
ENGROSSED SUBSTITUTE HOUSE BILL 1679

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Cole, Lisk, Horn, Cody, Romero, Ballasiotes, Conway, Jacobsen and Patterson)

Read first time 02/22/95.

1 AN ACT Relating to professional licensing of private security and
2 investigation; amending RCW 18.170.030, 18.170.060, 18.170.070,
3 18.170.090, 18.170.100, 18.170.110, 18.170.120, 18.170.130, 18.170.160,
4 18.170.170, 18.170.180, 18.170.190, 18.170.230, 18.170.250, 18.165.010,
5 18.165.020, 18.165.030, 18.165.040, 18.165.050, 18.165.060, 18.165.070,
6 18.165.080, 18.165.090, 18.165.100, 18.165.110, 18.165.120, 18.165.130,
7 18.165.140, 18.165.150, 18.165.160, 18.165.170, 18.165.180, 18.165.190,
8 18.165.220, and 18.165.240; adding new sections to chapter 18.170 RCW;
9 adding new sections to chapter 18.165 RCW; prescribing penalties; and
10 declaring an emergency.

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

12 **Sec. 1.** RCW 18.170.030 and 1991 c 334 s 3 are each amended to read
13 as follows:

14 An applicant must meet the following minimum requirements to obtain
15 a private security guard license:

- 16 (1) Be at least eighteen years of age;
17 (2) Be a citizen of the United States or a resident alien;
18 (3) Not have been convicted of a crime in any jurisdiction, if the
19 director determines that the applicant's particular crime directly

1 relates to his or her capacity to perform the duties of a private
2 security guard, and the director determines that the license should be
3 withheld to protect the citizens of Washington state. The director
4 shall make her or his determination to withhold a license because of
5 previous convictions ((consistent with)) notwithstanding the
6 restoration of employment rights act, chapter 9.96A RCW;

7 (4) Be employed by or have an employment offer from a licensed
8 private security company or be licensed as a private security company;

9 (5) Satisfy the training requirements established by the director;

10 (6) Submit a set of fingerprints; ((and))

11 (7) Pay the required nonrefundable fee for each application; and

12 (8) Submit a fully completed application that includes proper
13 identification on a form prescribed by the director for each company of
14 employment.

15 NEW SECTION. Sec. 2. A new section is added to chapter 18.170 RCW
16 to read as follows:

17 A licensee who transfers from one company to another must submit a
18 transfer application on a form prescribed by the director along with a
19 transfer fee established by the director.

20 NEW SECTION. Sec. 3. A new section is added to chapter 18.170 RCW
21 to read as follows:

22 No licensee, employee or agent of a licensee, or anyone
23 accompanying a licensee, employee, or agent may display a firearm while
24 soliciting a client.

25 **Sec. 4.** RCW 18.170.060 and 1991 c 334 s 6 are each amended to read
26 as follows:

27 (1) In addition to meeting the minimum requirements to obtain a
28 license as a private security guard, an applicant, or, in the case of
29 a partnership, each partner, or, in the case of a corporation, the
30 qualifying agent must meet the following requirements to obtain a
31 license to own or operate a private security company:

32 (a) Possess three years' experience as a manager, supervisor, or
33 administrator in the private security business or a related field
34 approved by the director, or be at least twenty-one years of age and
35 pass an examination determined by the director to measure the person's
36 knowledge and competence in the private security business;

1 (b) Meet the insurance requirements of this chapter; and

2 (c) Pay any additional fees established by the director.

3 (2) If the qualifying agent upon whom the licensee relies to comply
4 with subsection (1) of this section ceases to perform his or her duties
5 on a regular basis, the licensee must promptly notify the director by
6 certified or registered mail. Within sixty days of sending
7 notification to the director, the licensee must obtain a substitute
8 qualifying agent who meets the requirements of this section. The
9 director may extend the period for obtaining a substitute qualifying
10 agent.

11 (3) A company license issued pursuant to this section may not be
12 assigned or transferred without prior written approval of the director.

13 (4) No license to own or operate a private security guard company
14 may be issued to an applicant if the name of the company portrays the
15 company as a public law enforcement agency, or in association with a
16 public law enforcement agency, or includes the word "police".

17 **Sec. 5.** RCW 18.170.070 and 1991 c 334 s 7 are each amended to read
18 as follows:

19 (1) The director shall issue a private security guard license card
20 to each licensed private security guard and an armed private security
21 guard license card to each armed private security guard.

22 (a) The license card may not be used as security clearance (~~or as~~
23 ~~identification~~)).

24 (b) A private security guard shall carry the license card whenever
25 he or she is performing the duties of a private security guard and
26 shall exhibit the card upon request.

27 (c) An armed private security guard shall carry the license card
28 whenever he or she is performing the duties of an armed private
29 security guard and shall exhibit the card upon request.

30 (2) The director shall issue a license certificate to each licensed
31 private security company.

32 (a) Within seventy-two hours after receipt of the license
33 certificate, the licensee shall post and display the certificate in a
34 conspicuous place in the principal office of the licensee within the
35 state.

36 (b) It is unlawful for any person holding a license certificate to
37 knowingly and willfully post the license certificate upon premises

1 other than those described in the license certificate or to materially
2 alter a license certificate.

3 (c) Every advertisement by a licensee that solicits or advertises
4 business shall contain the name of the licensee, the address of record,
5 and the license number as they appear in the records of the director.

6 (d) The licensee shall notify the director within thirty days of
7 any change in the licensee's officers or directors or any material
8 change in the information furnished or required to be furnished to the
9 director.

10 **Sec. 6.** RCW 18.170.090 and 1991 c 334 s 9 are each amended to read
11 as follows:

12 (1) A licensed private security company may issue an employee a
13 temporary registration card of the type and form (~~prescribed~~)
14 provided by the director, but only after the employee has completed
15 preassignment training and submitted (~~an~~) a full and complete
16 application for a private security guard license to the department.
17 The application must be mailed to the department within three business
18 days after issuance of the temporary registration card. The temporary
19 registration card is valid for a maximum period of sixty days and does
20 not authorize a person to carry firearms during the performance of his
21 or her duties as a private security guard. The temporary registration
22 card permits the applicant to perform the duties of a private security
23 guard for the issuing licensee.

