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SENATE BILL 6732

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State of Washington

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By Senators Kohl-Welles, Kline, Keiser, Marr, Murray, Hobbs, Regala, Tom, Oemig, and Fairley

Read first time 01/22/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to implementing the recommendations of the joint  
2 legislative task force on the underground economy in the construction  
3 industry; amending RCW 18.27.030, 18.27.100, 51.16.070, 50.13.060,  
4 50.12.070, 51.48.103, and 51.48.020; amending 2007 c 288 s 2  
5 (uncodified); adding a new section to chapter 39.12 RCW; adding new  
6 sections to chapter 18.27 RCW; adding new sections to chapter 43.22  
7 RCW; creating new sections; and providing expiration dates.

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

9 **Sec. 1.** RCW 18.27.030 and 2007 c 436 s 3 are each amended to read  
10 as follows:

11 (1) An applicant for registration as a contractor shall submit an  
12 application under oath upon a form to be prescribed by the director and  
13 which shall include the following information pertaining to the  
14 applicant:

15 (a) Employer social security number.

16 (b) Unified business identifier number(~~(, if required by the~~  
17 ~~department of revenue)~~).

18 (c) Evidence of workers' compensation coverage for the applicant's  
19 employees working in Washington, as follows:

1 (i) The applicant's industrial insurance account number issued by  
2 the department;

3 (ii) The applicant's self-insurer number issued by the department;  
4 or

5 (iii) For applicants domiciled in a state or province of Canada  
6 subject to an agreement entered into under RCW 51.12.120(7), as  
7 permitted by the agreement, filing a certificate of coverage issued by  
8 the agency that administers the workers' compensation law in the  
9 applicant's state or province of domicile certifying that the applicant  
10 has secured the payment of compensation under the other state's or  
11 province's workers' compensation law.

12 (d) Employment security department number.

13 (e) ~~((State excise tax registration number.~~

14 ~~(f))~~) Unified business identifier (UBI) account number may be  
15 substituted for the information required by (c) of this subsection if  
16 the applicant will not employ employees in Washington, and by (d) ~~((and~~  
17 ~~(e))~~) of this subsection.

18 ~~((g))~~ (f) Type of contracting activity, whether a general or a  
19 specialty contractor and if the latter, the type of specialty.

20 ~~((h))~~ (g) The name and address of each partner if the applicant  
21 is a firm or partnership, or the name and address of the owner if the  
22 applicant is an individual proprietorship, or the name and address of  
23 the corporate officers and statutory agent, if any, if the applicant is  
24 a corporation or the name and address of all members of other business  
25 entities. The information contained in such application is a matter of  
26 public record and open to public inspection.

27 (2) The department may verify the workers' compensation coverage  
28 information provided by the applicant under subsection (1)(c) of this  
29 section, including but not limited to information regarding the  
30 coverage of an individual employee of the applicant. If coverage is  
31 provided under the laws of another state, the department may notify the  
32 other state that the applicant is employing employees in Washington.

33 (3)(a) The department shall deny an application for registration  
34 if: (i) The applicant has been previously performing work subject to  
35 this chapter as a sole proprietor, partnership, corporation, or other  
36 entity and the department has notice that the applicant has an  
37 unsatisfied final judgment against him or her in an action based on  
38 work performed subject to this chapter or the applicant owes the

1 department money for penalties assessed or fees due under this chapter  
2 as a result of a final judgment; (ii) the applicant was an owner,  
3 principal, or officer of a partnership, corporation, or other entity  
4 that either has an unsatisfied final judgment against it in an action  
5 that was incurred for work performed subject to this chapter or owes  
6 the department money for penalties assessed or fees due under this  
7 chapter as a result of a final judgment; ~~((or))~~ (iii) the applicant  
8 does not have a valid unified business identifier number(~~(, if required~~  
9 ~~by the department of revenue)~~); (iv) the department determines that the  
10 applicant has falsified information on the application, unless the  
11 error was inadvertent; or (v) the applicant does not have an active and  
12 valid certificate of registration with the department of revenue.

