a health care provider governed under chapter 18.130 RCW maintained in
36 the files of the department, if the provider requests that this
37 information be withheld from public inspection and copying, and
38 provides to the department an accurate alternate or business address
39 and business telephone number. On or after January 1, 1995, the

1 current residential address and residential telephone number of a
2 health care provider governed under RCW 18.130.140 maintained in the
3 files of the department shall automatically be withheld from public
4 inspection and copying unless the provider specifically requests the
5 information be released, and except as provided for under RCW
6 42.17.260(9).

7 (x) Information obtained by the board of pharmacy as provided in
8 RCW 69.45.090.

9 (y) Information obtained by the board of pharmacy or the department
10 of health and its representatives as provided in RCW 69.41.044,
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and
13 any information produced or obtained in evaluating or examining a
14 business and industrial development corporation organized or seeking
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state
17 investment board by any person when the information relates to the
18 investment of public trust or retirement funds and when disclosure
19 would result in loss to such funds or in private loss to the providers
20 of this information.

21 (bb) Financial and valuable trade information under RCW 51.36.120.

22 (cc) Client records maintained by an agency that is a domestic
23 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
24 crisis center as defined in RCW 70.125.030.

25 (dd) Information that identifies a person who, while an agency
26 employee: (i) Seeks advice, under an informal process established by
27 the employing agency, in order to ascertain his or her rights in
28 connection with a possible unfair practice under chapter 49.60 RCW
29 against the person; and (ii) requests his or her identity or any
30 identifying information not be disclosed.

31 (ee) Investigative records compiled by an employing agency
32 conducting a current investigation of a possible unfair practice under
33 chapter 49.60 RCW or of a possible violation of other federal, state,
34 or local laws prohibiting discrimination in employment.

35 (ff) Business related information protected from public inspection
36 and copying under RCW 15.86.110.

37 (gg) Financial, commercial, operations, and technical and research
38 information and data submitted to or obtained by the clean Washington

1 center in applications for, or delivery of, program services under
2 chapter 70.95H RCW.

3 (hh) Information and documents created specifically for, and
4 collected and maintained by a quality improvement committee pursuant to
5 RCW 43.70.510, regardless of which agency is in possession of the
6 information and documents.

7 (ii) Personal information in files maintained in a data base
8 created under RCW 43.07.360.

9 (2) Except for information described in subsection (1)(c)(i) of
10 this section and confidential income data exempted from public
11 inspection pursuant to RCW 84.40.020, the exemptions of this section
12 are inapplicable to the extent that information, the disclosure of
13 which would violate personal privacy or vital governmental interests,
14 can be deleted from the specific records sought. No exemption may be
15 construed to permit the nondisclosure of statistical information not
16 descriptive of any readily identifiable person or persons.

17 (3) Inspection or copying of any specific records exempt under the
18 provisions of this section may be permitted if the superior court in
19 the county in which the record is maintained finds, after a hearing
20 with notice thereof to every person in interest and the agency, that
21 the exemption of such records is clearly unnecessary to protect any
22 individual's right of privacy or any vital governmental function.

23 (4) Agency responses refusing, in whole or in part, inspection of
24 any public record shall include a statement of the specific exemption
25 authorizing the withholding of the record (or part) and a brief
26 explanation of how the exemption applies to the record withheld.

27 NEW SECTION. **Sec. 911.** A new section is added to chapter 74.20
28 RCW to read as follows:

29 **ORDERS FOR GENETIC TESTING.** (1) The division of child support may
30 issue an order for genetic testing when providing services under this
31 chapter and Title IV-D of the federal social security act if genetic
32 testing:

33 (a) Is appropriate in an action under chapter 26.26 RCW, the
34 uniform parentage act;

35 (b) Is appropriate in an action to establish support under RCW
36 74.20A.056; or

1 (c) Would assist the parties or the division of child support in
2 determining whether it is appropriate to proceed with an action to
3 establish or disestablish paternity.

4 (2) The order for genetic testing shall be served on the alleged
5 parent or parents and the legal parent by personal service or by any
6 form of mail requiring a return receipt.

7 (3) Within twenty days of the date of service of an order for
8 genetic testing, any party required to appear for genetic testing, the
9 child, or a guardian on the child's behalf, may petition in superior
10 court under chapter 26.26 RCW to bar or postpone genetic testing.

11 (4) The order for genetic testing shall contain:

12 (a) An explanation of the right to proceed in superior court under
13 subsection (3) of this section;

14 (b) Notice that if no one proceeds under subsection (3) of this
15 section, the agency issuing the order will schedule genetic testing and
16 will notify the parties of the time and place of testing by regular
17 mail;

18 (c) Notice that the parties must keep the agency issuing the order
19 for genetic testing informed of their residence address and that
20 mailing a notice of time and place for genetic testing to the last
21 known address of the parties by regular mail constitutes valid service
22 of the notice of time and place;

23 (d) Notice that the order for genetic testing may be enforced
24 through:

25 (i) Public assistance grant reduction for noncooperation, pursuant
26 to agency rule, if the child and custodian are receiving public
27 assistance;

28 (ii) Termination of support enforcement services under Title IV-D
29 of the federal social security act if the child and custodian are not
30 receiving public assistance;

31 (iii) A referral to superior court for an appropriate action under
32 chapter 26.26 RCW; or

33 (iv) A referral to superior court for remedial sanctions under RCW
34 7.21.060.

35 (5) The department may advance the costs of genetic testing under
36 this section.

37 (6) If an action is pending under chapter 26.26 RCW, a judgment for
38 reimbursement of the cost of genetic testing may be awarded under RCW
39 26.26.100.

1 (7) If no action is pending in superior court, the department may
2 impose an obligation to reimburse costs of genetic testing according to
3 rules adopted by the department to implement RCW 74.20A.056.

4 **Sec. 912.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to
5 read as follows:

6 (1) The ~~((office of support enforcement))~~ division of child
7 support, Washington state support registry, shall provide support
8 enforcement services under the following circumstances:

9 (a) Whenever public assistance under RCW 74.20.330 is paid;

10 (b) ~~((Whenever a request for nonassistance support enforcement~~
11 ~~services under RCW 74.20.040(2) is received;~~

12 ~~(c))~~ Whenever a request for support enforcement services under RCW
13 74.20.040~~((+3))~~ is received;

14 ~~((+d))~~ (c) When a support order which contains language directing
15 a responsible parent to make support payments to the Washington state
16 support registry under RCW 26.23.050 is submitted and the division of
17 child support receives a written application for services or is already
18 providing services;

19 ~~((+e) When a support order is forwarded to the Washington state~~
20 ~~support registry by the clerk of a superior court under RCW~~
21 ~~26.23.050(5);~~

22 ~~(f))~~ (d) When the obligor submits a support order or support
23 payment, and an application, to the Washington state support registry.

24 (2) The ~~((office of support enforcement))~~ division of child support
25 shall continue to provide support enforcement services for so long as
26 and under such conditions as the department shall establish by
27 regulation or until the superior court enters an order removing the
28 requirement that the obligor make support payments to the Washington
29 state support registry as provided for in RCW 26.23.050~~((+2))~~.

30 NEW SECTION. **Sec. 913.** A new section is added to chapter 26.23
31 RCW to read as follows:

32 STATE CASE REGISTRY--SUBMISSION OF ORDERS. (1) The division of
33 child support, Washington state support registry shall operate a state
34 case registry containing records of all orders establishing or
35 modifying a support order that are entered after October 1, 1998.

36 (2) The superior court clerk, the office of administrative
37 hearings, and the department of social and health services shall,

1 within five days of entry, forward to the Washington state support
2 registry, a true and correct copy of all superior court orders or
3 administrative orders establishing or modifying a support obligation
4 that provide that support payments shall be made to the support
5 registry.

6 (3) The division of child support shall reimburse the clerk for the
7 reasonable costs of copying and sending copies of court orders to the
8 registry at the reimbursement rate provided in Title IV-D of the
9 federal social security act.

10 (4) Effective October 1, 1998, the superior court clerk, the office
11 of administrative hearings, and the department of social and health
12 services shall, within five days of entry, forward to the Washington
13 state support registry a true and correct copy of all superior court
14 orders or administrative orders establishing or modifying a support
15 obligation.

16 (5) Receipt of a support order by the registry or other action
17 under this section on behalf of a person or persons who have not made
18 a written application for support enforcement services to the division
19 of child support and who are not recipients of public assistance is
20 deemed to be:

21 (a) A request for payment services only if the order requires
22 payment to the Washington state support registry;

23 (b) A submission for inclusion in the state case registry if the
24 order does not require that support payments be made to the Washington
25 state support registry.

26 NEW SECTION. **Sec. 914.** A new section is added to chapter 26.23
27 RCW to read as follows:

28 ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO
29 UPDATE--PROVISIONS REGARDING SERVICE. (1) Each party to a paternity or
30 child support proceeding must provide the court and the Washington
31 state child support registry with his or her:

32 (a) Social security number;

33 (b) Current residential address;

34 (c) Date of birth;

35 (d) Telephone number;

36 (e) Driver's license number; and

37 (f) Employer's name, address, and telephone number.

1 (2) Each party to an order entered in a child support or paternity
2 proceeding shall update the information required under subsection (1)
3 of this section promptly after any change in the information. The duty
4 established under this section continues as long as any monthly support
5 or support debt remains due under the support order.

6 (3) In any proceeding to establish, enforce, or modify the child
7 support order between the parties, a party may demonstrate to the
8 presiding officer that he or she has diligently attempted to locate the
9 other party. Upon a showing of diligent efforts to locate, the
10 presiding officer may allow, or accept as adequate, service of process
11 for the action by delivery of written notice to the address most
12 recently provided by the party under this section.

13 (4) All support orders shall contain notice to the parties of the
14 obligations established by this section and possibility of service of
15 process according to subsection (3) of this section.

16 **Sec. 915.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to
17 read as follows:

18 (1) There is created a Washington state support registry within the
19 (~~office of support enforcement~~) division of child support as the
20 agency designated in Washington state to administer the child support
21 program under Title IV-D of the federal social security act. The
22 registry shall:

23 (a) Provide a central unit for collection of support payments made
24 to the registry;

25 (b) Account for and disburse all support payments received by the
26 registry;

27 (~~(b)~~) (c) Maintain the necessary records including, but not
28 limited to, information on support orders, support debts, the date and
29 amount of support due; the date and amount of payments; and the names,
30 social security numbers, and addresses of the parties;

31 (~~(e)~~) (d) Develop procedures for providing information to the
32 parties regarding action taken by, and support payments collected and
33 distributed by the registry; and

34 (e) Maintain a state child support case registry to compile and
35 maintain records on all child support orders entered in the state of
36 Washington.

37 (2) The (~~office of support enforcement~~) division of child support
38 may assess and collect interest at the rate of twelve percent per year

1 on unpaid child support that has accrued under any support order
2 entered into the registry. This interest rate shall not apply to those
3 support orders already specifying an interest assessment at a different
4 rate.

5 (3) The secretary of social and health services shall adopt rules
6 for the maintenance and retention of records of support payments and
7 for the archiving and destruction of such records when the support
8 obligation terminates or is satisfied. When a support obligation
9 established under court order entered in a superior court of this state
10 has been satisfied, a satisfaction of judgment form shall be prepared
11 by the registry and filed with the clerk of the court in which the
12 order was entered.

13 **Sec. 916.** RCW 74.20A.060 and 1989 c 360 s 9 and 1989 c 175 s 153
14 are each reenacted and amended to read as follows:

15 (1) The secretary may assert a lien upon the real or personal
16 property of a responsible parent:

17 (a) When a support payment is past due, if the parent's support
18 order (~~was entered in accordance with RCW 26.23.050(1)~~) contains
19 notice that liens may be enforced against real and personal property,
20 or notice that action may be taken under this chapter;

21 (b) Twenty-one days after service of a notice of support debt under
22 RCW 74.20A.040;

23 (c) Twenty-one days after service of a notice and finding of
24 financial responsibility under RCW 74.20A.055;

25 (d) Twenty-one days after service of a notice and finding of
26 parental responsibility;

27 (e) Twenty-one days after service of a notice of support owed under
28 RCW 26.23.110; or

29 (f) When appropriate under RCW 74.20A.270.

30 (2) The division of child support may use uniform interstate lien
31 forms adopted by the United States department of health and human
32 services to assert liens on a responsible parent's real and personal
33 property located in another state.

34 (3) The claim of the department for a support debt, not paid when
35 due, shall be a lien against all property of the debtor with priority
36 of a secured creditor. This lien shall be separate and apart from, and
37 in addition to, any other lien created by, or provided for, in this
38 title. The lien shall attach to all real and personal property of the

1 debtor on the date of filing of such statement with the county auditor
2 of the county in which such property is located.