24 (2) Upon expiration of a temporary registration card or upon the
25 receipt of a permanent registration card or notification from the
26 department that a permanent license is being withheld from an
27 applicant, the applicant shall surrender his or her temporary
28 registration card to the licensee (~~who shall immediately forward it to~~
29 ~~the director~~)).

30 (3) The director may suspend the authority to use temporary
31 registration cards for a period of one year for any private security
32 guard company that fails to comply with the provisions of this section.
33 After the suspension period, the director may reinstate the company's
34 use of temporary registration cards after receipt of a written request
35 from the company.

36 **Sec. 7.** RCW 18.170.100 and 1991 c 334 s 10 are each amended to
37 read as follows:

1 (1) The director shall adopt rules establishing preassignment
2 training and testing requirements, which shall include a minimum of
3 four hours of classes. The director may establish, by rule, continuing
4 education requirements for private security guards.

5 (2) The director shall consult with the private security industry
6 and law enforcement before adopting or amending the preassignment
7 training or continuing education requirements of this section.

8 ~~((3) A private security guard or armed private security guard need
9 not fulfill the preassignment training requirements of this chapter if
10 he or she, within sixty days of July 28, 1991, provides proof to the
11 director that he or she previously has met the training requirements of
12 this chapter or has been employed as a private security guard or armed
13 private security guard for at least eighteen consecutive months
14 immediately prior to the date of application.))~~

15 **Sec. 8.** RCW 18.170.110 and 1991 c 334 s 11 are each amended to
16 read as follows:

17 (1) A private security company shall notify the director within
18 thirty days after the death or termination of employment of any
19 employee who is a licensed private security guard or armed private
20 security guard by returning the license to the department with the word
21 terminated written across the face of the license, the date of
22 termination, and the signature of the principal or the principal's
23 designee of the private security guard company.

24 (2) A private security company shall notify the department within
25 seventy-two hours and the chief law enforcement officer of the county,
26 city, or town in which the private security guard or armed private
27 security guard was last employed immediately upon receipt of
28 information affecting his or her continuing eligibility to hold a
29 license under the provisions of this chapter.

30 (3) A private security guard company shall notify the local law
31 enforcement agency whenever an employee who is an armed private
32 security guard discharges his or her firearm while on duty other than
33 on a supervised firearm range. The notification shall be made within
34 ten business days of the date the firearm is discharged.

35 **Sec. 9.** RCW 18.170.120 and 1991 c 334 s 12 are each amended to
36 read as follows:

1 (1) Any person from another state that the director determines has
2 selection, training, and other requirements at least equal to those
3 required by this chapter, and who holds a valid license, registration,
4 identification, or similar card issued by the other state, may apply
5 for a private security guard license card or armed private security
6 guard license card on a form prescribed by the director. Upon receipt
7 of a processing fee to be determined by the director, the director
8 shall issue the individual a private security guard license card or
9 armed private security guard license card.

10 (2) A valid private security guard license, registration,
11 identification, or similar card issued by any other state of the United
12 States is valid in this state for a period of ninety days, but only if
13 the licensee is on temporary assignment as a private security guard for
14 the same employer that employs the licensee in the state in which he or
15 she is a permanent resident.

16 (3) A person from another state on temporary assignment in
17 Washington may not solicit business in this state or represent himself
18 or herself as licensed in this state.

19 **Sec. 10.** RCW 18.170.130 and 1991 c 334 s 13 are each amended to
20 read as follows:

21 (1) Applications for licenses required under this chapter shall be
22 filed with the director on a form provided by the director. The
23 director may require any information and documentation that reasonably
24 relates to the need to determine whether the applicant meets the
25 criteria.

26 (2) After receipt of an application for a license, the director
27 shall conduct an investigation to determine whether the facts set forth
28 in the application are true and shall request that the Washington state
29 patrol compare the fingerprints submitted with the application to
30 fingerprint records available to the Washington state patrol. The
31 Washington state patrol shall forward the fingerprints of applicants
32 for an armed private security guard license to the federal bureau of
33 investigation for a national criminal history records check. The
34 director may require that fingerprint cards of licensees be
35 periodically reprocessed to identify criminal convictions subsequent to
36 registration.

37 (3) The director shall solicit comments from the chief law
38 enforcement officer of the county and city or town in which the

1 applicant's employer is located on issuance of a permanent private
2 security guard license.

3 (4) A summary of the information acquired under this section, to
4 the extent that it is public information, shall be forwarded by the
5 department to the applicant's employer (~~and to the chief law~~
6 ~~enforcement officer of the county and city or town in which the~~
7 ~~applicant's employer is located, for the purpose of comment prior to~~
8 ~~the issuance of a permanent private security guard license)).~~

9 **Sec. 11.** RCW 18.170.160 and 1991 c 334 s 16 are each amended to
10 read as follows:

11 (1) After June 30, 1992, any person who performs the functions and
12 duties of a private security guard in this state without being licensed
13 in accordance with this chapter, or any person presenting or attempting
14 to use as his or her own the license of another, or any person who
15 gives false or forged evidence of any kind to the director in obtaining
16 a license, or any person who falsely impersonates any other licensee,
17 or any person who attempts to use an expired or revoked license, or any
18 person who violates any of the provisions of this chapter is guilty of
19 a gross misdemeanor.

20 (2) After January 1, 1992, a person is guilty of a gross
21 misdemeanor if he or she owns or operates a private security company in
22 this state without first obtaining a private security company license.

23 (3) After June 30, 1992, the owner or qualifying agent of a private
24 security company is guilty of a gross misdemeanor if he or she employs
25 an unlicensed person to perform the duties of a private security guard
26 without issuing the employee a valid temporary registration card if the
27 employee does not have in his or her possession a permanent private
28 security guard license issued by the department. This subsection does
29 not preclude a private security company from requiring applicants to
30 attend preassignment training classes or from paying wages for
31 attending the required preassignment training classes.

32 (4) After June 30, 1992, a person is guilty of a gross misdemeanor
33 if he or she performs the functions and duties of an armed private
34 security guard in this state unless the person holds a valid armed
35 private security guard license issued by the department.

36 (5) After June 30, 1992, it is a gross misdemeanor for a private
37 security company to hire, contract with, or otherwise engage the
38 services of an unlicensed armed private security guard knowing that he

1 or she does not have a valid armed private security guard license
2 issued by the director.