13 (b) The department shall suspend an active registration if (i) the  
14 department has determined that the registrant has an unsatisfied final  
15 judgment against it for work within the scope of this chapter; (ii) the  
16 department has determined that the registrant is a sole proprietor or  
17 an owner, principal, or officer of a registered contractor that has an  
18 unsatisfied final judgment against it for work within the scope of this  
19 chapter; ~~((or))~~ (iii) the registrant does not maintain a valid unified  
20 business identifier number(~~(, if required by the department of~~  
21 ~~revenue)~~); (iv) the department has determined that the applicant  
22 falsified information on the application, unless the error was  
23 inadvertent; or (v) the registrant does not have an active and valid  
24 certificate of registration with the department of revenue.

25 (c) The department may suspend an active registration if the  
26 department has determined that an owner, principal, partner, or officer  
27 of the registrant was an owner, principal, or officer of a previous  
28 partnership, corporation, or other entity that has an unsatisfied final  
29 judgment against it.

30 (4) The department shall not deny an application or suspend a  
31 registration because of an unsatisfied final judgment if the  
32 applicant's or registrant's unsatisfied final judgment was determined  
33 by the director to be the result of the fraud or negligence of another  
34 party.

35 **Sec. 2.** RCW 18.27.100 and 2001 c 159 s 8 are each amended to read  
36 as follows:

37 (1) Except as provided in RCW 18.27.065 for partnerships and joint

1 ventures, no person who has registered under one name as provided in  
2 this chapter shall engage in the business, or act in the capacity, of  
3 a contractor under any other name unless such name also is registered  
4 under this chapter.

5 (2) All advertising and all contracts, correspondence, cards,  
6 signs, posters, papers, and documents which show a contractor's name or  
7 address shall show the contractor's name or address as registered under  
8 this chapter.

9 (3)(a) All advertising that shows the contractor's name or address  
10 shall show the contractor's current registration number. The  
11 registration number may be omitted in an alphabetized listing of  
12 registered contractors stating only the name, address, and telephone  
13 number: PROVIDED, That signs on motor vehicles subject to RCW  
14 46.16.010 and on-premise signs shall not constitute advertising as  
15 provided in this section. All materials used to directly solicit  
16 business from retail customers who are not businesses shall show the  
17 contractor's current registration number. A contractor shall not use  
18 a false or expired registration number in purchasing or offering to  
19 purchase an advertisement for which a contractor registration number is  
20 required. Advertising by airwave transmission shall not be subject to  
21 this subsection (3)(a).

22 (b) The director may issue a subpoena to any person or entity  
23 selling any advertising subject to this section for the name, address,  
24 and telephone number provided to the seller of the advertising by the  
25 purchaser of the advertising. The subpoena must have enclosed a  
26 stamped, self-addressed envelope and blank form to be filled out by the  
27 seller of the advertising. If the seller of the advertising has the  
28 information on file, the seller shall, within a reasonable time, return  
29 the completed form to the department. The subpoena must be issued no  
30 more than two days after the expiration of the issue or publication  
31 containing the advertising or after the broadcast of the advertising.  
32 The good-faith compliance by a seller of advertising with a written  
33 request of the department for information concerning the purchaser of  
34 advertising shall constitute a complete defense to any civil or  
35 criminal action brought against the seller of advertising arising from  
36 such compliance. Advertising by airwave or electronic transmission is  
37 subject to this subsection (3)(b).

1 (4) No contractor shall advertise that he or she is bonded and  
2 insured because of the bond required to be filed and sufficiency of  
3 insurance as provided in this chapter.

4 (5) A contractor shall not falsify a registration number and use  
5 it, or use an expired registration number, in connection with any  
6 solicitation or identification as a contractor. All individual  
7 contractors and all partners, associates, agents, salesmen, solicitors,  
8 officers, and employees of contractors shall use their true names and  
9 addresses at all times while engaged in the business or capacity of a  
10 contractor or activities related thereto.