3 ~~((+3))~~ (4) Whenever a support lien has been filed and there is in
4 the possession of any person, firm, corporation, association, political
5 subdivision or department of the state having notice of said lien any
6 property which may be subject to the support lien, such property shall
7 not be paid over, released, sold, transferred, encumbered or conveyed,
8 except as provided for by the exemptions contained in RCW 74.20A.090
9 and 74.20A.130, unless:

10 (a) A written release or waiver signed by the secretary has been
11 delivered to said person, firm, corporation, association, political
12 subdivision or department of the state; or

13 (b) A determination has been made in an adjudicative proceeding
14 pursuant to RCW 74.20A.055 or by a superior court ordering release of
15 said support lien on the basis that no debt exists or that the debt has
16 been satisfied.

17 **Sec. 917.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to
18 read as follows:

19 (1) The secretary may issue to any person, firm, corporation,
20 association, political subdivision, department of the state, or agency,
21 subdivision, or instrumentality of the United States, an order to
22 withhold and deliver property of any kind, including but not restricted
23 to earnings which are or might become due, owing, or belonging to the
24 debtor, when the secretary has reason to believe that there is in the
25 possession of such person, firm, corporation, association, political
26 subdivision, department of the state, or agency, subdivision, or
27 instrumentality of the United States property which is or might become
28 due, owing, or belonging to said debtor. Such order to withhold and
29 deliver may be issued:

30 (a) ~~((When a support payment is past due))~~ At any time, if a
31 responsible parent's support order:

32 (i) ~~Contains ((language directing the parent to make support
33 payments to the Washington state support registry; and))~~ notice that
34 withholding action may be taken against earnings, wages, or assets
35 without further notice to the parent; or

36 (ii) Includes a statement that other income-withholding action
37 under this chapter may be taken without further notice to the
38 responsible parent(~~(, as provided for in RCW 26.23.050(1))~~);

1 (b) Twenty-one days after service of a notice of support debt under
2 RCW 74.20A.040;

3 (c) Twenty-one days after service of a notice and finding of
4 parental responsibility under RCW 74.20A.056;

5 (d) Twenty-one days after service of a notice of support owed under
6 RCW 26.23.110;

7 (e) Twenty-one days after service of a notice and finding of
8 financial responsibility under RCW 74.20A.055; or

9 (f) When appropriate under RCW 74.20A.270.

10 (2) The order to withhold and deliver shall:

11 (a) State the amount to be withheld on a periodic basis if the
12 order to withhold and deliver is being served to secure payment of
13 monthly current support;

14 (b) State the amount of the support debt accrued;

15 ~~((b))~~ (c) State in summary the terms of RCW 74.20A.090 and
16 74.20A.100;

17 ~~((e))~~ (d) Be served in the manner prescribed for the service of
18 a summons in a civil action or by certified mail, return receipt
19 requested.

20 (3) The division of child support may use uniform interstate
21 withholding forms adopted by the United States department of health and
22 human services to take withholding actions under this section when the
23 responsible parent is owed money or property that is located in another
24 state.

25 (4) Any person, firm, corporation, association, political
26 subdivision, department of the state, or agency, subdivision, or
27 instrumentality of the United States upon whom service has been made is
28 hereby required to:

29 (a) Answer said order to withhold and deliver within twenty days,
30 exclusive of the day of service, under oath and in writing, and shall
31 make true answers to the matters inquired of therein; and

32 (b) Provide further and additional answers when requested by the
33 secretary.

34 ~~((4))~~ (5) Any such person, firm, corporation, association,
35 political subdivision, department of the state, or agency, subdivision,
36 or instrumentality of the United States in possession of any property
37 which may be subject to the claim of the department ~~((of social and~~
38 health services)) shall:

1 (a)(i) Immediately withhold such property upon receipt of the order
2 to withhold and deliver; and

3 (ii) Immediately deliver the property to the secretary as soon as
4 the twenty-day answer period expires;

5 (iii) Continue to withhold earnings payable to the debtor at each
6 succeeding disbursement interval as provided for in RCW 74.20A.090, and
7 deliver amounts withheld from earnings to the secretary on the date
8 earnings are payable to the debtor;

9 (iv) Deliver amounts withheld from periodic payments to the
10 secretary on the date the payments are payable to the debtor;

11 (v) Inform the secretary of the date the amounts were withheld as
12 requested under this section; or

13 (b) Furnish to the secretary a good and sufficient bond,
14 satisfactory to the secretary, conditioned upon final determination of
15 liability.

16 ((+5)) (6) An order to withhold and deliver served under this
17 section shall not expire until:

18 (a) Released in writing by the ((office of support enforcement))
19 division of child support;

20 (b) Terminated by court order; or

21 (c) The person or entity receiving the order to withhold and
22 deliver does not possess property of or owe money to the debtor for any
23 period of twelve consecutive months following the date of service of
24 the order to withhold and deliver.

25 ((+6)) (7) Where money is due and owing under any contract of
26 employment, express or implied, or is held by any person, firm,
27 corporation, or association, political subdivision, or department of
28 the state, or agency, subdivision, or instrumentality of the United
29 States subject to withdrawal by the debtor, such money shall be
30 delivered by remittance payable to the order of the secretary.

31 ((+7)) (8) Delivery to the secretary of the money or other
32 property held or claimed shall satisfy the requirement and serve as
33 full acquittance of the order to withhold and deliver.

34 ((+8)) (9) A person, firm, corporation, or association, political
35 subdivision, department of the state, or agency, subdivision, or
36 instrumentality of the United States that complies with the order to
37 withhold and deliver under this chapter is not civilly liable to the
38 debtor for complying with the order to withhold and deliver under this
39 chapter.

1 (~~(9)~~) (10) The secretary may hold the money or property delivered
2 under this section in trust for application on the indebtedness
3 involved or for return, without interest, in accordance with final
4 determination of liability or nonliability.

5 (~~(10)~~) (11) Exemptions contained in RCW 74.20A.090 apply to
6 orders to withhold and deliver issued under this section.

7 (~~(11)~~) (12) The secretary shall also, on or before the date of
8 service of the order to withhold and deliver, mail or cause to be
9 mailed a copy of the order to withhold and deliver to the debtor at the
10 debtor's last known post office address, or, in the alternative, a copy
11 of the order to withhold and deliver shall be served on the debtor in
12 the same manner as a summons in a civil action on or before the date of
13 service of the order or within two days thereafter. The copy of the
14 order shall be mailed or served together with a concise explanation of
15 the right to petition for judicial review. This requirement is not
16 jurisdictional, but, if the copy is not mailed or served as in this
17 section provided, or if any irregularity appears with respect to the
18 mailing or service, the superior court, in its discretion on motion of
19 the debtor promptly made and supported by affidavit showing that the
20 debtor has suffered substantial injury due to the failure to mail the
21 copy, may set aside the order to withhold and deliver and award to the
22 debtor an amount equal to the damages resulting from the secretary's
23 failure to serve on or mail to the debtor the copy.

24 (~~(12)~~) (13) An order to withhold and deliver issued in accordance
25 with this section has priority over any other wage assignment,
26 garnishment, attachment, or other legal process(~~(, except for another~~
27 ~~wage assignment, garnishment, attachment, or other legal process for~~
28 ~~child support)~~)).

29 (~~(13)~~) (14) The (~~(office of support enforcement)~~) division of
30 child support shall notify any person, firm, corporation, association,
31 or political subdivision, department of the state, or agency,
32 subdivision, or instrumentality of the United States required to
33 withhold and deliver the earnings of a debtor under this action that
34 they may deduct a processing fee from the remainder of the debtor's
35 earnings, even if the remainder would otherwise be exempt under RCW
36 74.20A.090. The processing fee shall not exceed ten dollars for the
37 first disbursement to the department and one dollar for each subsequent
38 disbursement under the order to withhold and deliver.

1 **Sec. 918.** RCW 26.23.120 and 1994 c 230 s 12 are each amended to
2 read as follows:

3 (1) Any information or records concerning individuals who owe a
4 support obligation or for whom support enforcement services are being
5 provided which are obtained or maintained by the Washington state
6 support registry, the ~~((office of support enforcement))~~ division of
7 child support, or under chapter 74.20 RCW shall be private and
8 confidential and shall only be subject to public disclosure as provided
9 in subsection (2) of this section.

10 (2) The secretary of the department of social and health services
11 ~~((shall))~~ may adopt rules ~~((which))~~ :

12 (a) That specify what information is confidential;

13 (b) That specify the individuals or agencies to whom this
14 information and these records may be disclosed((τ));

15 (c) Limiting the purposes for which the information may be
16 disclosed((τ and the));

17 (d) Establishing procedures to obtain the information or records;
18 or

19 (e) Establishing safeguards necessary to comply with federal law
20 requiring safeguarding of information.

21 (3) The rules adopted under subsection (2) of this section shall
22 provide for disclosure of the information and records, under
23 appropriate circumstances, which shall include, but not be limited to:

24 (a) When authorized or required by federal statute or regulation
25 governing the support enforcement program;

26 (b) To the person the subject of the records or information, unless
27 the information is exempt from disclosure under RCW 42.17.310;

28 (c) To government agencies, whether state, local, or federal, and
29 including federally recognized tribes, law enforcement agencies,
30 prosecuting agencies, and the executive branch, if the disclosure is
31 necessary for child support enforcement purposes or required under
32 Title IV-D of the federal social security act;

33 (d) To the parties in a judicial or adjudicative proceeding upon a
34 specific written finding by the presiding officer that the need for the
35 information outweighs any reason for maintaining the privacy and
36 confidentiality of the information or records;

37 (e) To private persons, federally recognized tribes, or
38 organizations if the disclosure is necessary to permit private

1 contracting parties to assist in the management and operation of the
2 department;

3 (f) Disclosure of address and employment information to the parties
4 to an action for purposes relating to a child support order, subject to
5 the limitations in subsections (4) and (5) of this section;

6 (g) Disclosure of information or records when necessary to the
7 efficient administration of the support enforcement program or to the
8 performance of functions and responsibilities of the support registry
9 and the ~~((office of support enforcement))~~ division of child support as
10 set forth in state and federal statutes; or

11 (h) Disclosure of the information or records when authorized under
12 RCW 74.04.060.

13 ~~((3))~~ (4) Prior to disclosing the ~~((physical custodian's address~~
14 ~~under subsection (2)(f) of this section))~~ whereabouts of a parent or a
15 party to a support order to the other parent or party, a notice shall
16 be mailed, if appropriate under the circumstances, to the ~~((physical~~
17 ~~custodian))~~ parent or other party whose whereabouts are to be
18 disclosed, at ~~((the physical custodian's))~~ that person's last known
19 address. The notice shall advise the ~~((physical custodian))~~ parent or
20 party that a request for disclosure has been made and will be complied
21 with unless the department:

22 (a) Receives a copy of a court order within thirty days which
23 enjoins the disclosure of the information or restricts or limits the
24 requesting party's right to contact or visit the ~~((physical custodian))~~
25 parent or party whose address is to be disclosed or the child~~(, or the~~
26 ~~custodial parent requests a hearing to contest the disclosure))~~;

27 (b) Receives a hearing request within thirty days under subsection
28 (5) of this section; or

29 (c) Has reason to believe that the release of the information may
30 result in physical or emotional harm to the party whose whereabouts are
31 to be released, or to the child.

32 (5) A person receiving notice under subsection (4) of this section
33 may request an adjudicative proceeding under chapter 34.05 RCW, at
34 which the person may show that there is reason to believe that release
35 of the information may result in physical or emotional harm to the
36 person or the child. The administrative law judge shall determine
37 whether the ~~((address))~~ whereabouts of the ~~((custodial parent))~~ person
38 should be disclosed based on ~~((the same standard as a claim of "good~~
39 ~~cause" as defined in 42 U.S.C. Sec. 602(a)(26)(c))~~ subsection (4)(c)

1 of this section, however no hearing is necessary if the department has
2 in its possession a protective order or an order limiting visitation or
3 contact.

4 ~~((+4))~~ (6) Nothing in this section shall be construed as limiting
5 or restricting the effect of RCW 42.17.260~~((+6))~~ (9). Nothing in this
6 section shall be construed to prevent the disclosure of information and
7 records if all details identifying an individual are deleted or the
8 individual consents to the disclosure.

9 ~~((+5))~~ (7) It shall be unlawful for any person or agency in
10 violation of this section to solicit, publish, disclose, receive, make
11 use of, or to authorize, knowingly permit, participate in or acquiesce
12 in the use of any lists of names for commercial or political purposes
13 or the use of any information for purposes other than those purposes
14 specified in this section. A violation of this section shall be a
15 gross misdemeanor as provided in chapter 9A.20 RCW.

16 **Sec. 919.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to
17 read as follows:

18 (1) Application for a marriage license must be made and filed with
19 the appropriate county auditor upon blanks to be provided by the county
20 auditor for that purpose, which application shall be under the oath of
21 each of the applicants, and each application shall state the name,
22 address at the time of execution of application, age, social security
23 number, birthplace, whether single, widowed or divorced, and whether
24 under control of a guardian, residence during the past six months:
25 PROVIDED, That each county may require such other and further
26 information on said application as it shall deem necessary.