3 (6) It is a gross misdemeanor for a person to possess or use any
4 vehicle or equipment displaying the word "police" or "law enforcement
5 officer" or having any sign, shield, marking, accessory, or insignia
6 that indicates that the equipment or vehicle belongs to a public law
7 enforcement agency.

8 (7) It is a gross misdemeanor for any person who performs the
9 functions and duties of a private security guard to use any name that
10 includes the word "police" or "law enforcement" or that portrays the
11 individual or a business as a public law enforcement agency.

12 (8) It is the duty of all officers of the state and political
13 subdivisions thereof to enforce the provisions of this chapter. The
14 attorney general shall act as legal adviser of the director, and render
15 such legal assistance as may be necessary in carrying out the
16 provisions of this chapter.

17 **Sec. 12.** RCW 18.170.170 and 1991 c 334 s 17 are each amended to
18 read as follows:

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

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

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

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

29 (4) Not meeting the qualifications set forth in RCW 18.170.030,
30 18.170.040, or 18.170.060;

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

33 (6) Carrying a firearm in the performance of his or her duties if
34 not the holder of a valid armed private security guard license, or
35 carrying a firearm not meeting the provisions of this chapter while in
36 the performance of his or her duties;

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

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

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

9 (10) Conviction of a gross misdemeanor or felony or the commission
10 of any act involving moral turpitude, dishonesty, or corruption whether
11 the act constitutes a crime or not. If the act constitutes a crime,
12 conviction in a criminal proceeding is not a condition precedent to
13 disciplinary action. Upon such a conviction, however, the judgment and
14 sentence is conclusive evidence at the ensuing disciplinary hearing of
15 the guilt of the license holder or applicant of the crime described in
16 the indictment or information, and of the person's violation of the
17 statute on which it is based. For the purposes of this section,
18 conviction includes all instances in which a plea of guilty or nolo
19 contendere is the basis for the conviction and all proceedings in which
20 the sentence has been deferred or suspended(~~(. Nothing in this section~~
21 ~~abrogates rights guaranteed under chapter 9.96A RCW))~~);

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

24 (12) Advertising that is false, fraudulent, or misleading;

25 (13) Incompetence or negligence that results in injury to a person
26 or that creates an unreasonable risk that a person may be harmed;

27 (14) Suspension, revocation, or restriction of the individual's
28 license to practice the profession by competent authority in any state,
29 federal, or foreign jurisdiction, a certified copy of the order,
30 stipulation, or agreement being conclusive evidence of the revocation,
31 suspension, or restriction;

32 (15) Failure to cooperate with the director by:

33 (a) Not furnishing any necessary papers or documents requested by
34 the director for purposes of conducting an investigation for
35 disciplinary action, denial, suspension, or revocation of a license
36 under this chapter;

37 (b) Not furnishing in writing a full and complete explanation
38 covering the matter contained in a complaint filed with the department;
39 or

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

3 (16) Failure to comply with an order issued by the director or an
4 assurance of discontinuance entered into with the disciplining
5 authority;

6 (17) Aiding or abetting an unlicensed person to practice if a
7 license is required;

8 (18) Misrepresentation or fraud in any aspect of the conduct of the
9 business or profession;

10 (19) Failure to adequately supervise employees to the extent that
11 the public health or safety is at risk;

12 (20) Interference with an investigation or disciplinary proceeding
13 by willful misrepresentation of facts before the director or the
14 director's authorized representative, or by the use of threats or
15 harassment against a client or witness to prevent them from providing
16 evidence in a disciplinary proceeding or any other legal action;

17 (21) Assigning or transferring any license issued pursuant to the
18 provisions of this chapter, except as provided in RCW 18.170.060;

19 (22) Failure to maintain insurance; and

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

21 **Sec. 13.** RCW 18.170.180 and 1991 c 334 s 18 are each amended to
22 read as follows:

23 The director shall establish ad hoc advisory committees consisting
24 of no less than five representatives of the private security guard
25 industry who shall consult with the Washington law enforcement
26 executive forum or a similar broad based organization or association to
27 assist in the development of policies to carry out the purposes of this
28 chapter.

29 The director has the following authority in administering this
30 chapter:

31 (1) To adopt, amend, and rescind rules as deemed necessary to carry
32 out this chapter;

33 (2) To issue subpoenas and administer oaths in connection with an
34 investigation, hearing, or proceeding held under this chapter;

35 (3) To take or cause depositions to be taken and use other
36 discovery procedures as needed in an investigation, hearing, or
37 proceeding held under this chapter;

38 (4) To compel attendance of witnesses at hearings;

- 1 (5) In the course of investigating a complaint or report of
2 unprofessional conduct, to conduct practice reviews;
- 3 (6) To take emergency action ordering summary suspension of a
4 license, or restriction or limitation of the licensee's practice
5 pending proceedings by the director;
- 6 (7) To use the office of administrative hearings as authorized in
7 chapter 34.12 RCW to conduct hearings. However, the director or the
8 director's designee shall make the final decision in the hearing;
- 9 (8) To enter into contracts for professional services determined to
10 be necessary for adequate enforcement of this chapter;
- 11 (9) To adopt standards of professional conduct or practice;
- 12 (10) In the event of a finding of unprofessional conduct by an
13 applicant or license holder, to impose sanctions against a license
14 applicant or license holder as provided by this chapter;
- 15 (11) To enter into an assurance of discontinuance in lieu of
16 issuing a statement of charges or conducting a hearing. The assurance
17 shall consist of a statement of the law in question and an agreement to
18 not violate the stated provision. The applicant or license holder
19 shall not be required to admit to any violation of the law, and the
20 assurance shall not be construed as such an admission. Violation of an
21 assurance under this subsection is grounds for disciplinary action;
- 22 (12) To designate individuals authorized to sign subpoenas and
23 statements of charges;
- 24 (13) To employ such investigative, administrative, and clerical
25 staff as necessary for the enforcement of this chapter; ((and))
- 26 (14) To compel the attendance of witnesses at hearings; and
- 27 (15) To assess administrative penalties for violations of law,
28 rules, or regulations.