11 (6) Any advertising by a person, firm, or corporation soliciting  
12 work as a contractor when that person, firm, or corporation is not  
13 registered pursuant to this chapter is a violation of this chapter.

14 (7) A contractor who falsifies information on an application for  
15 registration commits a violation under this chapter.

16 (8)(a) The finding of a violation of this section by the director  
17 at a hearing held in accordance with the Administrative Procedure Act,  
18 chapter 34.05 RCW, shall subject the person committing the violation to  
19 a penalty of not more than ten thousand dollars as determined by the  
20 director.

21 (b) Penalties under this section shall not apply to a violation  
22 determined to be an inadvertent error.

23 NEW SECTION. Sec. 3. A new section is added to chapter 39.12 RCW  
24 to read as follows:

25 A contractor shall not be allowed to bid on any public works  
26 contract for one year from the date of a final determination that the  
27 contractor has committed any combination of two of the following  
28 violations or infractions within a five-year period:

29 (1) Willfully committed an infraction or violation under chapter  
30 18.27 RCW or willfully violated RCW 51.48.020(1) or 51.48.103; or

31 (2) Committed an infraction or violation under chapter 18.27 RCW a  
32 second time within a five-year period.

33 NEW SECTION. Sec. 4. A new section is added to chapter 18.27 RCW  
34 to read as follows:

35 A contractor found to have: (1) Willfully committed an infraction  
36 or violation under this chapter; or (2) committed an infraction or

1 violation under this chapter a second time within a five-year period  
2 shall, in addition to any penalties under this chapter, be subject to  
3 the penalties in section 3 of this act.

4 **Sec. 5.** RCW 51.16.070 and 1997 c 54 s 3 are each amended to read  
5 as follows:

6 (1)(a) Every employer shall keep at his or her place of business a  
7 record of his or her employment from which the information needed by  
8 the department may be obtained and such record shall at all times be  
9 open to the inspection of the director, supervisor of industrial  
10 insurance, or the traveling auditors, agents, or assistants of the  
11 department, as provided in RCW 51.48.040.

12 (b) An employer who contracts with another person or entity for  
13 work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve a  
14 record of the unified business identifier account number for and the  
15 compensation paid to the person or entity performing the work. Failure  
16 to obtain or maintain the record is subject to RCW 39.06.010 and to a  
17 penalty under RCW 51.48.030.

18 (2) Information obtained from employing unit records under the  
19 provisions of this title shall be deemed confidential and shall not be  
20 open to public inspection (other than to public employees in the  
21 performance of their official duties), but any interested party shall  
22 be supplied with information from such records to the extent necessary  
23 for the proper presentation of the case in question: PROVIDED, That  
24 any employing unit may authorize inspection of its records by written  
25 consent.

26 **Sec. 6.** RCW 50.13.060 and 2005 c 274 s 322 are each amended to  
27 read as follows:

28 (1) Governmental agencies, including law enforcement agencies,  
29 prosecuting agencies, and the executive branch, whether state, local,  
30 or federal shall have access to information or records deemed private  
31 and confidential under this chapter if the information or records are  
32 needed by the agency for official purposes and:

33 (a) The agency submits an application in writing to the employment  
34 security department for the records or information containing a  
35 statement of the official purposes for which the information or records

1 are needed and specific identification of the records or information  
2 sought from the department; and

3 (b) The director, commissioner, chief executive, or other official  
4 of the agency has verified the need for the specific information in  
5 writing either on the application or on a separate document; and

6 (c) The agency requesting access has served a copy of the  
7 application for records or information on the individual or employing  
8 unit whose records or information are sought and has provided the  
9 department with proof of service. Service shall be made in a manner  
10 which conforms to the civil rules for superior court. The requesting  
11 agency shall include with the copy of the application a statement to  
12 the effect that the individual or employing unit may contact the public  
13 records officer of the employment security department to state any  
14 objections to the release of the records or information. The  
15 employment security department shall not act upon the application of  
16 the requesting agency until at least five days after service on the  
17 concerned individual or employing unit. The employment security  
18 department shall consider any objections raised by the concerned  
19 individual or employing unit in deciding whether the requesting agency  
20 needs the information or records for official purposes.