27 (2) The county legislative authority may impose an additional fee
28 up to fifteen dollars on a marriage license for the purpose of funding
29 family services such as family support centers.

30 **Sec. 920.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to
31 read as follows:

32 (1) Except as otherwise provided in subsection (7) of RCW
33 26.09.070, the provisions of any decree respecting maintenance or
34 support may be modified: (a) Only as to installments accruing
35 subsequent to the petition for modification or motion for adjustment
36 except motions to compel court-ordered adjustments, which shall be
37 effective as of the first date specified in the decree for implementing

1 the adjustment; and, (b) except as otherwise provided in subsections
2 (4), (5), (8), and (9) of this section, only upon a showing of a
3 substantial change of circumstances. The provisions as to property
4 disposition may not be revoked or modified, unless the court finds the
5 existence of conditions that justify the reopening of a judgment under
6 the laws of this state.

7 (2) Unless otherwise agreed in writing or expressly provided in the
8 decree the obligation to pay future maintenance is terminated upon the
9 death of either party or the remarriage of the party receiving
10 maintenance.

11 (3) Unless otherwise agreed in writing or expressly provided in the
12 decree, provisions for the support of a child are terminated by
13 emancipation of the child or by the death of the parent obligated to
14 support the child.

15 (4) An order of child support may be modified one year or more
16 after it has been entered without showing a substantial change of
17 circumstances:

18 (a) If the order in practice works a severe economic hardship on
19 either party or the child;

20 (b) If a party requests an adjustment in an order for child support
21 which was based on guidelines which determined the amount of support
22 according to the child's age, and the child is no longer in the age
23 category on which the current support amount was based;

24 (c) If a child is still in high school, upon a finding that there
25 is a need to extend support beyond the eighteenth birthday to complete
26 high school; or

27 (d) To add an automatic adjustment of support provision consistent
28 with RCW 26.09.100.

29 (5) An order or decree entered prior to June 7, 1984, may be
30 modified without showing a substantial change of circumstances if the
31 requested modification is to:

32 (a) Require health insurance coverage for a child named therein; or

33 (b) Modify an existing order for health insurance coverage.

34 (6) An obligor's voluntary unemployment or voluntary
35 underemployment, by itself, is not a substantial change of
36 circumstances.

37 (7) The department of social and health services may file an action
38 to modify an order of child support if public assistance money is being
39 paid to or for the benefit of the child and the child support order is

1 twenty-five percent or more below the appropriate child support amount
2 set forth in the standard calculation as defined in RCW 26.19.011 and
3 reasons for the deviation are not set forth in the findings of fact or
4 order. The determination of twenty-five percent or more shall be based
5 on the current income of the parties and the department shall not be
6 required to show a substantial change of circumstances if the reasons
7 for the deviations were not set forth in the findings of fact or order.

8 (8)(a) All child support decrees may be adjusted once every twenty-
9 four months based upon changes in the income of the parents without a
10 showing of substantially changed circumstances. Either party may
11 initiate the adjustment by filing a motion and child support
12 worksheets.

13 (b) A party may petition for modification in cases of substantially
14 changed circumstances under subsection (1) of this section at any time.
15 However, if relief is granted under subsection (1) of this section,
16 twenty-four months must pass before a motion for an adjustment under
17 (a) of this subsection may be filed.

18 (c) If, pursuant to (a) of this subsection or subsection (9) of
19 this section, the court adjusts or modifies a child support obligation
20 by more than thirty percent and the change would cause significant
21 hardship, the court may implement the change in two equal increments,
22 one at the time of the entry of the order and the second six months
23 from the entry of the order. Twenty-four months must pass following
24 the second change before a motion for an adjustment under (a) of this
25 subsection may be filed.

26 (d) A parent who is receiving transfer payments who receives a wage
27 or salary increase may not bring a modification action pursuant to
28 subsection (1) of this section alleging that increase constitutes a
29 substantial change of circumstances.

30 (e) The department of social and health services may file an action
31 at any time to modify an order of child support in cases of
32 substantially changed circumstances if public assistance money is being
33 paid to or for the benefit of the child. The determination of the
34 existence of substantially changed circumstances by the department that
35 lead to the filing of an action to modify the order of child support is
36 not binding upon the court.

37 (9) An order of child support may be adjusted twenty-four months
38 from the date of the entry of the decree or the last adjustment or

1 modification, whichever is later, based upon changes in the economic
2 table or standards in chapter 26.19 RCW.

3 **Sec. 921.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to
4 read as follows:

5 In this chapter:

6 (1) "Child" means an individual, whether over or under the age of
7 majority, who is or is alleged to be owed a duty of support by the
8 individual's parent or who is or is alleged to be the beneficiary of a
9 support order directed to the parent.

10 (2) "Child support order" means a support order for a child,
11 including a child who has attained the age of majority under the law of
12 the issuing state.

13 (3) "Duty of support" means an obligation imposed or imposable by
14 law to provide support for a child, spouse, or former spouse, including
15 an unsatisfied obligation to provide support.

16 (4) "Home state" means the state in which a child lived with a
17 parent or a person acting as parent for at least six consecutive months
18 immediately preceding the time of filing of a petition or comparable
19 pleading for support and, if a child is less than six months old, the
20 state in which the child lived from birth with any of them. A period
21 of temporary absence of any of them is counted as part of the six-month
22 or other period.

23 (5) "Income" includes earnings or other periodic entitlements to
24 money from any source and any other property subject to withholding for
25 support under the law of this state.

26 (6) "Income-withholding order" means an order or other legal
27 process directed to an obligor's employer or other debtor, as defined
28 by (~~chapter 6.27~~) RCW 50.04.080, to withhold support from the income
29 of the obligor.

30 (7) "Initiating state" means a state (~~in~~) from which a proceeding
31 is forwarded or in which a proceeding is filed for forwarding to a
32 responding state under this chapter or a law or procedure substantially
33 similar to this chapter, the Uniform Reciprocal Enforcement of Support
34 Act, or the Revised Uniform Reciprocal Enforcement of Support Act (~~is~~
35 ~~filed for forwarding to a responding state~~)).

36 (8) "Initiating tribunal" means the authorized tribunal in an
37 initiating state.

1 (9) "Issuing state" means the state in which a tribunal issues a
2 support order or renders a judgment determining parentage.

3 (10) "Issuing tribunal" means the tribunal that issues a support
4 order or renders a judgment determining parentage.

5 (11) "Law" includes decisional and statutory law and rules and
6 regulations having the force of law.

7 (12) "Obligee" means:

8 (a) An individual to whom a duty of support is or is alleged to be
9 owed or in whose favor a support order has been issued or a judgment
10 determining parentage has been rendered;

11 (b) A state or political subdivision to which the rights under a
12 duty of support or support order have been assigned or which has
13 independent claims based on financial assistance provided to an
14 individual obligee; or

15 (c) An individual seeking a judgment determining parentage of the
16 individual's child.

17 (13) "Obligor" means an individual, or the estate of a decedent:

18 (a) Who owes or is alleged to owe a duty of support;

19 (b) Who is alleged but has not been adjudicated to be a parent of
20 a child; or

21 (c) Who is liable under a support order.

22 (14) "Register" means to record or file in the appropriate location
23 for the recording or filing of foreign judgments generally or foreign
24 support orders specifically, a support order or judgment determining
25 parentage.

26 (15) "Registering tribunal" means a tribunal in which a support
27 order is registered.

28 (16) "Responding state" means a state ((~~to~~)) in which a proceeding
29 is filed or to which a proceeding is forwarded for filing from an
30 initiating state under this chapter or a law or procedure substantially
31 similar to this chapter, the Uniform Reciprocal Enforcement of Support
32 Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

33 (17) "Responding tribunal" means the authorized tribunal in a
34 responding state.

35 (18) "Spousal support order" means a support order for a spouse or
36 former spouse of the obligor.

37 (19) "State" means a state of the United States, the District of
38 Columbia, ((~~the Commonwealth of~~)) Puerto Rico, the United States Virgin

1 Islands, or any territory or insular possession subject to the
2 jurisdiction of the United States. The term ("~~state~~") includes:
3 (i) An Indian tribe (~~and includes~~); and
4 (ii) A foreign jurisdiction that has enacted a law or established
5 procedures for issuance and enforcement of support orders (~~that~~)
6 which are substantially similar to the procedures under this chapter,
7 the Uniform Reciprocal Enforcement of Support Act, or the Revised
8 Uniform Reciprocal Enforcement of Support Act.

9 (20) "Support enforcement agency" means a public official or agency
10 authorized to seek:

11 (a) Enforcement of support orders or laws relating to the duty of
12 support;

13 (b) Establishment or modification of child support;

14 (c) Determination of parentage; or

15 (d) Location of obligors or their assets.

16 (21) "Support order" means a judgment, decree, or order, whether
17 temporary, final, or subject to modification, for the benefit of a
18 child, a spouse, or a former spouse, that provides for monetary
19 support, health care, arrearages, or reimbursement, and may include
20 related costs and fees, interest, income withholding, attorneys' fees,
21 and other relief.

22 (22) "Tribunal" means a court, administrative agency, or quasi-
23 judicial entity authorized to establish, enforce, or modify support
24 orders or to determine parentage.

25 **Sec. 922.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to
26 read as follows:

27 (1) A tribunal of this state issuing a support order consistent
28 with the law of this state has continuing, exclusive jurisdiction over
29 a child support order:

30 (a) As long as this state remains the residence of the obligor, the
31 individual obligee, or the child for whose benefit the support order is
32 issued; or

33 (b) Until (~~each individual party has~~) all of the parties who are
34 individuals have filed written consents with the tribunal of this state
35 for a tribunal of another state to modify the order and assume
36 continuing, exclusive jurisdiction.

37 (2) A tribunal of this state issuing a child support order
38 consistent with the law of this state may not exercise its continuing

1 jurisdiction to modify the order if the order has been modified by a
2 tribunal of another state pursuant to this chapter or a law
3 substantially similar to this chapter.

4 (3) If a child support order of this state is modified by a
5 tribunal of another state pursuant to this chapter or a law
6 substantially similar to this chapter, a tribunal of this state loses
7 its continuing, exclusive jurisdiction with regard to prospective
8 enforcement of the order issued in this state, and may only:

9 (a) Enforce the order that was modified as to amounts accruing
10 before the modification;

11 (b) Enforce nonmodifiable aspects of that order; and

12 (c) Provide other appropriate relief for violations of that order
13 which occurred before the effective date of the modification.

14 (4) A tribunal of this state shall recognize the continuing,
15 exclusive jurisdiction of a tribunal of another state that has issued
16 a child support order pursuant to this chapter or a law substantially
17 similar to this chapter.

18 (5) A temporary support order issued ex parte or pending resolution
19 of a jurisdictional conflict does not create continuing, exclusive
20 jurisdiction in the issuing tribunal.

21 (6) A tribunal of this state issuing a support order consistent
22 with the law of this state has continuing, exclusive jurisdiction over
23 a spousal support order throughout the existence of the support
24 obligation. A tribunal of this state may not modify a spousal support
25 order issued by a tribunal of another state having continuing,
26 exclusive jurisdiction over that order under the law of that state.

27 **Sec. 923.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to
28 read as follows:

29 (1) If a proceeding is brought under this chapter and only one
30 tribunal has issued a child support order, the order of that tribunal
31 controls and must be so recognized.

32 (2) If a proceeding is brought under this chapter, and ~~((one))~~ two
33 or more child support orders have been issued ~~((in))~~ by tribunals of
34 this state or another state with regard to ~~((an))~~ the same obligor and
35 ~~((a))~~ child, a tribunal of this state shall apply the following rules
36 in determining which order to recognize for purposes of continuing,
37 exclusive jurisdiction:

1 (a) If only one of the tribunals ((has issued a child support
2 order)) would have continuing, exclusive jurisdiction under this
3 chapter, the order of that tribunal controls and must be so recognized.

4 (b) ~~((If two or more tribunals have issued child support orders for~~
5 ~~the same obligor and child, and only one of the tribunals would have~~
6 ~~continuing, exclusive jurisdiction under this chapter, the order of~~
7 ~~that tribunal must be recognized.~~

8 (c)) If ~~((two or more tribunals have issued child support orders~~
9 ~~for the same obligor and child, and)) more than one of the tribunals~~
10 ~~would have continuing, exclusive jurisdiction under this chapter, an~~
11 ~~order issued by a tribunal in the current home state of the child~~
12 controls and must be so recognized, but if an order has not been issued
13 in the current home state of the child, the order most recently issued
14 controls and must be so recognized.