29 **Sec. 14.** RCW 18.170.190 and 1991 c 334 s 19 are each amended to
30 read as follows:

31 A person, including but not limited to consumers, licensees,
32 corporations, organizations, and state and local governmental agencies,
33 may submit a written complaint to the department charging a license
34 holder or applicant with unprofessional or unlawful conduct and
35 specifying the grounds for this charge. If the director determines
36 that the complaint merits investigation, or if the director has reason
37 to believe, without a formal complaint, that a license holder or
38 applicant may have engaged in unprofessional or unlawful conduct, the

1 director shall investigate to determine if there has been
2 unprofessional or unlawful conduct. A person who files a complaint
3 under this section in good faith is immune from suit in any civil
4 action related to the filing or contents of the complaint.

5 **Sec. 15.** RCW 18.170.230 and 1991 c 334 s 23 are each amended to
6 read as follows:

7 Upon a finding that a license holder or applicant has committed
8 unprofessional conduct or is unable to practice with reasonable skill
9 and safety due to a physical or mental condition, the director may
10 issue an order providing for one or any combination of the following:

- 11 (1) Revocation of the license;
- 12 (2) Suspension of the license for a fixed or indefinite term;
- 13 (3) Restriction or limitation of the practice;
- 14 (4) Requiring the satisfactory completion of a specific program of
15 remedial education or treatment;
- 16 (5) Monitoring of the practice by a supervisor approved by the
17 director;
- 18 (6) Censure or reprimand;
- 19 (7) Compliance with conditions of probation for a designated period
20 of time;
- 21 (8) Withholding a license request;
- 22 (9) Other corrective action; ((or))
- 23 (10) Refund of fees billed to and collected from the consumer; or
- 24 (11) The assessment of administrative penalties.

25 Any of the actions under this section may be totally or partly
26 stayed by the director. All costs associated with compliance with
27 orders issued under this section are the obligation of the license
28 holder or applicant.

29 **Sec. 16.** RCW 18.170.250 and 1991 c 334 s 25 are each amended to
30 read as follows:

31 (1) The director shall investigate complaints concerning practice
32 by unlicensed persons of a profession or business for which a license
33 is required by this chapter. In the investigation of the complaints,
34 the director shall have the same authority as provided the director
35 under RCW 18.170.190. The director shall issue a cease and desist
36 order to a person after notice and hearing and upon a determination
37 that the person has violated this subsection. If the director makes a

1 written finding of fact that the public interest will be irreparably
2 harmed by delay in issuing an order, the director may issue a temporary
3 cease and desist order. The cease and desist order shall not relieve
4 the person practicing or operating a business without a license from
5 criminal prosecution therefor, but the remedy of a cease and desist
6 order shall be in addition to any criminal liability. The cease and
7 desist order is conclusive proof of unlicensed practice and may be
8 enforced under RCW 7.21.060. This method of enforcement of the cease
9 and desist order may be used in addition to, or as an alternative to,
10 any provisions for enforcement of agency orders.

11 (2) The attorney general, a county prosecuting attorney, the
12 director, or any person may, in accordance with the law of this state
13 governing injunctions, maintain an action in the name of this state to
14 enjoin any person practicing a profession or business for which a
15 license is required by this chapter without a license from engaging in
16 such practice or operating such business until the required license is
17 secured. However, the injunction shall not relieve the person
18 practicing or operating a business without a license from criminal
19 prosecution therefor, but the remedy by injunction shall be in addition
20 to any criminal liability.

21 (3) Unlicensed practice of a profession or operating a business for
22 which a license is required by this chapter, unless otherwise exempted
23 by law, constitutes a gross misdemeanor. ~~((All fees, fines,
24 forfeitures, and penalties collected or assessed by a court because of
25 a violation of this section shall be remitted to the department.))~~

26 **Sec. 17.** RCW 18.165.010 and 1991 c 328 s 1 are each amended to
27 read as follows:

28 Unless the context clearly requires otherwise, the definitions in
29 this section apply throughout this chapter.

30 (1) "Armed private ~~((detective))~~ investigator" means a private
31 ~~((detective))~~ investigator who has a current firearms certificate
32 issued by the commission and is licensed as an armed private
33 ~~((detective))~~ investigator under this chapter.

34 (2) "Chief law enforcement officer" means the elected or appointed
35 police administrator of a municipal, county, or state police or
36 sheriff's department that has full law enforcement powers in its
37 jurisdiction.

1 (3) "Commission" means the criminal justice training commission
2 established in chapter 43.101 RCW.

3 (4) "Department" means the department of licensing.

4 (5) "Director" means the director of the department of licensing.

5 (6) "Employer" includes any individual, firm, corporation,
6 partnership, association, company, society, manager, contractor,
7 subcontractor, bureau, agency, service, office, or an agent of any of
8 the foregoing that employs or seeks to enter into an arrangement to
9 employ any person as a private ((detective)) investigator.

10 (7) "Firearms certificate" means a certificate issued by the
11 commission.

12 (8) "Forensic scientist" or "accident reconstructionist" means a
13 person engaged exclusively in collecting and analyzing physical
14 evidence and data relating to an accident or other matter and compiling
15 such evidence or data to render an opinion of likely cause, fault, or
16 circumstance of the accident or matter.

17 (9) "Person" includes any individual, firm, corporation,
18 partnership, association, company, society, manager, contractor,
19 subcontractor, bureau, agency, service, office, or an agent or employee
20 of any of the foregoing.

21 (10) "Principal" of a private ((detective)) investigator agency
22 means the owner or manager appointed by a corporation.

23 (11) "Private ((detective)) investigator" means a person who is
24 licensed under this chapter and is employed by a private ((detective))
25 investigator agency for the purpose of investigation, escort or body
26 guard services, or property loss prevention activities.

27 (12) "Private ((detective)) investigator agency" means a person or
28 entity licensed under this chapter and engaged in the business of
29 detecting, discovering, or revealing one or more of the following:

30 (a) Crime, criminals, or related information;

31 (b) The identity, habits, conduct, business, occupation, honesty,
32 integrity, credibility, knowledge, trustworthiness, efficiency,
33 loyalty, activity, movement, whereabouts, affiliations, associations,
34 transactions, acts, reputation, or character of any person or thing;

35 (c) The location, disposition, or recovery of lost or stolen
36 property;

37 (d) The cause or responsibility for fires, libels, losses,
38 accidents, or damage or injury to persons or to property;

1 (e) Evidence to be used before a court, board, officer, or
2 investigative committee;

3 (f) Detecting the presence of electronic eavesdropping devices; or

4 (g) The truth or falsity of a statement or representation.

5 (13) "Qualifying agent" means an officer or manager of a
6 corporation who meets the requirements set forth in this chapter for
7 obtaining a private (~~detective~~) investigator agency license.