21 (2) The requirements of subsections (1) and (9) of this section  
22 shall not apply to the state legislative branch. The state legislature  
23 shall have access to information or records deemed private and  
24 confidential under this chapter, if the legislature or a legislative  
25 committee finds that the information or records are necessary and for  
26 official purposes. If the employment security department does not make  
27 information or records available as provided in this subsection, the  
28 legislature may exercise its authority granted by chapter 44.16 RCW.

29 (3) In cases of emergency the governmental agency requesting access  
30 shall not be required to formally comply with the provisions of  
31 subsection (1) of this section at the time of the request if the  
32 procedures required by subsection (1) of this section are complied with  
33 by the requesting agency following the receipt of any records or  
34 information deemed private and confidential under this chapter. An  
35 emergency is defined as a situation in which irreparable harm or damage  
36 could occur if records or information are not released immediately.

37 (4) The requirements of subsection (1)(c) of this section shall not  
38 apply to governmental agencies where the procedures would frustrate the

1 investigation of possible violations of criminal laws or to the release  
2 of employing unit names, addresses, number of employees, and aggregate  
3 employer wage data for the purpose of state governmental agencies  
4 preparing small business economic impact statements under chapter 19.85  
5 RCW or preparing cost-benefit analyses under RCW 34.05.328(1) (c) and  
6 (d). Information provided by the department and held to be private and  
7 confidential under state or federal laws must not be misused or  
8 released to unauthorized parties. A person who misuses such  
9 information or releases such information to unauthorized parties is  
10 subject to the sanctions in RCW 50.13.080.

11 (5) Governmental agencies shall have access to certain records or  
12 information, limited to such items as names, addresses, social security  
13 numbers, and general information about benefit entitlement or employer  
14 information possessed by the department, for comparison purposes with  
15 records or information possessed by the requesting agency to detect  
16 improper or fraudulent claims, or to determine potential tax liability  
17 or employer compliance with registration and licensing requirements.  
18 In those cases the governmental agency shall not be required to comply  
19 with subsection (1)(c) of this section, but the requirements of the  
20 remainder of subsection (1) of this section must be satisfied.

21 (6) Governmental agencies may have access to certain records and  
22 information, limited to employer information possessed by the  
23 department for purposes authorized in chapter 50.38 RCW. Access to  
24 these records and information is limited to only those individuals  
25 conducting authorized statistical analysis, research, and evaluation  
26 studies. Only in cases consistent with the purposes of chapter 50.38  
27 RCW are government agencies not required to comply with subsection  
28 (1)(c) of this section, but the requirements of the remainder of  
29 subsection (1) of this section must be satisfied. Information provided  
30 by the department and held to be private and confidential under state  
31 or federal laws shall not be misused or released to unauthorized  
32 parties subject to the sanctions in RCW 50.13.080.

33 (7) Disclosure to governmental agencies of information or records  
34 obtained by the employment security department from the federal  
35 government shall be governed by any applicable federal law or any  
36 agreement between the federal government and the employment security  
37 department where so required by federal law. When federal law does not  
38 apply to the records or information state law shall control.



1 (8) The department may provide information for purposes of  
2 statistical analysis and evaluation of the WorkFirst program or any  
3 successor state welfare program to the department of social and health  
4 services, the office of financial management, and other governmental  
5 entities with oversight or evaluation responsibilities for the program  
6 in accordance with RCW 43.20A.080. The confidential information  
7 provided by the department shall remain the property of the department  
8 and may be used by the authorized requesting agencies only for  
9 statistical analysis, research, and evaluation purposes as provided in  
10 RCW 74.08A.410 and 74.08A.420. The department of social and health  
11 services, the office of financial management, or other governmental  
12 entities with oversight or evaluation responsibilities for the program  
13 are not required to comply with subsection (1)(c) of this section, but  
14 the requirements of the remainder of subsection (1) of this section and  
15 applicable federal laws and regulations must be satisfied. The  
16 confidential information used for evaluation and analysis of welfare  
17 reform supplied to the authorized requesting entities with regard to  
18 the WorkFirst program or any successor state welfare program are exempt  
19 from public inspection and copying under chapter 42.56 RCW.