15 ~~((d) If two or more tribunals have issued child support orders for~~
16 ~~the same obligor and child, and none of the tribunals would have~~
17 ~~continuing, exclusive jurisdiction under this chapter, the tribunal of~~
18 ~~this state may issue a child support order, which must be recognized.~~

19 (2) ~~The tribunal that has issued an order recognized under~~
20 ~~subsection (1) of this section is the tribunal having continuing,~~
21 ~~exclusive jurisdiction.)~~

22 (c) If none of the tribunals would have continuing, exclusive
23 jurisdiction under this chapter, the tribunal of this state having
24 jurisdiction over the parties shall issue a child support order, which
25 controls and must be so recognized.

26 (3) If two or more child support orders have been issued for the
27 same obligor and child and if the obligor or the individual obligee
28 resides in this state, a party may request a tribunal of this state to
29 determine which order controls and must be so recognized under
30 subsection (2) of this section. The request must be accompanied by a
31 certified copy of every support order in effect. The requesting party
32 shall give notice of the request to each party whose rights may be
33 affected by the determination.

34 (4) The tribunal that issued the controlling order under subsection
35 (1), (2), or (3) of this section is the tribunal that has continuing,
36 exclusive jurisdiction under RCW 26.21.115.

37 (5) A tribunal of this state which determines by order the identity
38 of the controlling order under subsection (2)(a) or (b) of this section
39 or which issues a new controlling order under subsection (2)(c) of this

1 section shall state in that order the basis upon which the tribunal
2 made its determination.

3 (6) Within thirty days after issuance of an order determining the
4 identity of the controlling order, the party obtaining the order shall
5 file a certified copy of it with each tribunal that issued or
6 registered an earlier order of child support. A party who obtains the
7 order and fails to file a certified copy is subject to appropriate
8 sanctions by a tribunal in which the issue of failure to file arises.
9 The failure to file does not affect the validity or enforceability of
10 the controlling order.

11 **Sec. 924.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to
12 read as follows:

13 (1) Upon the filing of a petition authorized by this chapter, an
14 initiating tribunal of this state shall forward three copies of the
15 petition and its accompanying documents:

16 ((+1)) (a) To the responding tribunal or appropriate support
17 enforcement agency in the responding state; or

18 ((+2)) (b) If the identity of the responding tribunal is unknown,
19 to the state information agency of the responding state with a request
20 that they be forwarded to the appropriate tribunal and that receipt be
21 acknowledged.

22 (2) If a responding state has not enacted the Uniform Interstate
23 Family Support Act or a law or procedure substantially similar to the
24 Uniform Interstate Family Support Act, a tribunal of this state may
25 issue a certificate or other document and make findings required by the
26 law of the responding state. If the responding state is a foreign
27 jurisdiction, the tribunal may specify the amount of support sought and
28 provide other documents necessary to satisfy the requirements of the
29 responding state.

30 **Sec. 925.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to
31 read as follows:

32 (1) When a responding tribunal of this state receives a petition or
33 comparable pleading from an initiating tribunal or directly pursuant to
34 RCW 26.21.205(3), it shall cause the petition or pleading to be filed
35 and notify the petitioner ((by first class mail)) where and when it was
36 filed.

1 (2) A responding tribunal of this state, to the extent otherwise
2 authorized by law, may do one or more of the following:

3 (a) Issue or enforce a support order, modify a child support order,
4 or render a judgment to determine parentage;

5 (b) Order an obligor to comply with a support order, specifying the
6 amount and the manner of compliance;

7 (c) Order income withholding;

8 (d) Determine the amount of any arrearages, and specify a method of
9 payment;

10 (e) Enforce orders by civil or criminal contempt, or both;

11 (f) Set aside property for satisfaction of the support order;

12 (g) Place liens and order execution on the obligor's property;

13 (h) Order an obligor to keep the tribunal informed of the obligor's
14 current residential address, telephone number, employer, address of
15 employment, and telephone number at the place of employment;

16 (i) Issue a bench warrant or writ of arrest for an obligor who has
17 failed after proper notice to appear at a hearing ordered by the
18 tribunal and enter the bench warrant or writ of arrest in any local and
19 state computer systems for criminal warrants;

20 (j) Order the obligor to seek appropriate employment by specified
21 methods;

22 (k) Award reasonable attorneys' fees and other fees and costs; and

23 (l) Grant any other available remedy.

24 (3) A responding tribunal of this state shall include in a support
25 order issued under this chapter, or in the documents accompanying the
26 order, the calculations on which the support order is based.

27 (4) A responding tribunal of this state may not condition the
28 payment of a support order issued under this chapter upon compliance by
29 a party with provisions for visitation.

30 (5) If a responding tribunal of this state issues an order under
31 this chapter, the tribunal shall send a copy of the order (~~by first~~
32 ~~class mail~~) to the petitioner and the respondent and to the initiating
33 tribunal, if any.

34 **Sec. 926.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to
35 read as follows:

36 If a petition or comparable pleading is received by an
37 inappropriate tribunal of this state, it shall forward the pleading and
38 accompanying documents to an appropriate tribunal in this state or

1 another state and notify the petitioner (~~by first class mail~~) where
2 and when the pleading was sent.

3 **Sec. 927.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to
4 read as follows:

5 (1) A support enforcement agency of this state, upon request, shall
6 provide services to a petitioner in a proceeding under this chapter.

7 (2) A support enforcement agency that is providing services to the
8 petitioner as appropriate shall:

9 (a) Take all steps necessary to enable an appropriate tribunal in
10 this state or another state to obtain jurisdiction over the respondent;

11 (b) Request an appropriate tribunal to set a date, time, and place
12 for a hearing;

13 (c) Make a reasonable effort to obtain all relevant information,
14 including information as to income and property of the parties;

15 (d) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and
16 legal holidays, after receipt of a written notice from an initiating,
17 responding, or registering tribunal, send a copy of the notice (~~by~~
18 ~~first class mail~~) to the petitioner;

19 (e) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and
20 legal holidays, after receipt of a written communication from the
21 respondent or the respondent's attorney, send a copy of the
22 communication (~~by first class mail~~) to the petitioner; and

23 (f) Notify the petitioner if jurisdiction over the respondent
24 cannot be obtained.

25 (3) This chapter does not create or negate a relationship of
26 attorney and client or other fiduciary relationship between a support
27 enforcement agency or the attorney for the agency and the individual
28 being assisted by the agency.

29 **Sec. 928.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to
30 read as follows:

31 (~~(1)~~) An income-withholding order issued in another state may be
32 sent (~~by first class mail~~) to the person or entity defined as the
33 obligor's employer under (~~chapter 6.27~~) RCW 50.04.080 without first
34 filing a petition or comparable pleading or registering the order with
35 a tribunal of this state. (~~Upon receipt of the order, the employer~~
36 ~~shall:~~

1 ~~(a) Treat an income withholding order issued in another state that~~
2 ~~appears regular on its face as if it had been issued by a tribunal of~~
3 ~~this state;~~

4 ~~(b) Immediately provide a copy of the order to the obligor; and~~

5 ~~(c) Distribute the funds as directed in the income withholding~~
6 ~~order.~~

7 ~~(2) An obligor may contest the validity or enforcement of an~~
8 ~~income withholding order issued in another state in the same manner as~~
9 ~~if the order had been issued by a tribunal of this state. RCW~~
10 ~~26.21.510 applies to the contest. The obligor shall give notice of the~~
11 ~~contest to any support enforcement agency providing services to the~~
12 ~~obligee and to:~~

13 ~~(a) The person or agency designated to receive payments in the~~
14 ~~income withholding order; or~~

15 ~~(b) If no person or agency is designated, the obligee.)~~

16 NEW SECTION. Sec. 929. A new section is added to chapter 26.21
17 RCW to read as follows:

18 EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER
19 STATE. (1) Upon receipt of an income-withholding order, the obligor's
20 employer shall immediately provide a copy of the order to the obligor.

21 (2) The employer shall treat an income-withholding order issued in
22 another state that appears regular on its face as if it had been issued
23 by a tribunal of this state.

24 (3) Except as provided in subsection (4) of this section and
25 section 930 of this act, the employer shall withhold and distribute the
26 funds as directed in the withholding order by complying with the terms
27 of the order which specify:

28 (a) The duration and amount of periodic payments of current child
29 support, stated as a sum certain;

30 (b) The person or agency designated to receive payments and the
31 address to which the payments are to be forwarded;

32 (c) Medical support, whether in the form of periodic cash payment,
33 stated as sum certain, or ordering the obligor to provide health
34 insurance coverage for the child under a policy available through the
35 obligor's employment;

36 (d) The amount of periodic payments of fees and costs for a support
37 enforcement agency, the issuing tribunal, and the obligee's attorney,
38 stated as sum certain; and

1 (e) The amount of periodic payments of arrearages and interest on
2 arrearages, stated as sum certain.

3 (4) The employer shall comply with the law of the state of the
4 obligor's principal place of employment for withholding from income
5 with respect to:

6 (a) The employer's fee for processing an income withholding order;

7 (b) The maximum amount permitted to be withheld from the obligor's
8 income; and

9 (c) The times within which the employer must implement the
10 withholding order and forward the child support payment.

11 NEW SECTION. **Sec. 930.** A new section is added to chapter 26.21
12 RCW to read as follows:

13 COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS. If an
14 obligor's employer receives multiple income-withholding orders with
15 respect to the earnings of the same obligor, the employer satisfies the
16 terms of the multiple orders if the employer complies with the law of
17 the state of the obligor's principal place of employment to establish
18 the priorities for withholding and allocating income withheld for
19 multiple child support obligees.

20 NEW SECTION. **Sec. 931.** A new section is added to chapter 26.21
21 RCW to read as follows:

22 IMMUNITY FROM CIVIL LIABILITY. An employer who complies with an
23 income-withholding order issued in another state in accordance with
24 this article is not subject to civil liability to an individual or
25 agency with regard to the employer's withholding of child support from
26 the obligor's income.

27 NEW SECTION. **Sec. 932.** A new section is added to chapter 26.21
28 RCW to read as follows:

29 PENALTIES FOR NONCOMPLIANCE. An employer who willfully fails to
30 comply with an income-withholding order issued by another state and
31 received for enforcement is subject to the same penalties that may be
32 imposed for noncompliance with an order issued by a tribunal of this
33 state.

34 NEW SECTION. **Sec. 933.** A new section is added to chapter 26.21
35 RCW to read as follows:

1 CONTEST BY OBLIGOR. (1) An obligor may contest the validity or
2 enforcement of an income-withholding order issued in another state and
3 received directly by an employer in this state in the same manner as if
4 the order had been issued by a tribunal of this state. RCW 26.21.510
5 applies to the contest.

6 (2) The obligor shall give notice of the contest to:

7 (a) A support enforcement agency providing services to the obligee;

8 (b) Each employer that has directly received an income-withholding
9 order; and

10 (c) The person or agency designated to receive payments in the
11 income-withholding order, or if no person or agency is designated, to
12 the obligee.

13 **Sec. 934.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to
14 read as follows:

15 (1) A support order or income-withholding order of another state
16 may be registered in this state by sending the following documents and
17 information to the support enforcement agency of this state or to the
18 superior court of any county in this state where the obligor resides,
19 works, or has property:

20 (a) A letter of transmittal to the tribunal requesting registration
21 and enforcement;

22 (b) Two copies, including one certified copy, of all orders to be
23 registered, including any modification of an order;

24 (c) A sworn statement by the party seeking registration or a
25 certified statement by the custodian of the records showing the amount
26 of any arrearage;

27 (d) The name of the obligor and, if known:

28 (i) The obligor's address and social security number;

29 (ii) The name and address of the obligor's employer and any other
30 source of income of the obligor; and

31 (iii) A description and the location of property of the obligor in
32 this state not exempt from execution; and

33 (e) The name and address of the obligee and, if applicable, the
34 agency or person to whom support payments are to be remitted.

35 (2) On receipt of a request for registration, the registering
36 tribunal shall cause the order to be filed as a foreign judgment,
37 together with one copy of the documents and information, regardless of
38 their form.

1 (3) A petition or comparable pleading seeking a remedy that must be
2 affirmatively sought under other law of this state may be filed at the
3 same time as the request for registration or later. The pleading must
4 specify the grounds for the remedy sought.

5 **Sec. 935.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to
6 read as follows:

7 (1) When a support order or income-withholding order issued in
8 another state is registered, the registering tribunal shall notify the
9 nonregistering party. ~~((Notice must be given by certified or
10 registered mail or by any means of personal service authorized by the
11 law of this state.))~~ The notice must be accompanied by a copy of the
12 registered order and the documents and relevant information
13 accompanying the order.

14 (2) The notice must inform the nonregistering party:

15 (a) That a registered order is enforceable as of the date of
16 registration in the same manner as an order issued by a tribunal of
17 this state;

18 (b) That a hearing to contest the validity or enforcement of the
19 registered order must be requested within twenty days after the date of
20 receipt by certified or registered mail or personal service of the
21 notice given to a nonregistering party within the state and within
22 sixty days after the date of receipt by certified or registered mail or
23 personal service of the notice on a nonregistering party outside of the
24 state;

25 (c) That failure to contest the validity or enforcement of the
26 registered order in a timely manner will result in confirmation of the
27 order and enforcement of the order and the alleged arrearages and
28 precludes further contest of that order with respect to any matter that
29 could have been asserted; and

30 (d) Of the amount of any alleged arrearages.