8 (14) "Sworn peace officer" means a person who is an employee of the
9 federal government, the state, or a political subdivision, agency, or
10 department branch of a municipality or other unit of local government,
11 and has law enforcement powers.

12 **Sec. 18.** RCW 18.165.020 and 1991 c 328 s 2 are each amended to
13 read as follows:

14 The requirements of this chapter do not apply to:

15 (1) A person who is employed exclusively or regularly by one
16 employer and performs investigations solely in connection with the
17 affairs of that employer, if the employer is not a private
18 (~~detective~~) investigator agency;

19 (2) An officer or employee of the United States or of this state or
20 a political subdivision thereof, while engaged in the performance of
21 the officer's official duties;

22 (3) A person engaged exclusively in the business of obtaining and
23 furnishing information about the financial rating of persons;

24 (4) An attorney at law while performing the attorney's duties as an
25 attorney;

26 (5) A licensed collection agency or its employee, while acting
27 within the scope of that person's employment and making an
28 investigation incidental to the business of the agency;

29 (6) Insurers, agents, and insurance brokers licensed by the state,
30 while performing duties in connection with insurance transacted by
31 them;

32 (7) A bank subject to the jurisdiction of the Washington state
33 banking commission or the comptroller of currency of the United States,
34 or a savings and loan association subject to the jurisdiction of this
35 state or the federal home loan bank board;

36 (8) A licensed insurance adjuster performing the adjuster's duties
37 within the scope of the adjuster's license;

1 (9) A secured creditor engaged in the repossession of the
2 creditor's collateral, or a lessor engaged in the repossession of
3 leased property in which it claims an interest;

4 (10) A person who is a forensic scientist, accident
5 reconstructionist, or other person who performs similar functions and
6 does not hold himself or herself out to be an investigator in any other
7 capacity; or

8 (11) A person solely engaged in the business of securing
9 information about persons or property from public records.

10 **Sec. 19.** RCW 18.165.030 and 1991 c 328 s 3 are each amended to
11 read as follows:

12 An applicant must meet the following minimum requirements to obtain
13 a private (~~detective~~) investigator license:

14 (1) Be at least eighteen years of age;

15 (2) Be a citizen or resident alien of the United States;

16 (3) Not have been convicted of a crime in any jurisdiction, if the
17 director determines that the applicant's particular crime directly
18 relates to his or her capacity to perform the duties of a private
19 (~~detective~~) investigator and the director determines that the license
20 should be withheld to protect the citizens of Washington state. The
21 director shall make her or his determination to withhold a license
22 because of previous convictions (~~consistent with~~) notwithstanding the
23 restoration of employment rights act, chapter 9.96A RCW;

24 (4) Be employed by or have an employment offer from a private
25 (~~detective~~) investigator agency or be licensed as a private
26 (~~detective~~) investigator agency;

27 (5) Submit a set of fingerprints; (~~and~~)

28 (6) Pay the required nonrefundable fee for each application; and

29 (7) Submit a fully completed application that includes proper
30 identification on a form prescribed by the director for each company of
31 employment.

32 NEW SECTION. **Sec. 20.** A new section is added to chapter 18.165
33 RCW to read as follows:

34 A licensee who transfers from one company to another must submit a
35 transfer application on a form prescribed by the director along with a
36 transfer fee established by the director.

1 **Sec. 21.** RCW 18.165.040 and 1991 c 328 s 4 are each amended to
2 read as follows:

3 (1) An applicant must meet the following minimum requirements to
4 obtain an armed private ((~~detective~~)) investigator license:

5 (a) Be licensed as a private ((~~detective~~)) investigator;

6 (b) Be at least twenty-one years of age;

7 (c) Have a current firearms certificate issued by the commission;
8 ((and))

9 (d) Have a license to carry a concealed pistol; and

10 (e) Pay the fee established by the director.

11 (2) The armed private ((~~detective~~)) investigator license may take
12 the form of an endorsement to the private ((~~detective~~)) investigator
13 license if deemed appropriate by the director.

14 **Sec. 22.** RCW 18.165.050 and 1991 c 328 s 5 are each amended to
15 read as follows:

16 (1) In addition to meeting the minimum requirements to obtain a
17 license as a private ((~~detective~~)) investigator, an applicant, or, in
18 the case of a partnership or limited partnership, each partner, or, in
19 the case of a corporation, the qualifying agent must meet the following
20 additional requirements to obtain a private ((~~detective~~)) investigator
21 agency license:

22 (a) Pass an examination determined by the director to measure the
23 person's knowledge and competence in the private ((~~detective~~))
24 investigator agency business; or

25 (b) Have had at least three years' experience in investigative work
26 or its equivalent as determined by the director. A year's experience
27 means not less than two thousand hours of actual compensated work
28 performed before the filing of an application. An applicant shall
29 substantiate the experience by written certifications from previous
30 employers. If the applicant is unable to supply written certifications
31 from previous employers, applicants may offer written certifications
32 from professional persons other than employers who, based on personal
33 professional knowledge, can substantiate the employment.

34 (2) An agency license issued pursuant to this section may not be
35 assigned or transferred without prior written approval of the director.

36 (3) No license to own or operate a private investigator company may
37 be issued to an applicant if the name of the company portrays the

1 company as a public law enforcement agency, or in association with a
2 public law enforcement agency, or includes the word "police."

3 **Sec. 23.** RCW 18.165.060 and 1991 c 328 s 6 are each amended to
4 read as follows:

5 (1) An armed private (~~detective~~) investigator license grants
6 authority to the holder, while in the performance of his or her duties,
7 to carry a firearm with which the holder has met the proficiency
8 requirements established by the commission.

9 (2) All firearms carried by armed private (~~detectives~~)
10 investigators in the performance of their duties must be owned by the
11 employer and, if required by law, must be registered with the proper
12 government agency.

13 NEW SECTION. **Sec. 24.** A new section is added to chapter 18.165
14 RCW to read as follows:

15 No licensee, employee or agent of a licensee, or anyone
16 accompanying a licensee, employee, or agent may display a firearm while
17 soliciting a client.

18 **Sec. 25.** RCW 18.165.070 and 1991 c 328 s 7 are each amended to
19 read as follows:

20 (1) Applications for licenses required under this chapter shall be
21 filed with the director on a form provided by the director. The
22 director may require any information and documentation that reasonably
23 relates to the need to determine whether the applicant meets the
24 criteria.