20 (9) The disclosure of any records or information by a governmental  
21 agency which has obtained the records or information under this section  
22 is prohibited unless the disclosure is (a) directly connected to the  
23 official purpose for which the records or information were obtained or  
24 (b) to another governmental agency which would be permitted to obtain  
25 the records or information under subsection (4) or (5) of this section.

26 (10) In conducting periodic salary or fringe benefit studies  
27 pursuant to law, the department of personnel shall have access to  
28 records of the employment security department as may be required for  
29 such studies. For such purposes, the requirements of subsection (1)(c)  
30 of this section need not apply.

31 (11)(a) To promote the reemployment of job seekers, the  
32 commissioner may enter into data-sharing contracts with partners of the  
33 one-stop career development system. The contracts shall provide for  
34 the transfer of data only to the extent that the transfer is necessary  
35 for the efficient provisions of workforce programs, including but not  
36 limited to public labor exchange, unemployment insurance, worker  
37 training and retraining, vocational rehabilitation, vocational

1 education, adult education, transition from public assistance, and  
2 support services. The transfer of information under contracts with  
3 one-stop partners is exempt from subsection (1)(c) of this section.

4 (b) An individual who applies for services from the department and  
5 whose information will be shared under (a) of this subsection (11) must  
6 be notified that his or her private and confidential information in the  
7 department's records will be shared among the one-stop partners to  
8 facilitate the delivery of one-stop services to the individual. The  
9 notice must advise the individual that he or she may request that  
10 private and confidential information not be shared among the one-stop  
11 partners and the department must honor the request. In addition, the  
12 notice must:

13 (i) Advise the individual that if he or she requests that private  
14 and confidential information not be shared among one-stop partners, the  
15 request will in no way affect eligibility for services;

16 (ii) Describe the nature of the information to be shared, the  
17 general use of the information by one-stop partner representatives, and  
18 among whom the information will be shared;

19 (iii) Inform the individual that shared information will be used  
20 only for the purpose of delivering one-stop services and that further  
21 disclosure of the information is prohibited under contract and is not  
22 subject to disclosure under chapter 42.56 RCW; and

23 (iv) Be provided in English and an alternative language selected by  
24 the one-stop center or job service center as appropriate for the  
25 community where the center is located.

26 If the notice is provided in-person, the individual who does not  
27 want private and confidential information shared among the one-stop  
28 partners must immediately advise the one-stop partner representative of  
29 that decision. The notice must be provided to an individual who  
30 applies for services telephonically, electronically, or by mail, in a  
31 suitable format and within a reasonable time after applying for  
32 services, which shall be no later than ten working days from the  
33 department's receipt of the application for services. A one-stop  
34 representative must be available to answer specific questions regarding  
35 the nature, extent, and purpose for which the information may be  
36 shared.

37 (12) To facilitate improved operation and evaluation of state  
38 programs, the commissioner may enter into data-sharing contracts with

1 other state agencies only to the extent that such transfer is necessary  
2 for the efficient operation or evaluation of outcomes for those  
3 programs. The transfer of information by contract under this  
4 subsection is exempt from subsection (1)(c) of this section.

5 (13) The misuse or unauthorized release of records or information  
6 by any person or organization to which access is permitted by this  
7 chapter subjects the person or organization to a civil penalty of five  
8 thousand dollars and other applicable sanctions under state and federal  
9 law. Suit to enforce this section shall be brought by the attorney  
10 general and the amount of any penalties collected shall be paid into  
11 the employment security department administrative contingency fund.  
12 The attorney general may recover reasonable attorneys' fees for any  
13 action brought to enforce this section.