31 (3) Upon registration of an income-withholding order for
32 enforcement, the registering tribunal shall notify the obligor's
33 employer pursuant to the income-withholding law of this state.

34 **Sec. 936.** RCW 26.21.530 and 1993 c 318 s 606 are each amended to
35 read as follows:

36 (1) A nonregistering party seeking to contest the validity or
37 enforcement of a registered order in this state shall request a hearing

1 within twenty days after the date of receipt of certified or registered
2 mail or the date of personal service of notice of the registration on
3 the nonmoving party within this state, or, within sixty days after the
4 receipt of certified or registered mail or personal service of the
5 notice on the nonmoving party outside of the state. The nonregistering
6 party may seek to vacate the registration, to assert any defense to an
7 allegation of noncompliance with the registered order, or to contest
8 the remedies being sought or the amount of any alleged arrearages
9 pursuant to RCW 26.21.540.

10 (2) If the nonregistering party fails to contest the validity or
11 enforcement of the registered order in a timely manner, the order is
12 confirmed by operation of law.

13 (3) If a nonregistering party requests a hearing to contest the
14 validity or enforcement of the registered order, the registering
15 tribunal shall schedule the matter for hearing and give notice to the
16 parties (~~by first class mail~~) of the date, time, and place of the
17 hearing.

18 **Sec. 937.** RCW 26.21.580 and 1993 c 318 s 611 are each amended to
19 read as follows:

20 (1) After a child support order issued in another state has been
21 registered in this state, the responding tribunal of this state may
22 modify that order only if ~~((section 939 of this act does not apply~~)
23 and after notice and hearing ~~((it finds that:~~)

24 (a) The following requirements are met:

25 (i) The child, the individual obligee, and the obligor do not
26 reside in the issuing state;

27 (ii) A petitioner who is a nonresident of this state seeks
28 modification; and

29 (iii) The respondent is subject to the personal jurisdiction of the
30 tribunal of this state; or

31 (b) ~~((An individual party or))~~ The child, or a party who is an
32 individual, is subject to the personal jurisdiction of the tribunal of
33 this state and all of the ~~((individual))~~ parties who are individuals
34 have filed ~~((a))~~ written consents in the issuing tribunal ~~((providing~~
35 ~~that))~~ for a tribunal of this state ~~((may))~~ to modify the support order
36 and assume continuing, exclusive jurisdiction over the order. However,
37 if the issuing state is a foreign jurisdiction that has not enacted a
38 law or established procedures substantially similar to the procedures

1 under the Uniform Interstate Family Support Act, the consent otherwise
2 required of an individual residing in this state is not required for
3 the tribunal to assume jurisdiction to modify the child support order.

4 (2) Modification of a registered child support order is subject to
5 the same requirements, procedures, and defenses that apply to the
6 modification of an order issued by a tribunal of this state and the
7 order may be enforced and satisfied in the same manner.

8 (3) A tribunal of this state may not modify any aspect of a child
9 support order that may not be modified under the law of the issuing
10 state. If two or more tribunals have issued child support orders for
11 the same obligor and child, the order that controls and must be so
12 recognized under RCW 26.21.135 establishes the aspects of the support
13 order that are nonmodifiable.

14 (4) On issuance of an order modifying a child support order issued
15 in another state, a tribunal of this state becomes the tribunal ((of))
16 having continuing, exclusive jurisdiction.

17 ~~((5) Within thirty days after issuance of a modified child support~~
18 ~~order, the party obtaining the modification shall file a certified copy~~
19 ~~of the order with the issuing tribunal which had continuing, exclusive~~
20 ~~jurisdiction over the earlier order, and in each tribunal in which the~~
21 ~~party knows that earlier order has been registered.))~~

22 **Sec. 938.** RCW 26.21.590 and 1993 c 318 s 612 are each amended to
23 read as follows:

24 A tribunal of this state shall recognize a modification of its
25 earlier child support order by a tribunal of another state that assumed
26 jurisdiction pursuant to the Uniform Interstate Family Support Act or
27 a law substantially similar to this chapter and, upon request, except
28 as otherwise provided in this chapter, shall:

29 (1) Enforce the order that was modified only as to amounts accruing
30 before the modification;

31 (2) Enforce only nonmodifiable aspects of that order;

32 (3) Provide other appropriate relief only for violations of that
33 order which occurred before the effective date of the modification;
34 and

35 (4) Recognize the modifying order of the other state, upon
36 registration, for the purpose of enforcement.

1 NEW SECTION. **Sec. 939.** A new section is added to chapter 26.21
2 RCW to read as follows:

3 JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE IF
4 INDIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who
5 are individuals reside in this state and the child does not reside in
6 the issuing state, a tribunal of this state has jurisdiction to enforce
7 and to modify the issuing state's child support order in a proceeding
8 to register that order.

9 (2) A tribunal of this state exercising jurisdiction under this
10 section shall apply the provisions of Articles 1 and 2, this article,
11 and the procedural and substantive law of this state to the proceeding
12 for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this
13 chapter do not apply.

14 NEW SECTION. **Sec. 940.** A new section is added to chapter 26.21
15 RCW to read as follows:

16 NOTICE TO ISSUING TRIBUNAL OF MODIFICATION. Within thirty days
17 after issuance of a modified child support order, the party obtaining
18 the modification shall file a certified copy of the order with the
19 issuing tribunal that had continuing, exclusive jurisdiction over the
20 earlier order, and in each tribunal in which the party knows the
21 earlier order has been registered. A party who obtains the order and
22 fails to file a certified copy is subject to appropriate sanctions by
23 a tribunal in which the issue of failure to file arises. The failure
24 to file does not affect the validity or enforceability of the modified
25 order of the new tribunal having continuing, exclusive jurisdiction.

26 **Sec. 941.** RCW 26.21.620 and 1993 c 318 s 701 are each amended to
27 read as follows:

28 (1) A tribunal of this state may serve as an initiating or
29 responding tribunal in a proceeding brought under this chapter or a law
30 or procedure substantially similar to this chapter, the Uniform
31 Reciprocal Enforcement of Support Act, or the Revised Uniform
32 Reciprocal Enforcement of Support Act to determine that the petitioner
33 is a parent of a particular child or to determine that a respondent is
34 a parent of that child.

35 (2) In a proceeding to determine parentage, a responding tribunal
36 of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW,

1 procedural and substantive law of this state, and the rules of this
2 state on choice of law.

3 NEW SECTION. **Sec. 942.** A new section is added to chapter 26.21
4 RCW to read as follows:

5 ADOPTION OF RULES. The secretary of the department of social and
6 health services shall issue such rules as necessary to act as the
7 administrative tribunal pursuant to RCW 26.21.015.

8 **Sec. 943.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to
9 read as follows:

10 (1) The department of social and health services shall adopt rules
11 for the distribution of support money collected by the (~~office of~~
12 ~~support enforcement~~) division of child support. These rules shall:

13 (a) Comply with (~~42 U.S.C. Sec. 657~~) Title IV-D of the federal
14 social security act as amended by the personal responsibility and work
15 opportunity reconciliation act of 1996;

16 (b) Direct the (~~office of support enforcement~~) division of child
17 support to distribute support money within eight days of receipt,
18 unless one of the following circumstances, or similar circumstances
19 specified in the rules, prevents prompt distribution:

20 (i) The location of the custodial parent is unknown;

21 (ii) The support debt is in litigation;

22 (iii) The (~~office of support enforcement~~) division of child
23 support cannot identify the responsible parent or the custodian;

24 (c) Provide for proportionate distribution of support payments if
25 the responsible parent owes a support obligation or a support debt for
26 two or more Title IV-D cases; and

27 (d) Authorize the distribution of support money, except money
28 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to
29 the IV-D custodian before the debt owed to the state when the custodian
30 stops receiving a public assistance grant.

31 (2) The (~~office of support enforcement~~) division of child support
32 may distribute support payments to the payee under the support order or
33 to another person who has lawful physical custody of the child or
34 custody with the payee's consent. The payee may file an application
35 for an adjudicative proceeding to challenge distribution to such other
36 person. Prior to distributing support payments to any person other
37 than the payee, the registry shall:

1 (a) Obtain a written statement from the child's physical custodian,
2 under penalty of perjury, that the custodian has lawful custody of the
3 child or custody with the payee's consent;

4 (b) Mail to the responsible parent and to the payee at the payee's
5 last known address a copy of the physical custodian's statement and a
6 notice which states that support payments will be sent to the physical
7 custodian; and

8 (c) File a copy of the notice with the clerk of the court that
9 entered the original support order.

10 (3) If the Washington state support registry distributes a support
11 payment to a person in error, the registry may obtain restitution by
12 means of a set-off against future payments received on behalf of the
13 person receiving the erroneous payment, or may act according to RCW
14 74.20A.270 as deemed appropriate. Any set-off against future support
15 payments shall be limited to amounts collected on the support debt and
16 ten percent of amounts collected as current support.

17 (4) The division of child support shall ensure that the fifty
18 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before
19 the adoption of P.L. 104-193, is terminated immediately upon the
20 effective date of this section and all rules to the contrary adopted
21 before the effective date of this section are without force and effect.

22 **Sec. 944.** RCW 74.20A.030 and 1993 sp.s. c 24 s 926 are each
23 amended to read as follows:

24 (1) The department shall be subrogated to the right of any
25 dependent child or children or person having the care, custody, and
26 control of said child or children, if public assistance money is paid
27 to or for the benefit of the child under a state program funded under
28 Title IV-A of the federal social security act as amended by the
29 personal responsibility and work opportunity reconciliation act of
30 1996, to prosecute or maintain any support action or execute any
31 administrative remedy existing under the laws of the state of
32 Washington to obtain reimbursement of moneys expended, based on the
33 support obligation of the responsible parent established by a superior
34 court order or RCW 74.20A.055. Distribution of any support moneys
35 shall be made in accordance with (~~42 U.S.C. Sec. 657~~) RCW 26.23.035.

36 (2) The department may initiate, continue, maintain, or execute an
37 action to establish, enforce, and collect a support obligation,
38 including establishing paternity and performing related services, under

1 this chapter and chapter 74.20 RCW, or through the attorney general or
2 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,
3 or 26.26 RCW or other appropriate statutes or the common law of this
4 state, for so long as and under such conditions as the department may
5 establish by regulation.

6 (3) Public assistance moneys shall be exempt from collection action
7 under this chapter except as provided in RCW 74.20A.270.

8 (4) No collection action shall be taken against parents of children
9 eligible for admission to, or children who have been discharged from a
10 residential habilitation center as defined by RCW 71A.10.020(7). For
11 the period July 1, 1993, through June 30, 1995, a collection action may
12 be taken against parents of children with developmental disabilities
13 who are placed in community-based residential care. The amount of
14 support the department may collect from the parents shall not exceed
15 one-half of the parents' support obligation accrued while the child was
16 in community-based residential care. The child support obligation
17 shall be calculated pursuant to chapter 26.19 RCW.

18 **Sec. 945.** RCW 74.20.320 and 1979 ex.s. c 171 s 17 are each amended
19 to read as follows:

20 Whenever a custodian of children, or other person, receives support
21 moneys paid to them which moneys are paid in whole or in part in
22 satisfaction of a support obligation which has been assigned to the
23 department pursuant to (~~42 U.S.C. Sec. 602(A)(26)(a))~~) Title IV-A of
24 the federal social security act as amended by the personal
25 responsibility and work opportunity reconciliation act of 1996 or RCW
26 74.20.330 or to which the department is owed a debt pursuant to RCW
27 74.20A.030, the moneys shall be remitted to the department within eight
28 days of receipt by the custodian or other person. If not so remitted
29 the custodian or other person shall be indebted to the department as a
30 support debt in an amount equal to the amount of the support money
31 received and not remitted.

32 By not paying over the moneys to the department, a custodial parent
33 or other person is deemed, without the necessity of signing any
34 document, to have made an irrevocable assignment to the department of
35 any support delinquency owed which is not already assigned to the
36 department or to any support delinquency which may accrue in the future
37 in an amount equal to the amount of support money retained. The
38 department may utilize the collection procedures in chapter 74.20A RCW

1 to collect the assigned delinquency to effect recoupment and
2 satisfaction of the debt incurred by reason of the failure of the
3 custodial parent or other person to remit. The department is also
4 authorized to make a set-off to effect satisfaction of the debt by
5 deduction from support moneys in its possession or in the possession of
6 any clerk of the court or other forwarding agent which are paid to the
7 custodial parent or other person for the satisfaction of any support
8 delinquency. Nothing in this section authorizes the department to make
9 set-off as to current support paid during the month for which the
10 payment is due and owing.

