

HOUSE BILL REPORT

ESSB 5969

As Passed House:
December 14, 2011

Title: An act relating to procedures allowing certain military spouses to seek employment in state-licensed professional occupations after relocating to Washington.

Brief Description: Concerning the establishment of procedures for the professional licensing of military spouses after relocation to Washington.

Sponsors: Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Kilmer, Becker, Carrell, Hobbs, Shin, Swecker, Conway, Eide, Rolfes, Harper, Kastama, Fain, Hatfield, King, Haugen, McAuliffe, Hargrove, Nelson, Tom, Pridemore, Keiser, Sheldon, Prentice, Hewitt, Zarelli, Baumgartner, Padden, Chase, Kline, Frockt, Brown, Kohl-Welles, Ranker, Murray, Regala and Parlette).

Brief History:

Committee Activity:

None.

Second Special Session

Floor Activity:

Passed House: 12/14/11, 95-0.

Brief Summary of Engrossed Substitute Bill

- Requires an authority that issues a professional license, certificate, registration, or permit under Title 18 RCW to expedite the right of qualified military spouses transferred to this state to provide professional services.
- Requires parallel processes for certain professions regulated outside of Title 18 RCW, including teachers.

Staff: Jon Hedegard (786-7127).

Background:

Professions in Title 18 RCW.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A number of different authorities license various businesses and professions in Title 18 RCW. A business or profession may be regulated directly by an agency or under a board or commission or other authority that may have sole or shared jurisdiction. Each regulated business and profession has a separate set of laws. Generally, businesses and professions have provisions allowing for some form of reciprocity for licensees from other states.

Requirements for professions for a license, certificate, registration, or permit vary considerably. Some professions may require:

- college level coursework;
- experience;
- an examination;
- some type of background check;
- a surety bond, insurance, or other minimum financial standards;
- minimum safety standards;
- continuing education for licensees; or
- duties of care for clients.

Title 18 RCW includes the regulation of a broad array of businesses and professions. In some fields, individuals are regulated. In other places, it is an entity that is regulated. Authorities that issue licenses, certificates, registrations, or permits to individuals under Title 18 RCW include the following:

- the Department of Health directly regulates or collaborates with a board or commission to oversee approximately 79 different health professions;
- the Department of Licensing (DOL) directly regulates or collaborates with a board or commission to oversee a wide variety of professions;
- the Department of Labor and Industries regulates contractors and plumbers;
- the Board of Accountancy oversees certified public accountants;
- the Department of Ecology regulates persons licensed to dig wells;
- the Department of Financial Institutions regulates escrow agents;
- the State Director of Fire Protection, an appointee of the Chief of the Washington State Patrol, oversees persons licensed or certified to perform services related to fire protection sprinkler systems, including fire protection sprinkling fitters; and
- county auditors register process servers. The requirements are the applicant must be 18 or older, a resident of this state, and register as a process server with the auditor of the county in which the process server resides or operates his or her principal place of business.

Certain Professions outside of Title 18 RCW.

The DOL regulates a number of professions outside of Title 18 RCW. These include:

- camping resort salespersons;
- notary publics;
- driver training instructors;
- timeshare salespersons; and
- a number of categories related to professional athletics.

The Washington Professional Educator Standards Board oversees the certification of teachers in this state.

Summary of Bill:

The bill contains a number of findings about military families.

Professions in Title 18 RCW.

An "authority" is defined as any board, commission, or other authority that issues a license, certificate, registration, or permit under Title 18 RCW.

To the extent resources are available, an authority must establish procedures to expedite the issuance of a license, certificate, or permit to perform professional services to a person who:

- is certified or licensed to perform professional services in another state;
- has a spouse that is transferred by the military to this state; and
- left employment in the other state to join their spouse in this state.

The procedures must include a process for issuing the person a license, certificate, registration, or permit, if, in the opinion of the authority, the requirements for licensure, certification, registration, or obtaining a permit of the other state are substantially equivalent to the requirements of this state.

Each authority must adopt rules authorizing a qualified person to perform the services regulated by that authority by issuing the person a temporary license, certificate, registration, or permit unless the authority finds that the requirements for a license, certificate, registration, or permit of the other state are substantially unequal to the standards of this state. A temporary license, certificate, registration, or permit allows a qualified person to perform the regulated services while completing any specific requirements required in this state that were not required in the other state or states.

An applicant must state in the application that he or she:

- has requested verification that he or she is currently licensed, certified, registered, or has a permit from the other state or states; and
- is not the subject of a pending investigation, charges, or disciplinary action by the regulatory body of the other state or states.

If an authority has reasonable cause to believe that an applicant made a false assertion concerning one of the required application statements, the authority may suspend the license, certificate, registration, or permit pending an investigation or further disciplinary action or revocation.

Certain Professions outside of Title 18 RCW.

Parallel standards to the license, certificate, registration, or permit processes and procedures for military spouses that are applied in the bill to the professions regulated under Title 18 RCW are also specifically applied to certain professions regulated under other titles of the RCW.

The Washington Professional Educator Standards Board must develop rules for the certification of teachers in this state that are consistent with the standards in the bill for the procedures applied to the professions regulated under Title 18 RCW.

The Director of the DOL must develop rules consistent with the standards for a number of professions regulated outside of Title 18 RCW that are consistent with the standards in the bill for the procedures applied to the professions regulated under Title 18 RCW. Those specific professions are:

- camping resort salespersons;
- notary publics;
- driver training instructors;
- timeshare salespersons; and
- a number of categories related to professional athletics.

The departments of Licensing, Health, and Labor and Industries must brief the Joint Committee on Veterans' and Military Affairs in December 2012 regarding implementation efforts.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.