14 **Sec. 7.** RCW 50.12.070 and 2007 c 146 s 1 are each amended to read  
15 as follows:

16 (1)(a) Each employing unit shall keep true and accurate work  
17 records, containing such information as the commissioner may prescribe.  
18 Such records shall be open to inspection and be subject to being copied  
19 by the commissioner or his or her authorized representatives at any  
20 reasonable time and as often as may be necessary. The commissioner may  
21 require from any employing unit any sworn or unsworn reports with  
22 respect to persons employed by it, which he or she deems necessary for  
23 the effective administration of this title.

24 (b) An employer who contracts with another person or entity for  
25 work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve a  
26 record of the unified business identifier account number for and  
27 compensation paid to the person or entity performing the work. Failure  
28 to obtain or maintain the record is subject to RCW 39.06.010 and to a  
29 penalty determined by the commissioner, but not to exceed two hundred  
30 fifty dollars, to be collected as provided in RCW 50.24.120.

31 (2)(a) Each employer shall register with the department and obtain  
32 an employment security account number. Registration must include the  
33 names and social security numbers of the owners, partners, members, or  
34 corporate officers of the business, as well as their mailing addresses  
35 and telephone numbers and other information the commissioner may by  
36 rule prescribe. Registration of corporations must also include the  
37 percentage of stock ownership for each corporate officer, delineated by

1 zero percent, less than ten percent, or ten percent or more. Any  
2 changes in the owners, partners, members, or corporate officers of the  
3 business, and changes in percentage of ownership of the outstanding  
4 shares of stock of the corporation, must be reported to the department  
5 at intervals prescribed by the commissioner under (b) of this  
6 subsection.

7 (b) Each employer shall make periodic reports at such intervals as  
8 the commissioner may by regulation prescribe, setting forth the  
9 remuneration paid for employment to workers in its employ, the full  
10 names and social security numbers of all such workers, and the total  
11 hours worked by each worker and such other information as the  
12 commissioner may by regulation prescribe.

13 (c) If the employing unit fails or has failed to report the number  
14 of hours in a reporting period for which a worker worked, such number  
15 will be computed by the commissioner and given the same force and  
16 effect as if it had been reported by the employing unit. In computing  
17 the number of such hours worked, the total wages for the reporting  
18 period, as reported by the employing unit, shall be divided by the  
19 dollar amount of the state's minimum wage in effect for such reporting  
20 period and the quotient, disregarding any remainder, shall be credited  
21 to the worker: PROVIDED, That although the computation so made will  
22 not be subject to appeal by the employing unit, monetary entitlement  
23 may be redetermined upon request if the department is provided with  
24 credible evidence of the actual hours worked. Benefits paid using  
25 computed hours are not considered an overpayment and are not subject to  
26 collections when the correction of computed hours results in an invalid  
27 or reduced claim; however:

28 (i) A contribution paying employer who fails to report the number  
29 of hours worked will have its experience rating account charged for all  
30 benefits paid that are based on hours computed under this subsection;  
31 and

32 (ii) An employer who reimburses the trust fund for benefits paid to  
33 workers and fails to report the number of hours worked shall reimburse  
34 the trust fund for all benefits paid that are based on hours computed  
35 under this subsection.

36 **Sec. 8.** RCW 51.48.103 and 2003 c 53 s 283 are each amended to read  
37 as follows:

1 (1) It is a gross misdemeanor:

2 (a) For any employer to engage in business subject to this title  
3 without having obtained a certificate of coverage as provided for in  
4 this title;

5 (b) For the president, vice president, secretary, treasurer, or  
6 other officer of any company to cause or permit the company to engage  
7 in business subject to this title without having obtained a certificate  
8 of coverage as provided for in this title.

9 (2) It is a class C felony punishable according to chapter 9A.20  
10 RCW:

11 (a) For any employer to engage in business subject to this title  
12 after the employer's certificate of coverage has been revoked by order  
13 of the department;

14 (b) For the president, vice president, secretary, treasurer, or  
15 other officer of any company to cause or permit the company to engage  
16 in business subject to this title after revocation of a certificate of  
17 coverage.