25 (2) After receipt of an application for a license, the director
26 shall conduct an investigation to determine whether the facts set forth
27 in the application are true and shall request that the Washington state
28 patrol compare the fingerprints submitted with the application to
29 fingerprint records available to the Washington state patrol. The
30 Washington state patrol shall forward the fingerprints of applicants
31 for an armed private investigator license to the federal bureau of
32 investigation for a national criminal history records check. The
33 director may require that fingerprint cards of licensees be
34 periodically reprocessed to identify criminal convictions subsequent to
35 registration.

1 (3) The director shall solicit comments from the chief law
2 enforcement officer of the county and city or town in which the
3 applicant's employer is located on issuance of a permanent private
4 investigator license.

5 (4) A summary of the information acquired under this section, to
6 the extent that it is public information, ~~((shall))~~ may be forwarded by
7 the department to the applicant's employer ~~((and to the chief law~~
8 ~~enforcement officer of the county and city or town in which the~~
9 ~~applicant's employer is located, for the purpose of comment prior to~~
10 ~~the issuance of a permanent private detective license))~~.

11 **Sec. 26.** RCW 18.165.080 and 1991 c 328 s 8 are each amended to
12 read as follows:

13 (1) The director shall issue a private ~~((detective))~~ investigator
14 license card to each licensed private ~~((detective))~~ investigator and an
15 armed private ~~((detective))~~ investigator license card to each armed
16 private ~~((detective))~~ investigator.

17 (a) The license card may not be used as security clearance ~~((or as~~
18 ~~identification))~~.

19 (b) A private ~~((detective))~~ investigator shall carry the license
20 card whenever he or she is performing the duties of a private
21 ~~((detective))~~ investigator and shall exhibit the card upon request.

22 (c) An armed private ~~((detective))~~ investigator shall carry the
23 license card whenever he or she is performing the duties of an armed
24 private ~~((detective))~~ investigator and shall exhibit the card upon
25 request.

26 (2) The director shall issue a license certificate to each licensed
27 private ~~((detective))~~ investigator agency.

28 (a) Within seventy-two hours after receipt of the license
29 certificate, the licensee shall post and display the certificate in a
30 conspicuous place in the principal office of the licensee within the
31 state.

32 (b) It is unlawful for any person holding a license certificate to
33 knowingly and willfully post the license certificate upon premises
34 other than those described in the license certificate or to materially
35 alter a license certificate.

36 (c) Every advertisement by a licensee that solicits or advertises
37 business shall contain the name of the licensee, the address of record,
38 and the license number as they appear in the records of the director.

1 (d) The licensee shall notify the director within thirty days of
2 any change in the licensee's officers or directors or any material
3 change in the information furnished or required to be furnished to the
4 director.

5 **Sec. 27.** RCW 18.165.090 and 1991 c 328 s 9 are each amended to
6 read as follows:

7 (1) The director shall adopt rules establishing preassignment
8 training and testing requirements(~~(, which shall include a minimum of~~
9 ~~four hours of classes)~~). The director may establish, by rule,
10 continuing education requirements for private ~~((detectives))~~
11 investigators.

12 (2) The director shall consult with the private ~~((detective))~~
13 investigator industry and law enforcement before adopting or amending
14 the preassignment training or continuing education requirements of this
15 section.

16 ~~((3) A private detective need not fulfill the preassignment~~
17 ~~training requirements of this chapter if he or she, within sixty days~~
18 ~~of July 28, 1991, provides proof to the director that he or she~~
19 ~~previously has met the training requirements of this chapter or has~~
20 ~~been employed as a private detective or armed private detective for at~~
21 ~~least eighteen consecutive months immediately prior to the date of~~
22 ~~application.))~~

23 **Sec. 28.** RCW 18.165.100 and 1991 c 328 s 10 are each amended to
24 read as follows:

25 (1) No private ~~((detective))~~ investigator agency license may be
26 issued under the provisions of this chapter unless the applicant files
27 with the director a surety bond, executed by a surety company
28 authorized to do business in this state, in the sum of ten thousand
29 dollars conditioned to recover against the principal and its servants,
30 officers, agents, and employees by reason of its wrongful or illegal
31 acts in conducting business licensed under this chapter. The bond
32 shall be made payable to the state of Washington, and anyone so injured
33 by the principal or its servants, officers, agents, or employees shall
34 have the right and shall be permitted to sue directly upon this
35 obligation in his or her own name. This obligation shall be subject to
36 successive suits for recovery until the face amount is completely
37 exhausted.

1 (2) Every licensee must at all times maintain on file with the
2 director the surety bond required by this section in full force and
3 effect. Upon failure by a licensee to do so, the director shall
4 suspend the licensee's license and shall not reinstate the license
5 until this requirement is met.

6 (3) In lieu of posting bond, a licensed private ((~~detective~~))
7 investigator agency may file with the director a certificate of
8 insurance as evidence that it has comprehensive general liability
9 coverage of at least twenty-five thousand dollars for bodily or
10 personal injury and twenty-five thousand dollars for property damage.

11 (4) The director may approve alternative methods of guaranteeing
12 financial responsibility.

13 **Sec. 29.** RCW 18.165.110 and 1991 c 328 s 11 are each amended to
14 read as follows:

15 (1) The provisions of this chapter relating to the licensing for
16 regulatory purposes of private ((~~detectives~~)) investigators, armed
17 private ((~~detectives~~)) investigators, and private ((~~detective~~))
18 investigator agencies are exclusive. No governmental subdivision of
19 this state may enact any laws or rules licensing for regulatory
20 purposes such persons, except as provided in subsections (2) and (3) of
21 this section.

22 (2) This section shall not be construed to prevent a political
23 subdivision of this state from levying a business fee, business and
24 occupation tax, or other tax upon private ((~~detective~~)) investigator
25 agencies if such fees or taxes are levied by the state on other types
26 of businesses within its boundaries.

27 (3) This section shall not be construed to prevent this state or a
28 political subdivision of this state from licensing for regulatory
29 purposes private ((~~detective~~)) investigator agencies with respect to
30 activities that are not regulated under this chapter.

