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**SUBSTITUTE HOUSE BILL 1387**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Law & Justice (originally sponsored by Representatives Delvin, Dellwo, Carrell, Cody, Morris, Padden, Hickel, Sommers, Conway, Brown, Mason, B. Thomas, Dickerson, Boldt, Campbell, Carlson, Patterson, Kessler, Mielke, Mulliken, Honeyford, Hargrove, L. Thomas, Kremen, Scott and Huff)

Read first time 02/17/95.

1 AN ACT Relating to massage practitioners; amending RCW 18.108.040,  
2 18.108.085, 35.21.692, 35A.82.025, and 36.32.122; and adding a new  
3 section to chapter 18.130 RCW; and providing an expiration date.

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

5 **Sec. 1.** RCW 18.108.040 and 1991 c 3 s 255 are each amended to read  
6 as follows:

7 It shall be unlawful to advertise the practice of massage using the  
8 term massage or any other term that implies a massage technique or  
9 method in any public or private publication or communication by a  
10 person not licensed by the secretary as a massage practitioner or  
11 without printing in display advertisement the license number of the  
12 massage practitioner. Any person who holds a license to practice as a  
13 massage practitioner in this state may use the title "licensed massage  
14 practitioner" and the abbreviation "L.M.P.". No other persons may  
15 assume such title or use such abbreviation or any other word, letters,  
16 signs, or figures to indicate that the person using the title is a  
17 licensed massage practitioner.

1       **Sec. 2.** RCW 18.108.085 and 1991 c 3 s 259 are each amended to read  
2 as follows:

3       (1) In addition to any other authority provided by law, the  
4 secretary may:

5       (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to  
6 implement this chapter;

7       (b) Set all license, examination, and renewal fees in accordance  
8 with RCW 43.70.250;

9       (c) Establish forms and procedures necessary to administer this  
10 chapter;

11       (d) Issue a license to any applicant who has met the education,  
12 training, and examination requirements for licensure; and

13       (e) Hire clerical, administrative, and investigative staff as  
14 necessary to implement this chapter, and hire individuals licensed  
15 under this chapter to serve as examiners for any practical  
16 examinations.

17       (2) The uniform disciplinary act, chapter 18.130 RCW, governs the  
18 issuance and denial of licenses and the disciplining of persons under  
19 this chapter. The secretary shall be the disciplining authority under  
20 this chapter.

21       (3) Any license issued under this chapter to a person who is or has  
22 been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or  
23 9A.88.090 or equivalent local ordinances shall automatically be revoked  
24 by the secretary upon receipt of a certified copy of the court  
25 documents reflecting such conviction. No further hearing or procedure  
26 is required, and the secretary has no discretion with regard to the  
27 revocation of the license. The revocation shall be effective even  
28 though such conviction may be under appeal, or the time period for such  
29 appeal has not elapsed. However, upon presentation of a final  
30 appellate decision overturning such conviction, the license shall be  
31 reinstated, unless grounds for disciplinary action have been found  
32 pursuant to chapter 18.130 RCW. No license may be granted under this  
33 chapter to any person who has been convicted of violating RCW  
34 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local  
35 ordinances within the eight years immediately preceding the date of  
36 application. For purposes of this subsection, "convicted" does not  
37 include a conviction that has been the subject of a pardon, annulment,  
38 or other equivalent procedure based on a finding of innocence, but does  
39 include convictions for offenses for which the defendant received a

1 deferred or suspended sentence, unless the record has been expunged  
2 according to law.

3 (4) The secretary shall keep an official record of all proceedings  
4 under this chapter, a part of which record shall consist of a register  
5 of all applicants for licensure under this chapter, with the result of  
6 each application.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.130 RCW  
8 to read as follows:

9 RCW 18.108.085 shall govern the issuance and revocation of licenses  
10 issued or applied for under chapter 18.108 RCW to or by persons  
11 convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or  
12 9A.88.090 or equivalent local ordinances.

13 **Sec. 4.** RCW 35.21.692 and 1991 c 182 s 1 are each amended to read  
14 as follows:

15 (1) A state licensed massage practitioner seeking a city or town  
16 license to operate a massage business must provide verification of his  
17 or her state massage license as provided for in RCW 18.108.030.

18 (2) The city or town may charge a licensing or operating fee, but  
19 the fee charged a state licensed massage practitioner shall not exceed  
20 the licensing or operating fee imposed on ~~((similar health care~~  
21 ~~providers, such as physical therapists or occupational therapists,))~~  
22 other licensees operating within the same city or town and such fees  
23 shall be reasonable and shall not exceed the costs of the processing  
24 and administration of the licensing procedure.

25 (3) A state licensed massage practitioner ~~((is not))~~ may be subject  
26 to additional licensing requirements ~~((not currently imposed on similar~~  
27 ~~health care providers, such as physical therapists or occupational~~  
28 ~~therapists))~~ under RCW 18.108.100.

29 **Sec. 5.** RCW 35A.82.025 and 1991 c 182 s 2 are each amended to read  
30 as follows:

31 (1) A state licensed massage practitioner seeking a city license to  
32 operate a massage business must provide verification of his or her  
33 state massage license as provided for in RCW 18.108.030.

34 (2) The city may charge a licensing or operating fee, but the fee  
35 charged a state licensed massage practitioner shall not exceed the  
36 licensing or operating fee imposed on ~~((similar health care providers,~~

1 ~~such as physical therapists or occupational therapists,))~~ other  
2 licensees operating within the same city and such fees shall be  
3 reasonable and shall not exceed the costs of the processing and  
4 administration of the licensing procedure.

5 (3) A state licensed massage practitioner (~~(is not)~~) may be subject  
6 to additional licensing requirements (~~(not currently imposed on similar~~  
7 ~~health care providers, such as physical therapists or occupational~~  
8 ~~therapists)~~) under RCW 18.108.100.

9 **Sec. 6.** RCW 36.32.122 and 1991 c 182 s 3 are each amended to read  
10 as follows:

11 (1) A state licensed massage practitioner seeking a county license  
12 to operate a massage business must provide verification of his or her  
13 state massage license as provided for in RCW 18.108.030.

14 (2) The county may charge a licensing or operating fee, but the fee  
15 charged a state licensed massage practitioner shall not exceed the  
16 licensing or operating fee imposed on (~~(similar health care providers,~~  
17 ~~such as physical therapists or occupational therapists,))~~ other  
18 licensees operating within the same county and such fees shall be  
19 reasonable and shall not exceed the costs of the processing and  
20 administration of the licensing procedure.

21 (3) A state licensed massage practitioner (~~(is not)~~) may be subject  
22 to additional licensing requirements (~~(not currently imposed on similar~~  
23 ~~health care providers, such as physical therapists or occupational~~  
24 ~~therapists)~~) under RCW 18.108.100.

25 NEW SECTION. **Sec. 7.** The amendments to RCW 35.21.692, 35A.82.025,  
26 and 36.32.122 contained in sections 4 through 6 of this act shall  
27 expire July 1, 1997.

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