18 (3) An employer found to have willfully violated this section  
19 shall, in addition to any other penalties, be subject to the penalties  
20 in section 3 of this act.

21 **Sec. 9.** RCW 51.48.020 and 1997 c 324 s 1 are each amended to read  
22 as follows:

23 (1)(a) Any employer, who knowingly misrepresents to the department  
24 the amount of his or her payroll or employee hours upon which the  
25 premium under this title is based, shall be liable to the state for up  
26 to ten times the amount of the difference in premiums paid and the  
27 amount the employer should have paid and for the reasonable expenses of  
28 auditing his or her books and collecting such sums. Such liability may  
29 be enforced in the name of the department.

30 (b) An employer is guilty of a class C felony, if:

31 (i) The employer, with intent to evade determination and payment of  
32 the correct amount of the premiums, knowingly makes misrepresentations  
33 regarding payroll or employee hours; or

34 (ii) The employer engages in employment covered under this title  
35 and, with intent to evade determination and payment of the correct  
36 amount of the premiums, knowingly fails to secure payment of

1 compensation under this title or knowingly fails to report the payroll  
2 or employee hours related to that employment.

3 (c) Upon conviction under (b) of this subsection, the employer  
4 shall be ordered by the court to pay the premium due and owing, a  
5 penalty in the amount of one hundred percent of the premium due and  
6 owing, and interest on the premium and penalty from the time the  
7 premium was due until the date of payment. The court shall:

8 (i) Collect the premium and interest and transmit it to the  
9 department of labor and industries; and

10 (ii) Collect the penalty and disburse it pro rata as follows: One-  
11 third to the investigative agencies involved; one-third to the  
12 prosecuting authority; and one-third to the general fund of the county  
13 in which the matter was prosecuted.

14 Payments collected under this subsection must be applied until  
15 satisfaction of the obligation in the following order: Premium  
16 payments; penalty; and interest.

17 (2) Any person claiming benefits under this title, who knowingly  
18 gives false information required in any claim or application under this  
19 title shall be guilty of a felony, or gross misdemeanor in accordance  
20 with the theft and anticipatory provisions of Title 9A RCW.

21 (3) An employer found to have willfully violated this section  
22 shall, in addition to any other penalties, be subject to the penalties  
23 in section 3 of this act.

24 **Sec. 10.** 2007 c 288 s 2 (uncodified) is amended to read as  
25 follows:

26 (1) The joint legislative task force on the underground economy in  
27 the Washington state construction industry is established. For  
28 purposes of this section, "underground economy" means contracting and  
29 construction activities in which payroll is unreported or underreported  
30 with consequent nonpayment of payroll taxes to federal and state  
31 agencies including nonpayment of workers' compensation and unemployment  
32 compensation taxes.

33 (2) The purpose of the task force is to formulate a state policy to  
34 establish cohesion and transparency between state agencies so as to  
35 increase the oversight and regulation of the underground economy  
36 practices in the construction industry in this state. To assist the  
37 task force in achieving this goal and to determine the extent of and

1 projected costs to the state and workers of the underground economy in  
2 the construction industry, the task force shall contract with the  
3 institute for public policy, or, if the institute is unavailable,  
4 another entity with expertise capable of providing such assistance.

5 (3)(a) The task force shall consist of the following members:

6 (i) The chair and ranking minority member of the senate labor,  
7 commerce, research and development committee;

8 (ii) The chair and ranking minority member of the house of  
9 representatives commerce and labor committee;

10 (iii) Four members representing the construction business, selected  
11 from nominations submitted by statewide construction business  
12 organizations and appointed jointly by the president of the senate and  
13 the speaker of the house of representatives;

14 (iv) Four members representing construction laborers, selected from  
15 nominations submitted by statewide labor organizations and appointed  
16 jointly by the president of the senate and the speaker of the house of  
17 representatives.