31 **Sec. 30.** RCW 18.165.120 and 1991 c 328 s 12 are each amended to
32 read as follows:

33 Private ((~~detectives~~)) investigators or armed private
34 ((~~detectives~~)) investigators whose duties require them to operate
35 across state lines may operate in this state for up to thirty days per
36 year, if they are properly registered and certified in another state

1 with training and certification requirements that the director finds
2 are at least equal to the requirements of this state.

3 **Sec. 31.** RCW 18.165.130 and 1991 c 328 s 13 are each amended to
4 read as follows:

5 (1) A private ((~~detective~~)) investigator agency shall notify the
6 director within thirty days after the death or termination of
7 employment of any employee who is a licensed private ((~~detective~~))
8 investigator or armed private ((~~detective~~)) investigator by returning
9 the license to the department with the word terminated written across
10 the face of the license, the date of termination, and the signature of
11 the principal of the private investigator company.

12 (2) A private ((~~detective~~)) investigator agency shall notify the
13 director within seventy-two hours and the chief law enforcement officer
14 of the county, city, or town in which the agency is located immediately
15 upon receipt of information affecting a licensed private
16 ((~~detective's~~)) investigator's or armed private ((~~detective's~~))
17 investigator's continuing eligibility to hold a license under the
18 provisions of this chapter.

19 (3) A private investigator company shall notify the local law
20 enforcement agency whenever an employee who is an armed private
21 investigator discharges his or her firearm while on duty other than on
22 a supervised firearm range. The notification shall be made within ten
23 business days of the date the firearm is discharged.

24 **Sec. 32.** RCW 18.165.140 and 1991 c 328 s 14 are each amended to
25 read as follows:

26 (1) Any person from another state that the director determines has
27 selection, training, and other requirements at least equal to those
28 required by this chapter, and who holds a valid license, registration,
29 identification, or similar card issued by the other state, may apply
30 for a private ((~~detective~~)) investigator license card or armed private
31 ((~~detective~~)) investigator license card on a form prescribed by the
32 director. Upon receipt of ((~~a processing~~)) an application fee to be
33 determined by the director, the director shall issue the individual a
34 private ((~~detective~~)) investigator license card or armed private
35 ((~~detective~~)) investigator license card.

36 (2) A valid license, registration, identification, or similar card
37 issued by any other state of the United States is valid in this state

1 for a period of ninety days, but only if the licensee is on temporary
2 assignment for the same employer that employs the licensee in the state
3 in which he or she is a permanent resident.

4 (3) A person from another state on temporary assignment in
5 Washington may not solicit business in this state or represent himself
6 or herself as licensed in this state.

7 **Sec. 33.** RCW 18.165.150 and 1991 c 328 s 15 are each amended to
8 read as follows:

9 (1) After June 30, 1992, any person who performs the functions and
10 duties of a private ((~~detective~~)) investigator in this state without
11 being licensed in accordance with the provisions of this chapter, or
12 any person presenting or attempting to use as his or her own the
13 license of another, or any person who gives false or forged evidence of
14 any kind to the director in obtaining a license, or any person who
15 falsely impersonates any other licensee, or any person who attempts to
16 use an expired or revoked license, or any person who violates any of
17 the provisions of this chapter is guilty of a gross misdemeanor.

18 (2) After January 1, 1992, a person is guilty of a gross
19 misdemeanor if he or she owns or operates a private ((~~detective~~))
20 investigator agency in this state without first obtaining a private
21 ((~~detective~~)) investigator agency license.

22 (3) After June 30, 1992, the owner or qualifying agent of a private
23 ((~~detective~~)) investigator agency is guilty of a gross misdemeanor if
24 he or she employs any person to perform the duties of a private
25 ((~~detective~~)) investigator without the employee having in his or her
26 possession a permanent private ((~~detective~~)) investigator license
27 issued by the department. This shall not preclude a private
28 ((~~detective~~)) investigator agency from requiring applicants to attend
29 preassignment training classes or from paying wages for attending the
30 required preassignment training classes.

31 (4) After June 30, 1992, a person is guilty of a gross misdemeanor
32 if he or she performs the functions and duties of an armed private
33 ((~~detective~~)) investigator in this state unless the person holds a
34 valid armed private ((~~detective~~)) investigator license issued by the
35 department.

36 (5) After June 30, 1992, it is a gross misdemeanor for a private
37 ((~~detective~~)) investigator agency to hire, contract with, or otherwise
38 engage the services of an unlicensed armed private ((~~detective~~))

1 investigator knowing that the private ((~~detective~~)) investigator does
2 not have a valid armed private ((~~detective~~)) investigator license
3 issued by the director.

4 (6) It is a gross misdemeanor for a person to possess or use any
5 vehicle or equipment displaying the word "police" or "law enforcement
6 officer" or having any sign, shield, marking, accessory, or insignia
7 that indicates that the equipment or vehicle belongs to a public law
8 enforcement agency.

9 (7) It is the duty of all officers of the state and political
10 subdivisions thereof to enforce the provisions of this chapter. The
11 attorney general shall act as legal adviser of the director, and render
12 such legal assistance as may be necessary in carrying out the
13 provisions of this chapter.

14 **Sec. 34.** RCW 18.165.160 and 1991 c 328 s 16 are each amended to
15 read as follows:

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

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

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

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

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

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

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

36 (7) Making any statement that would reasonably cause another person
37 to believe that the private ((~~detective~~)) investigator is a sworn peace
38 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(~~(. Nothing in this section~~
19 ~~abrogates rights guaranteed under chapter 9.96A RCW))~~);

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

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

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

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

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

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

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

38 (15) Failure to comply with an order issued by the director or an
39 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; ((or))

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) Failure to maintain bond or insurance; or

15 (22) Failure to have a qualifying principal in place.