11 **Sec. 946.** RCW 74.20.330 and 1989 c 360 s 13 are each amended to
12 read as follows:

13 (1) Whenever public assistance is paid under (~~this title~~) a state
14 program funded under Title IV-A of the federal social security act as
15 amended by the personal responsibility and work opportunity
16 reconciliation act of 1996, each applicant or recipient is deemed to
17 have made assignment to the department of any rights to a support
18 obligation from any other person the applicant or recipient may have in
19 his or her own behalf or in behalf of any other family member for whom
20 the applicant or recipient is applying for or receiving public
21 assistance, including any unpaid support obligation or support debt
22 which has accrued at the time the assignment is made.

23 (2) Payment of public assistance under (~~this title~~) a state
24 program funded under Title IV-A of the federal social security act as
25 amended by the personal responsibility and work opportunity
26 reconciliation act of 1996 shall:

27 (a) Operate as an assignment by operation of law; and

28 (b) Constitute an authorization to the department to provide the
29 assistance recipient with support enforcement services.

30 **Sec. 947.** RCW 70.58.080 and 1989 c 55 s 2 are each amended to read
31 as follows:

32 (1) Within ten days after the birth of any child, the attending
33 physician, midwife, or his or her agent shall:

34 (a) Fill out a certificate of birth, giving all of the particulars
35 required, including: (i) The mother's name and date of birth, and (ii)
36 if the mother and father are married at the time of birth or the father

1 has signed an acknowledgment of paternity, the father's name and date
2 of birth; and

3 (b) File the certificate of birth together with the mother's and
4 father's social security numbers with the (~~local~~) state registrar of
5 (~~the district in which the birth occurred~~) vital statistics.

6 (2) The local registrar shall forward the birth certificate, any
7 signed affidavit acknowledging paternity, and the mother's and father's
8 social security numbers to the state office of vital statistics
9 pursuant to RCW 70.58.030.

10 (3) The state (~~office~~) registrar of vital statistics shall make
11 available to the (~~office of support enforcement~~) division of child
12 support the birth certificates, the mother's and father's social
13 security numbers and paternity affidavits.

14 (4) Upon the birth of a child to an unmarried woman, the attending
15 physician, midwife, or his or her agent shall:

16 (a) Provide an opportunity for the child's mother and natural
17 father to complete an affidavit acknowledging paternity. The completed
18 affidavit shall be filed with the (~~local~~) state registrar of vital
19 statistics. The affidavit shall contain or have attached:

20 (i) A sworn statement by the mother consenting to the assertion of
21 paternity and stating that this is the only possible father;

22 (ii) A statement by the father that he is the natural father of the
23 child;

24 (iii) A sworn statement signed by the mother and the putative
25 father that each has been given notice, both orally and in writing, of
26 the alternatives to, the legal consequences of, and the rights,
27 including, if one parent is a minor, any rights afforded due to
28 minority status, and responsibilities that arise from, signing the
29 affidavit acknowledging paternity;

30 (iv) Written information, furnished by the department of social and
31 health services, explaining the implications of signing, including
32 parental rights and responsibilities; and

33 (~~(iv)~~) (v) The social security numbers of both parents.

34 (b) Provide written information and oral information, furnished by
35 the department of social and health services, to the mother and the
36 father regarding the benefits of having (~~her~~) the child's paternity
37 established and of the availability of paternity establishment
38 services, including a request for support enforcement services. The
39 oral and written information shall also include information regarding

1 the alternatives to, the legal consequences of, and the rights,
2 including, if one parent is a minor any rights afforded due to minority
3 status, and responsibilities that arise from, signing the affidavit
4 acknowledging paternity.

5 (5) The physician or midwife or his or her agent is entitled to
6 reimbursement for reasonable costs, which the department shall
7 establish by rule, when an affidavit acknowledging paternity is filed
8 with the state (~~office~~) registrar of vital statistics.

9 (6) If there is no attending physician or midwife, the father or
10 mother of the child, householder or owner of the premises, manager or
11 superintendent of the public or private institution in which the birth
12 occurred, shall notify the local registrar, within ten days after the
13 birth, of the fact of the birth, and the local registrar shall secure
14 the necessary information and signature to make a proper certificate of
15 birth.

16 (7) When an infant is found for whom no certificate of birth is
17 known to be on file, a birth certificate shall be filed within the time
18 and in the form prescribed by the state board of health.

19 (8) When no putative father is named on a birth certificate of a
20 child born to an unwed mother the mother may give any surname she so
21 desires to her child but shall designate in space provided for father's
22 name on the birth certificate "None Named".

23 **Sec. 948.** RCW 26.26.040 and 1994 c 230 s 14 are each amended to
24 read as follows:

25 (1) A man is presumed to be the natural father of a child for all
26 intents and purposes if:

27 (a) He and the child's natural mother are or have been married to
28 each other and the child is born during the marriage, or within three
29 hundred days after the marriage is terminated by death, annulment,
30 declaration of invalidity, divorce, or dissolution, or after a decree
31 of separation is entered by a court; or

32 (b) Before the child's birth, he and the child's natural mother
33 have attempted to marry each other by a marriage solemnized in apparent
34 compliance with law, although the attempted marriage is or could be
35 declared invalid, and the child is born within three hundred days after
36 the termination of cohabitation;

37 (c) After the child's birth, he and the child's natural mother have
38 married, or attempted to marry, each other by a marriage solemnized in

1 apparent compliance with law, although the attempted marriage is or
2 could be declared invalid, and

3 (i) He has acknowledged his paternity of the child in writing filed
4 with the state registrar of vital statistics,

5 (ii) With his consent, he is named as the child's father on the
6 child's birth certificate, or

7 (iii) He is obligated to support the child under a written
8 voluntary promise or by court order;

9 (d) While the child is under the age of majority, he receives the
10 child into his home and openly holds out the child as his child;

11 (e) He acknowledges his paternity of the child pursuant to RCW
12 70.58.080 or in a writing filed with the state (~~office~~) registrar of
13 vital statistics, which shall promptly inform the mother of the filing
14 of the acknowledgment, if she does not dispute the acknowledgment
15 within a reasonable time after being informed thereof, in a writing
16 filed with the state registrar of vital statistics. An acknowledgment
17 of paternity under RCW 70.58.080 shall be a legal finding of paternity
18 of the child sixty days after the acknowledgment is filed with the
19 center for health statistics unless the acknowledgment is sooner
20 rescinded or challenged. After the sixty-day period has passed, the
21 acknowledgment may be challenged in court only on the basis of fraud,
22 duress, or material mistake of fact, with the burden of proof upon the
23 challenger. Legal responsibilities of the challenger, including child
24 support obligations, may not be suspended during the challenge, except
25 for good cause shown. Judicial and administrative proceedings are
26 neither required nor permitted to ratify an unchallenged acknowledgment
27 of paternity filed after the effective date of this section. In order
28 to enforce rights of residential time, custody, and visitation, a man
29 presumed to be the father as a result of filing a written
30 acknowledgment must seek appropriate judicial orders under this title;

31 (f) The United States immigration and naturalization service made
32 or accepted a determination that he was the father of the child at the
33 time of the child's entry into the United States and he had the
34 opportunity at the time of the child's entry into the United States to
35 admit or deny the paternal relationship; or

36 (g) Genetic testing indicates a ninety-eight percent or greater
37 probability of paternity.

38 (2) A presumption under this section may be rebutted in an
39 appropriate action only by clear, cogent, and convincing evidence. If

1 two or more presumptions arise which conflict with each other, the
2 presumption which on the facts is founded on the weightier
3 considerations of policy and logic controls. The presumption is
4 rebutted by a court decree establishing paternity of the child by
5 another man.

6 NEW SECTION. **Sec. 949.** A new section is added to chapter 26.26
7 RCW to read as follows:

8 PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS. In all
9 actions brought under this chapter, bills for pregnancy, childbirth,
10 and genetic testing shall:

11 (1) Be admissible as evidence without requiring third-party
12 foundation testimony; and

13 (2) Constitute prima facie evidence of amounts incurred for such
14 services or for testing on behalf of the child.

15 **Sec. 950.** RCW 74.20A.055 and 1996 c 21 s 1 are each amended to
16 read as follows:

17 (1) The secretary may, in the absence of a superior court order, or
18 pursuant to an establishment of paternity under chapter 26.26 RCW,
19 serve on the responsible parent or parents a notice and finding of
20 financial responsibility requiring a responsible parent or parents to
21 appear and show cause in an adjudicative proceeding why the finding of
22 responsibility and/or the amount thereof is incorrect, should not be
23 finally ordered, but should be rescinded or modified. This notice and
24 finding shall relate to the support debt accrued and/or accruing under
25 this chapter and/or RCW 26.16.205, including periodic payments to be
26 made in the future. The hearing shall be held pursuant to this
27 section, chapter 34.05 RCW, the Administrative Procedure Act, and the
28 rules of the department.

29 (2) The notice and finding of financial responsibility shall be
30 served in the same manner prescribed for the service of a summons in a
31 civil action or may be served on the responsible parent by certified
32 mail, return receipt requested. The receipt shall be prima facie
33 evidence of service. The notice shall be served upon the debtor within
34 sixty days from the date the state assumes responsibility for the
35 support of the dependent child or children on whose behalf support is
36 sought. If the notice is not served within sixty days from such date,
37 the department shall lose the right to reimbursement of payments made

1 after the sixty-day period and before the date of notification:
2 PROVIDED, That if the department exercises reasonable efforts to locate
3 the debtor and is unable to do so the entire sixty-day period is tolled
4 until such time as the debtor can be located.

5 (3) The notice and finding of financial responsibility shall set
6 forth the amount the department has determined the responsible parent
7 owes, the support debt accrued and/or accruing, and periodic payments
8 to be made in the future. The notice and finding shall also include:

9 (a) A statement of the name of the recipient or custodian and the
10 name of the child or children for whom support is sought;

11 (b) A statement of the amount of periodic future support payments
12 as to which financial responsibility is alleged;

13 (c) A statement that the responsible parent may object to all or
14 any part of the notice and finding, and file an application for an
15 adjudicative proceeding to show cause why said responsible parent
16 should not be determined to be liable for any or all of the debt, past
17 and future;

18 ~~(d) ((A statement that the alleged responsible parent may challenge
19 the presumption of paternity;~~

20 ~~(e))~~ A statement that, if the responsible parent fails in timely
21 fashion to file an application for an adjudicative proceeding, the
22 support debt and payments stated in the notice and finding, including
23 periodic support payments in the future, shall be assessed and
24 determined and ordered by the department and that this debt and amounts
25 due under the notice shall be subject to collection action;

26 ~~((f))~~ (e) A statement that the property of the debtor, without
27 further advance notice or hearing, will be subject to lien and
28 foreclosure, distraint, seizure and sale, order to withhold and
29 deliver, notice of payroll deduction or other collection action to
30 satisfy the debt and enforce the support obligation established under
31 the notice.

32 (4) A responsible parent who objects to the notice and finding of
33 financial responsibility may file an application for an adjudicative
34 proceeding within twenty days of the date of service of the notice or
35 thereafter as provided under this subsection. An adjudicative
36 proceeding shall be held in the county of residence or other place
37 convenient to the responsible parent.

38 (a) If the responsible parent files the application within twenty
39 days, the department shall schedule an adjudicative proceeding to hear

1 the parent's objection and determine the parents' support obligation
2 for the entire period covered by the notice and finding of financial
3 responsibility. The filing of the application stays collection action
4 pending the entry of a final administrative order;

5 (b) If the responsible parent fails to file an application within
6 twenty days, the notice and finding shall become a final administrative
7 order. The amounts for current and future support and the support debt
8 stated in the notice are final and subject to collection, except as
9 provided under (c) and (d) of this subsection;

10 (c) If the responsible parent files the application more than
11 twenty days after, but within one year of the date of service, the
12 department shall schedule an adjudicative proceeding to hear the
13 parents' objection and determine the parent's support obligation for
14 the entire period covered by the notice and finding of financial
15 responsibility. The filing of the application does not stay further
16 collection action, pending the entry of a final administrative order,
17 and does not affect any prior collection action;

18 (d) If the responsible parent files the application more than one
19 year after the date of service, the department shall schedule an
20 adjudicative proceeding at which the responsible parent must show good
21 cause for failure to file a timely application. The filing of the
22 application does not stay future collection action and does not affect
23 prior collection action:

24 (i) If the presiding officer finds that good cause exists, the
25 presiding officer shall proceed to hear the parent's objection to the
26 notice and determine the parent's support obligation;

27 (ii) If the presiding officer finds that good cause does not exist,
28 the presiding officer shall treat the application as a petition for
29 prospective modification of the amount for current and future support
30 established under the notice and finding. In the modification
31 proceeding, the presiding officer shall set current and future support
32 under chapter 26.19 RCW. The responsible parent need show neither good
33 cause nor a substantial change of circumstances to justify modification
34 of current and future support;

35 (e) The department shall retain and/or shall not refund support
36 money collected more than twenty days after the date of service of the
37 notice. Money withheld as the result of collection action shall be
38 delivered to the department. The department shall distribute such
39 money, as provided in published rules.