18 (b) In addition, the employment security department, the department  
19 of labor and industries, and the department of revenue shall cooperate  
20 with the task force and shall each maintain a liaison representative,  
21 who is a nonvoting member of the task force. The departments shall  
22 cooperate with the task force and the institute for public policy, or  
23 other entity as appropriate, and shall provide information and data as  
24 the task force or the institute, or other entity as appropriate, may  
25 reasonably request.

26 (c) The task force shall choose its chair or cochairs from among  
27 its legislative membership. The chairs of the senate labor, commerce,  
28 research and development committee and the house of representatives  
29 commerce and labor committee shall convene the initial meeting of the  
30 task force.

31 (4)(a) The task force shall use legislative facilities and staff  
32 support shall be provided by senate committee services and the house of  
33 representatives office of program research. Within available funding,  
34 the task force may hire additional staff with specific technical  
35 expertise if such expertise is necessary to carry out the mandates of  
36 this study.

37 (b) Legislative members of the task force shall be reimbursed for  
38 travel expenses in accordance with RCW 44.04.120. Nonlegislative

1 members, except those representing an employer or organization, are  
2 entitled to be reimbursed for travel expenses in accordance with RCW  
3 43.03.050 and 43.03.060.

4 (c) The expenses of the task force will be paid jointly by the  
5 senate and house of representatives. Task force expenditures are  
6 subject to approval by the senate facilities and operations committee  
7 and the house of representatives executive rules committee, or their  
8 successor committees.

9 (5) The task force shall report its preliminary findings and  
10 recommendations to the legislature by January 1, 2008, and submit a  
11 final report to the legislature by December 31, 2008.

12 (6) This section expires July 1, (~~2008~~) 2009.

13 NEW SECTION. Sec. 11. A new section is added to chapter 43.22 RCW  
14 to read as follows:

15 (1)(a) Three staff members, one being a working supervisor, must be  
16 added to the department's fraud audit infraction and revenue contractor  
17 fraud team.

18 (b) The department and the employment security department shall  
19 hire more auditors to assist with their enforcement activities relating  
20 to the underground economy in the construction industry. At a minimum,  
21 the department shall hire three more auditors.

22 (2) If funds are made available in the 2008 supplemental budget,  
23 money must be dedicated to the attorney general's office to be used in  
24 the enforcement of contractor compliance cases.

25 NEW SECTION. Sec. 12. A new section is added to chapter 18.27 RCW  
26 to read as follows:

27 The department shall create an expanded social marketing campaign  
28 using currently available materials and newly created materials as  
29 needed. This campaign should be aimed at consumers and warn them of  
30 the risks and potential consequences of hiring unregistered contractors  
31 or otherwise assisting in the furtherance of the underground economy.  
32 The campaign may include: Providing public service announcements and  
33 other similar materials, made available in English as well as other  
34 languages, to the media and to community groups; providing information  
35 on violations and penalties; and encouraging legitimate contractors and  
36 the public to report fraud.



1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 43.22 RCW  
2 to read as follows:

3        (1) A pilot project must be established between the department and  
4 certain local jurisdictions to explore ways to improve the collection  
5 and sharing of building permit information.    Participation must be  
6 voluntary for the local jurisdictions who participate, but one large  
7 city, some smaller cities, and at least one county are encouraged to  
8 participate.

9        (2) The department must report back to the appropriate committees  
10 of the legislature on the progress of the pilot project by November 15,  
11 2013.

12        (3) The department may adopt rules to undertake the pilot project  
13 under this section.

14        (4) This section expires December 1, 2014.

15        NEW SECTION.    **Sec. 14.**    The Washington state institute for public  
16 policy shall organize an advisory committee to establish benchmarks for  
17 future monitoring of activities.    The department of labor and  
18 industries, employment security department, and the department of  
19 revenue must designate representatives to assist the advisory committee  
20 and report back on the committee's progress to the appropriate  
21 committees of the legislature by December 31, 2009.

22        NEW SECTION.    **Sec. 15.**    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.

31        NEW SECTION.    **Sec. 16.**    If any provision of this act or its  
32 application to any person or circumstance is held invalid, the  
33 remainder of the act or the application of the provision to other

1 persons or circumstances is not affected.

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