16 **Sec. 35.** RCW 18.165.170 and 1991 c 328 s 17 are each amended to
17 read as follows:

18 The director has the following authority in administering this
19 chapter:

20 (1) To adopt, amend, and rescind rules as deemed necessary to carry
21 out this chapter;

22 (2) To issue subpoenas and administer oaths in connection with an
23 investigation, hearing, or proceeding held under this chapter;

24 (3) To take or cause depositions to be taken and use other
25 discovery procedures as needed in an investigation, hearing, or
26 proceeding held under this chapter;

27 (4) To compel attendance of witnesses at hearings;

28 (5) In the course of investigating a complaint or report of
29 unprofessional conduct, to conduct practice reviews;

30 (6) To take emergency action ordering summary suspension of a
31 license, or restriction or limitation of the licensee's practice
32 pending proceedings by the director;

33 (7) To use the office of administrative hearings as authorized in
34 chapter 34.12 RCW to conduct hearings. However, the director or the
35 director's designee shall make the final decision in the hearing;

36 (8) To enter into contracts for professional services determined to
37 be necessary for adequate enforcement of this chapter;

38 (9) To adopt standards of professional conduct or practice;

1 (10) In the event of a finding of unprofessional conduct by an
2 applicant or license holder, to impose sanctions against a license
3 applicant or license holder as provided by this chapter;

4 (11) To enter into an assurance of discontinuance in lieu of
5 issuing a statement of charges or conducting a hearing. The assurance
6 shall consist of a statement of the law in question and an agreement to
7 not violate the stated provision. The applicant or license holder
8 shall not be required to admit to any violation of the law, and the
9 assurance shall not be construed as such an admission. Violation of an
10 assurance under this subsection is grounds for disciplinary action;

11 (12) To designate individuals authorized to sign subpoenas and
12 statements of charges;

13 (13) To employ such investigative, administrative, and clerical
14 staff as necessary for the enforcement of this chapter; ((and))

15 (14) To compel attendance of witnesses at hearings; and

16 (15) To assess administrative penalties for violations of law,
17 rules, or regulations.

18 **Sec. 36.** RCW 18.165.180 and 1991 c 328 s 18 are each amended to
19 read as follows:

20 A person, including but not limited to consumers, licensees,
21 corporations, organizations, and state and local governmental agencies,
22 may submit a written complaint to the department charging a license
23 holder or applicant with unprofessional or unlawful conduct and
24 specifying the grounds for the charge. If the director determines that
25 the complaint merits investigation, or if the director has reason to
26 believe, without a formal complaint, that a license holder or applicant
27 may have engaged in unprofessional or unlawful conduct, the director
28 shall investigate to determine if there has been unprofessional or
29 unlawful conduct. A person who files a complaint under this section in
30 good faith is immune from suit in any civil action related to the
31 filing or contents of the complaint.

32 **Sec. 37.** RCW 18.165.190 and 1991 c 328 s 19 are each amended to
33 read as follows:

34 (1) If the director determines, upon investigation, that there is
35 reason to believe a violation of this chapter has occurred, a statement
36 of charges shall be prepared and served upon the license holder or
37 applicant and notice of this action given to the owner or qualifying

1 agent of the employing private ((detective)) investigator agency. The
2 statement of charges shall be accompanied by a notice that the license
3 holder or applicant may request a hearing to contest the charges. The
4 license holder or applicant must file a request for hearing with the
5 department within twenty days after being served the statement of
6 charges. The failure to request a hearing constitutes a default,
7 whereupon the director may enter an order pursuant to RCW 34.05.440.

8 (2) If a hearing is requested, the time of the hearing shall be
9 scheduled but the hearing shall not be held earlier than thirty days
10 after service of the charges upon the license holder or applicant. A
11 notice of hearing shall be issued at least twenty days prior to the
12 hearing, specifying the time, date, and place of the hearing.

13 **Sec. 38.** RCW 18.165.220 and 1991 c 328 s 22 are each amended to
14 read as follows:

15 Upon a finding that a license holder or applicant has committed
16 unprofessional or unlawful conduct or is unable to practice with
17 reasonable skill and safety due to a physical or mental condition, the
18 director may issue an order providing for one or any combination of the
19 following:

- 20 (1) Revocation of the license;
- 21 (2) Suspension of the license for a fixed or indefinite term;
- 22 (3) Restriction or limitation of the practice;
- 23 (4) Requiring the satisfactory completion of a specific program of
24 remedial education or treatment;
- 25 (5) Monitoring of the practice by a supervisor approved by the
26 director;
- 27 (6) Censure or reprimand;
- 28 (7) Compliance with conditions of probation for a designated period
29 of time;
- 30 (8) Withholding a license request;
- 31 (9) Other corrective action; ((or))
- 32 (10) Refund of fees billed to and collected from the consumer; or
- 33 (11) Assessing administrative penalties.

34 Any of the actions under this section may be totally or partly
35 stayed by the director. All costs associated with compliance with
36 orders issued under this section are the obligation of the license
37 holder or applicant.

1 **Sec. 39.** RCW 18.165.240 and 1991 c 328 s 24 are each amended to
2 read as follows:

3 (1) The director shall investigate complaints concerning practice
4 by unlicensed persons of a profession or business for which a license
5 is required by this chapter. In the investigation of the complaints,
6 the director shall have the same authority as provided the director
7 under RCW 18.165.190. The director shall issue a cease and desist
8 order to a person after notice and hearing and upon a determination
9 that the person has violated this subsection. If the director makes a
10 written finding of fact that the public interest will be irreparably
11 harmed by delay in issuing an order, the director may issue a temporary
12 cease and desist order. The cease and desist order shall not relieve
13 the person practicing or operating a business without a license from
14 criminal prosecution therefor, but the remedy of a cease and desist
15 order shall be in addition to any criminal liability. The cease and
16 desist order is conclusive proof of unlicensed practice and may be
17 enforced under RCW 7.21.060. This method of enforcement of the cease
18 and desist order may be used in addition to, or as an alternative to,
19 any provisions for enforcement of agency orders.

20 (2) The attorney general, a county prosecuting attorney, the
21 director, or any person may, in accordance with the law of this state
22 governing injunctions, maintain an action in the name of this state to
23 enjoin any person practicing a profession or business for which a
24 license is required by this chapter without a license from engaging in
25 such practice or operating such business until the required license is
26 secured. However, the injunction shall not relieve the person
27 practicing or operating a business without a license from criminal
28 prosecution therefor, but the remedy by injunction shall be in addition
29 to any criminal liability.

30 (3) Unlicensed practice of a profession or operating a business for
31 which a license is required by this chapter, unless otherwise exempted
32 by law, constitutes a gross misdemeanor. ~~((All fees, fines,~~
33 ~~forfeitures, and penalties collected or assessed by a court because of~~
34 ~~a violation of this section shall be remitted to the department.))~~

35 NEW SECTION. **Sec. 40.** If any provision of this act or its
36 application to any person or circumstance is held invalid, the
37 remainder of the act or the application of the provision to other
38 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 41.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

--- END ---