1 (5)((+a)) If an application for an adjudicative proceeding is
2 filed, the presiding or reviewing officer shall determine the past
3 liability and responsibility, if any, of the alleged responsible parent
4 and shall also determine the amount of periodic payments to be made in
5 the future, which amount is not limited by the amount of any public
6 assistance payment made to or for the benefit of the child. If
7 deviating from the child support schedule in making these
8 determinations, the presiding or reviewing officer shall apply the
9 standards contained in the child support schedule and enter written
10 findings of fact supporting the deviation.

11 (~~(b) If a responsible parent provides credible evidence at an
12 adjudicative proceeding that would rebut the presumption of paternity
13 set forth in RCW 26.26.040, the presiding officer shall direct the
14 department to refer the issue for scheduling of an appropriate hearing
15 in superior court to determine whether the presumption should be
16 rebutted.~~)

17 (6) If the responsible parent fails to attend or participate in the
18 hearing or other stage of an adjudicative proceeding, upon a showing of
19 valid service, the presiding officer shall enter an administrative
20 order declaring the support debt and payment provisions stated in the
21 notice and finding of financial responsibility to be assessed and
22 determined and subject to collection action.

23 (7) The final administrative order establishing liability and/or
24 future periodic support payments shall be superseded upon entry of a
25 superior court order for support to the extent the superior court order
26 is inconsistent with the administrative order.

27 (8) Debts determined pursuant to this section, accrued and not
28 paid, are subject to collection action under this chapter without
29 further necessity of action by a presiding or reviewing officer.

30 **Sec. 951.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5
31 are each reenacted and amended to read as follows:

32 (1) If an alleged father has signed an affidavit acknowledging
33 paternity which has been filed with the state ((office)) registrar of
34 vital statistics before July 1, 1997, the ((office of support
35 enforcement)) division of child support may serve a notice and finding
36 of parental responsibility on him. Procedures for and responsibility
37 resulting from acknowledgments filed after July 1, 1997, are in
38 subsections (8) and (9) of this section. Service of the notice shall be

1 in the same manner as a summons in a civil action or by certified mail,
2 return receipt requested. The notice shall have attached to it a copy
3 of the affidavit or certification of birth record information advising
4 of the existence of a filed affidavit, provided by the ((center for
5 health)) state registrar of vital statistics, and shall state that:

6 (a) The alleged father may file an application for an adjudicative
7 proceeding at which he will be required to appear and show cause why
8 the amount stated in the finding of financial responsibility as to
9 support is incorrect and should not be ordered;

10 (b) An alleged father may request that a blood or genetic test be
11 administered to determine whether such test would exclude him from
12 being a natural parent and, if not excluded, may subsequently request
13 that the ((office of support enforcement)) division of child support
14 initiate an action in superior court to determine the existence of the
15 parent-child relationship; and

16 (c) If the alleged father does not request that a blood or genetic
17 test be administered or file an application for an adjudicative
18 proceeding, the amount of support stated in the notice and finding of
19 parental responsibility shall become final, subject only to a
20 subsequent determination under RCW 26.26.060 that the parent-child
21 relationship does not exist.

22 (2) An alleged father who objects to the amount of support
23 requested in the notice may file an application for an adjudicative
24 proceeding up to twenty days after the date the notice was served. An
25 application for an adjudicative proceeding may be filed within one year
26 of service of the notice and finding of parental responsibility without
27 the necessity for a showing of good cause or upon a showing of good
28 cause thereafter. An adjudicative proceeding under this section shall
29 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
30 the accrued debt, the amount of the current and future support
31 obligation, and the reimbursement of the costs of blood or genetic
32 tests if advanced by the department.

33 (3) If the application for an adjudicative proceeding is filed
34 within twenty days of service of the notice, collection action shall be
35 stayed pending a final decision by the department. If no application
36 is filed within twenty days:

37 (a) The amounts in the notice shall become final and the debt
38 created therein shall be subject to collection action; and

1 (b) Any amounts so collected shall neither be refunded nor returned
2 if the alleged father is later found not to be a responsible parent.

3 (4) An alleged father who denies being a responsible parent may
4 request that a blood or genetic test be administered at any time. The
5 request for testing shall be in writing and served on the (~~office of~~
6 ~~support enforcement~~) division of child support personally or by
7 registered or certified mail. If a request for testing is made, the
8 department shall arrange for the test and, pursuant to rules adopted by
9 the department, may advance the cost of such testing. The department
10 shall mail a copy of the test results by certified mail, return receipt
11 requested, to the alleged father's last known address.

12 (5) If the test excludes the alleged father from being a natural
13 parent, the (~~office of support enforcement~~) division of child support
14 shall file a copy of the results with the state (~~office~~) registrar of
15 vital statistics and shall dismiss any pending administrative
16 collection proceedings based upon the affidavit in issue. The state
17 (~~office~~) registrar of vital statistics shall remove the alleged
18 father's name from the birth certificate and change the child's surname
19 to be the same as the mother's maiden name as stated on the birth
20 certificate, or any other name which the mother may select.

21 (6) The alleged father may, within twenty days after the date of
22 receipt of the test results, request the (~~office of support~~
23 ~~enforcement~~) division of child support to initiate an action under RCW
24 26.26.060 to determine the existence of the parent-child relationship.
25 If the (~~office of support enforcement~~) division of child support
26 initiates a superior court action at the request of the alleged father
27 and the decision of the court is that the alleged father is a natural
28 parent, the alleged father shall be liable for court costs incurred.

29 (7) If the alleged father does not request the (~~office of support~~
30 ~~enforcement~~) division of child support to initiate a superior court
31 action, or if the alleged father fails to appear and cooperate with
32 blood or genetic testing, the notice of parental responsibility shall
33 become final for all intents and purposes and may be overturned only by
34 a subsequent superior court order entered under RCW 26.26.060.

35 (8)(a) If an alleged father has signed an affidavit acknowledging
36 paternity that has been filed with the state registrar of vital
37 statistics after July 1, 1997, within sixty days from the date of
38 filing of the acknowledgment:

1 (i) The division of child support may serve a notice and finding of
2 parental responsibility on him as set forth under this section; and

3 (ii) The alleged father or any other signatory may rescind his
4 acknowledgment of paternity. The rescission shall be notarized and
5 delivered to the state registrar of vital statistics personally or by
6 registered or certified mail.

7 (b) If the alleged father does not file an application for an
8 adjudicative proceeding or rescind his acknowledgment of paternity, the
9 amount of support stated in the notice and finding of parental
10 responsibility becomes final, subject only to a subsequent
11 determination under RCW 26.26.060 that the parent-child relationship
12 does not exist.

13 (c) An alleged father who objects to the amount of support
14 requested in the notice may file an application for an adjudicative
15 proceeding up to twenty days after the date the notice was served. An
16 application for an adjudicative proceeding may be filed within one year
17 of service of the notice and finding of parental responsibility without
18 the necessity for a showing of good cause or upon a showing of good
19 cause thereafter. An adjudicative proceeding under this section shall
20 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
21 the accrued debt and the amount of the current and future support
22 obligation.

23 (i) If the application for an adjudicative proceeding is filed
24 within twenty days of service of the notice, collection action shall be
25 stayed pending a final decision by the department.

26 (ii) If the application for an adjudicative proceeding is not filed
27 within twenty days of the service of the notice, any amounts collected
28 under the notice shall be neither refunded nor returned if the alleged
29 father is later found not to be a responsible parent.

30 (d) If an alleged father makes a request for genetic testing, the
31 department shall proceed as set forth under section 911 of this act.

32 (e) If the alleged father does not request an adjudicative
33 proceeding, or if the alleged father fails to rescind his filed
34 acknowledgment of paternity, the notice of parental responsibility
35 becomes final for all intents and purposes and may be overturned only
36 by a subsequent superior court order entered under RCW 26.26.060.

37 (9) Affidavits acknowledging paternity that are filed after July 1,
38 1997, are subject to requirements of chapters 26.26 and 70.58 RCW.

1 (10) The department and the department of health may adopt rules to
2 implement the requirements under this section.

3 **NEW SECTION.** **Sec. 952.** A new section is added to chapter 26.18
4 RCW to read as follows:

5 CHILD SUPPORT LIENS--CREATION--ATTACHMENT. Child support debts,
6 not paid when due, become liens by operation of law against all
7 property of the debtor with priority of a secured creditor. This lien
8 shall be separate and apart from, and in addition to, any other lien
9 created by, or provided for, in this title. The lien attaches to all
10 real and personal property of the debtor on the date of filing with the
11 county auditor of the county in which the property is located.

12 **Sec. 953.** RCW 26.23.040 and 1994 c 127 s 1 are each amended to
13 read as follows:

14 (1) Except as provided in subsection (3) of this section, all
15 employers doing business in the state of Washington, and to whom the
16 department of employment security has assigned the standard industrial
17 classification sic codes listed in subsection (2) of this section,
18 shall report to the Washington state support registry:

19 (a) The hiring of any person who resides or works in this state to
20 whom the employer anticipates paying earnings; and

21 (b) The rehiring or return to work of any employee who was laid
22 off, furloughed, separated, granted a leave without pay, or terminated
23 from employment.

24 (2) Employers in the standard industrial classifications that shall
25 report to the Washington state support registry include:

26 (a) Construction industry sic codes: 15, general building; 16,
27 heavy construction; and 17, special trades;

28 (b) Manufacturing industry sic code 37, transportation equipment;

29 (c) Business services sic codes: 73, except sic code 7363
30 (temporary help supply services); and health services sic code 80.

31 (3) Employers are not required to report the hiring of any person
32 who:

33 (a) Will be employed for less than one months duration;

34 (b) Will be employed sporadically so that the employee will be paid
35 for less than three hundred fifty hours during a continuous six-month
36 period; or

1 (c) Will have gross earnings less than three hundred dollars in
2 every month.

3 The secretary of the department of social and health services may
4 adopt rules to establish additional exemptions if needed to reduce
5 unnecessary or burdensome reporting.

6 (4) Employers may report by mailing the employee's copy of the W-4
7 form, or other means authorized by the registry which will result in
8 timely reporting.

9 (5) Employers shall submit reports within thirty-five days of the
10 hiring, rehiring, or return to work of the employee. The report shall
11 contain:

12 (a) The employee's name, address, social security number, and date
13 of birth; and

14 (b) The employer's name, address, and employment security reference
15 number or unified business identifier number.

16 (6) An employer who fails to report as required under this section
17 shall be given a written warning for the first violation and shall be
18 subject to a civil penalty of up to two hundred dollars per month for
19 each subsequent violation after the warning has been given. All
20 violations within a single month shall be considered a single violation
21 for purposes of assessing the penalty. The penalty may be imposed and
22 collected by the ~~((office of support enforcement))~~ division of child
23 support under ~~((RCW 74.20A.270))~~ section 903 of this act.

24 ~~((The registry shall retain the information for a particular~~
25 ~~employee only if the registry is responsible for establishing,~~
26 ~~enforcing, or collecting a support obligation or debt of the employee.~~
27 ~~If the employee does not owe such an obligation or a debt, the registry~~
28 ~~shall not create a record regarding the employee and the information~~
29 ~~contained in the notice shall be promptly destroyed. Prior to the~~
30 ~~destruction of the notice, the department of social and health services~~
31 ~~shall make the information contained in the notice available to other~~
32 ~~state agencies, based upon the written request of an agency's director~~
33 ~~or chief executive, specifically for comparison with records or~~
34 ~~information possessed by the requesting agency to detect improper or~~
35 ~~fraudulent claims. If, after comparison, no such situation is found or~~
36 ~~reasonably suspected to exist, the information shall be promptly~~
37 ~~destroyed by the requesting agency. Requesting agencies that obtain~~
38 ~~information from the department of social and health services under~~
39 ~~this section shall maintain the confidentiality of the information~~

1 received, ~~except as necessary to implement the agencies'~~
2 ~~responsibilities.~~) The registry shall retain the information for a
3 particular employee only if the registry is responsible for
4 establishing, enforcing, or collecting a support debt of the employee.
5 The registry may, however, retain information for a particular employee
6 for as long as may be necessary to:

7 (a) Transmit the information to the national directory of new hires
8 as required under federal law; or

9 (b) Provide the information to other state agencies for comparison
10 with records or information possessed by those agencies as required by
11 law.

12 Information that is not permitted to be retained shall be promptly
13 destroyed. Agencies that obtain information from the department of
14 social and health services under this section shall maintain the
15 confidentiality of the information received, except as necessary to
16 implement the agencies' responsibilities.

17 **Sec. 954.** RCW 26.23.040 and 1997 c ... s 953 (section 953 of this
18 act) are each amended to read as follows:

19 ~~((Except as provided in subsection (3) of this section,))~~ All
20 employers doing business in the state of Washington, and to whom the
21 department of employment security has assigned ((the)) a standard
22 industrial classification sic code((s listed in subsection (2) of this
23 section,)) shall report to the Washington state support registry:

24 (a) The hiring of any person who resides or works in this state to
25 whom the employer anticipates paying earnings; and

26 (b) The rehiring or return to work of any employee who was laid
27 off, furloughed, separated, granted a leave without pay, or terminated
28 from employment.

29 ~~((2) Employers in the standard industrial classifications that~~
30 ~~shall report to the Washington state support registry include:~~

31 ~~(a) Construction industry sic codes: 15, general building; 16,~~
32 ~~heavy construction; and 17, special trades;~~

33 ~~(b) Manufacturing industry sic code 37, transportation equipment;~~

34 ~~(c) Business services sic codes: 73, except sic code 7363~~
35 ~~(temporary help supply services); and health services sic code 80.~~

36 ~~(3) Employers are not required to report the hiring of any person~~
37 ~~who:~~

38 ~~(a) Will be employed for less than one months duration;~~

1 ~~(b) Will be employed sporadically so that the employee will be paid~~
2 ~~for less than three hundred fifty hours during a continuous six month~~
3 ~~period; or~~

4 ~~(c) Will have gross earnings less than three hundred dollars in~~
5 ~~every month.)~~

6 The secretary of the department of social and health services may
7 adopt rules to establish additional exemptions if needed to reduce
8 unnecessary or burdensome reporting.

9 ~~((4))~~ (2) Employers may report by mailing the employee's copy of
10 the W-4 form, or other means authorized by the registry which will
11 result in timely reporting.

12 ~~((5))~~ (3) Employers shall submit reports within ~~((thirty-five))~~
13 twenty days of the hiring, rehiring, or return to work of the employee,
14 except as provided in subsection (4) of this section. The report shall
15 contain:

16 (a) The employee's name, address, social security number, and date
17 of birth; and

18 (b) The employer's name, address, ~~((and))~~ employment security
19 reference number ~~((or))~~, unified business identifier number and
20 identifying number assigned under section 6109 of the internal revenue
21 code of 1986.

22 ~~((6))~~ (4) In the case of an employer transmitting reports
23 magnetically or electronically, the employer shall report newly hired
24 employees by two monthly transmissions, if necessary, not less than
25 twelve days nor more than sixteen days apart.

26 (5) An employer who fails to report as required under this section
27 shall be given a written warning for the first violation and shall be
28 subject to a civil penalty of up to two hundred dollars per month for
29 each subsequent violation after the warning has been given. All
30 violations within a single month shall be considered a single violation
31 for purposes of assessing the penalty. The penalty may be imposed and
32 collected by the division of child support under RCW 74.20A.---
33 (section 903 of this act).

34 ~~((7))~~ (6) The registry shall retain the information for a
35 particular employee only if the registry is responsible for
36 establishing, enforcing, or collecting a support debt of the employee.
37 The registry may, however, retain information for a particular employee
38 for as long as may be necessary to:

1 (a) Transmit the information to the national directory of new hires
2 as required under federal law; or

3 (b) Provide the information to other state agencies for comparison
4 with records or information possessed by those agencies as required by
5 law.

6 Information that is not permitted to be retained shall be promptly
7 destroyed. Agencies that obtain information from the department of
8 social and health services under this section shall maintain the
9 confidentiality of the information received, except as necessary to
10 implement the agencies' responsibilities.

11 **Sec. 955.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c
12 375 s 3 are each reenacted and amended to read as follows:

13 (1) A petition in a proceeding for dissolution of marriage, legal
14 separation, or for a declaration concerning the validity of a marriage,
15 shall allege the following:

16 (a) The last known residence of each party;

17 (b) The social security number of each party;

18 (c) The date and place of the marriage;

19 ~~((e))~~ (d) If the parties are separated the date on which the
20 separation occurred;

21 ~~((d))~~ (e) The names, ages, and addresses of any child dependent
22 upon either or both spouses and whether the wife is pregnant;

23 ~~((e))~~ (f) Any arrangements as to the residential schedule of,
24 decision making for, dispute resolution for, and support of the
25 children and the maintenance of a spouse;

26 ~~((f))~~ (g) A statement specifying whether there is community or
27 separate property owned by the parties to be disposed of;

28 ~~((g))~~ (h) The relief sought.

29 (2) Either or both parties to the marriage may initiate the
30 proceeding.

31 (3) The petitioner shall complete and file with the petition a
32 certificate under RCW 70.58.200 on the form provided by the department
33 of health.

34 **Sec. 956.** RCW 26.26.100 and 1994 c 230 s 15 and 1994 c 146 s 1 are
35 each reenacted and amended to read as follows:

36 (1) The court may, and upon request of a party shall, require the
37 child, mother, and any alleged or presumed father who has been made a

1 party to submit to blood tests or genetic tests of blood, tissues, or
2 other bodily fluids. If (~~an alleged father~~) a party objects to a
3 proposed order requiring (~~him to submit to paternity~~) blood or
4 genetic tests, the court (~~may~~) shall require the party making the
5 allegation of possible paternity to provide sworn testimony, by
6 affidavit or otherwise, stating the facts upon which the allegation is
7 based. The court shall order blood or genetic tests if it appears that
8 a reasonable possibility exists that the requisite sexual contact
9 occurred or where nonpaternity is alleged, that the requisite sexual
10 contact did not occur. The tests shall be performed by an expert in
11 paternity blood or genetic testing appointed by the court. The
12 expert's verified report identifying the blood or genetic
13 characteristics observed is admissible in evidence in any hearing or
14 trial in the parentage action, if (a) the alleged or presumed father
15 has had the opportunity to gain information about the security,
16 validity, and interpretation of the tests and the qualifications of any
17 experts, and (b) the report is accompanied by an affidavit from the
18 expert which describes the expert's qualifications as an expert and
19 analyzes and interprets the results. Verified documentation of the
20 chain of custody of the blood or genetic samples tested is admissible
21 to establish the chain of custody. The court may consider published
22 sources as aids to interpretation of the test results.

23 (2)(a) Any objection to genetic testing results must be made in
24 writing and served upon the opposing party, within twenty days before
25 any hearing at which such results may be introduced into evidence.

26 (b) If an objection is not made as provided in this subsection, the
27 test results are admissible as evidence of paternity without the need
28 for foundation testimony or other proof of authenticity or accuracy.

29 (3) The court, upon request by a party, shall order that additional
30 blood or genetic tests be performed by the same or other experts
31 qualified in paternity blood or genetic testing, if the party
32 requesting additional tests advances the full costs of the additional
33 testing within a reasonable time. The court may order additional
34 testing without requiring that the requesting party advance the costs
35 only if another party agrees to advance the costs or if the court
36 finds, after hearing, that (a) the requesting party is indigent, and
37 (b) the laboratory performing the initial tests recommends additional
38 testing or there is substantial evidence to support a finding as to
39 paternity contrary to the initial blood or genetic test results. The

1 court may later order any other party to reimburse the party who
2 advanced the costs of additional testing for all or a portion of the
3 costs.

4 (4) In all cases, the court shall determine the number and
5 qualifications of the experts.

6 **Sec. 957.** RCW 26.26.130 and 1995 c 246 s 31 are each amended to
7 read as follows:

8 (1) The judgment and order of the court determining the existence
9 or nonexistence of the parent and child relationship shall be
10 determinative for all purposes.

11 (2) If the judgment and order of the court is at variance with the
12 child's birth certificate, the court shall order that an amended birth
13 certificate be issued.

14 (3) The judgment and order shall contain other appropriate
15 provisions directed to the appropriate parties to the proceeding,
16 concerning the duty of current and future support, the extent of any
17 liability for past support furnished to the child if that issue is
18 before the court, the furnishing of bond or other security for the
19 payment of the judgment, or any other matter in the best interest of
20 the child. The judgment and order may direct the father to pay the
21 reasonable expenses of the mother's pregnancy and confinement. The
22 judgment and order may include a continuing restraining order or
23 injunction. In issuing the order, the court shall consider the
24 provisions of RCW 9.41.800.

25 (4) The judgment and order shall contain the social security
26 numbers of all parties to the order.

27 (5) Support judgment and orders shall be for periodic payments
28 which may vary in amount. The court may limit the father's liability
29 for the past support to the child to the proportion of the expenses
30 already incurred as the court deems just. The court shall not limit or
31 affect in any manner the right of nonparties including the state of
32 Washington to seek reimbursement for support and other services
33 previously furnished to the child.

34 ((+5)) (6) After considering all relevant factors, the court shall
35 order either or both parents to pay an amount determined pursuant to
36 the schedule and standards contained in chapter 26.19 RCW.

37 ((+6)) (7) On the same basis as provided in chapter 26.09 RCW, the
38 court shall make residential provisions with regard to minor children

1 of the parties, except that a parenting plan shall not be required
2 unless requested by a party.

3 ~~((+7+))~~ (8) In any dispute between the natural parents of a child
4 and a person or persons who have (a) commenced adoption proceedings or
5 who have been granted an order of adoption, and (b) pursuant to a court
6 order, or placement by the department of social and health services or
7 by a licensed agency, have had actual custody of the child for a period
8 of one year or more before court action is commenced by the natural
9 parent or parents, the court shall consider the best welfare and
10 interests of the child, including the child's need for situation
11 stability, in determining the matter of custody, and the parent or
12 person who is more fit shall have the superior right to custody.

13 ~~((+8+))~~ (9) In entering an order under this chapter, the court may
14 issue any necessary continuing restraining orders, including the
15 restraint provisions of domestic violence protection orders under
16 chapter 26.50 RCW or antiharassment protection orders under chapter
17 10.14 RCW.

18 ~~((+9+))~~ (10) Restraining orders issued under this section
19 restraining the person from molesting or disturbing another party or
20 from going onto the grounds of or entering the home, workplace, or
21 school of the other party or the day care or school of any child shall
22 prominently bear on the front page of the order the legend: VIOLATION
23 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
24 UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

25 ~~((+10+))~~ (11) The court shall order that any restraining order
26 bearing a criminal offense legend, any domestic violence protection
27 order, or any antiharassment protection order granted under this
28 section be forwarded by the clerk of the court on or before the next
29 judicial day to the appropriate law enforcement agency specified in the
30 order. Upon receipt of the order, the law enforcement agency shall
31 forthwith enter the order into any computer-based criminal intelligence
32 information system available in this state used by law enforcement
33 agencies to list outstanding warrants. The order is fully enforceable
34 in any county in the state.

35 **Sec. 958.** RCW 70.58.055 and 1991 c 96 s 1 are each amended to read
36 as follows:

37 (1) To promote and maintain nation-wide uniformity in the system of
38 vital statistics, the certificates required by this chapter or by the

1 rules adopted under this chapter shall include, as a minimum, the items
2 recommended by the federal agency responsible for national vital
3 statistics including social security numbers.

4 (2) The state board of health by rule may require additional
5 pertinent information relative to the birth and manner of delivery as
6 it may deem necessary for statistical study. This information shall be
7 placed in a confidential section of the birth certificate form and
8 shall not be subject to the view of the public or for certification
9 purposes except upon order of the court. The state board of health may
10 eliminate from the forms items that it determines are not necessary for
11 statistical study.

12 (3) Each certificate or other document required by this chapter
13 shall be on a form or in a format prescribed by the state registrar.

14 (4) All vital records shall contain the data required for
15 registration. No certificate may be held to be complete and correct
16 that does not supply all items of information called for or that does
17 not satisfactorily account for the omission of required items.

18 (5) Information required in certificates or documents authorized by
19 this chapter may be filed and registered by photographic, electronic,
20 or other means as prescribed by the state registrar.

21 **X. TECHNICAL PROVISIONS**

22 NEW SECTION. **Sec. 1001.** If any part of this act is found to be in
23 conflict with federal requirements that are a prescribed condition to
24 the allocation of federal funds to the state, the conflicting part of
25 this act is inoperative solely to the extent of the conflict and with
26 respect to the agencies directly affected, and this finding does not
27 affect the operation of the remainder of this act in its application to
28 the agencies concerned. Rules adopted under this act must meet federal
29 requirements that are a necessary condition to the receipt of federal
30 funds by the state. As used in this section, "allocation of federal
31 funds to the state" means the allocation of federal funds that are
32 appropriated by the legislature to the department of social and health
33 services and on which the department depends for carrying out any
34 provision of the operating budget applicable to it.

35 NEW SECTION. **Sec. 1002.** The following acts or parts of acts are
36 each repealed:

1 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st
2 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,
3 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;
4 and

5 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3.

6 NEW SECTION. **Sec. 1003.** The table of contents, part headings, and
7 captions used in this act do not constitute any part of the law.

8 NEW SECTION. **Sec. 1004.** (1) Section 804 of this act expires
9 December 31, 2000.

10 (2) Section 813 of this act expires July 29, 2001.

11 NEW SECTION. **Sec. 1005.** Section 954 of this act takes effect
12 October 1, 1998.

13 NEW SECTION. **Sec. 1006.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

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