
HOUSE BILL 1679

State of Washington

54th Legislature

1995 Regular Session

By Representatives Cole, Lisk, Horn, Cody, Romero, Ballasiotes, Conway, Jacobsen and Patterson

Read first time 02/03/95. Referred to Committee on Commerce & Labor.

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, 18.170.170,
4 18.170.180, 18.170.190, 18.170.230, 18.170.250, 18.165.010, 18.165.020,
5 18.165.030, 18.165.040, 18.165.050, 18.165.060, 18.165.070, 18.165.080,
6 18.165.090, 18.165.100, 18.165.110, 18.165.120, 18.165.130, 18.165.140,
7 18.165.150, 18.165.160, 18.165.170, 18.165.180, 18.165.190, 18.165.220,
8 and 18.165.240; adding new sections to chapter 18.170 RCW; adding new
9 sections to chapter 18.165 RCW; and prescribing penalties.

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

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

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

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

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

17 (3) Not have been convicted of a crime in any jurisdiction, if the
18 director determines that the applicant's particular crime directly
19 relates to his or her capacity to perform the duties of a private

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (1) The director shall adopt rules establishing preassignment
37 training and testing requirements, which shall include a minimum of

1 four hours of classes. The director may establish, by rule, continuing
2 education requirements for private security guards.

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

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

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

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

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

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

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

35 (1) Any person from another state that the director determines has
36 selection, training, and other requirements at least equal to those
37 required by this chapter, and who holds a valid license, registration,

1 identification, or similar card issued by the other state, may apply
2 for a private security guard license card or armed private security
3 guard license card on a form prescribed by the director. Upon receipt
4 of a processing fee to be determined by the director, the director
5 shall issue the individual a private security guard license card or
6 armed private security guard license card.

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

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

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

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

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

34 (3) The director shall solicit comments from the chief law
35 enforcement officer of the county and city or town in which the
36 applicant's employer is located on issuance of a permanent private
37 security guard license.

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

7 **Sec. 11.** RCW 18.170.170 and 1991 c 334 s 17 are each amended to
8 read as follows:

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

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

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

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

19 (4) Not meeting the qualifications set forth in RCW 18.170.030,
20 18.170.040, or 18.170.060;

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

23 (6) Carrying a firearm in the performance of his or her duties if
24 not the holder of a valid armed private security guard license, or
25 carrying a firearm not meeting the provisions of this chapter while in
26 the performance of his or her duties;

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

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

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

35 (10) Conviction of a gross misdemeanor or felony or the commission
36 of any act involving moral turpitude, dishonesty, or corruption whether
37 the act constitutes a crime or not. If the act constitutes a crime,
38 conviction in a criminal proceeding is not a condition precedent to

1 disciplinary action. Upon such a conviction, however, the judgment and
2 sentence is conclusive evidence at the ensuing disciplinary hearing of
3 the guilt of the license holder or applicant of the crime described in
4 the indictment or information, and of the person's violation of the
5 statute on which it is based. For the purposes of this section,
6 conviction includes all instances in which a plea of guilty or nolo
7 contendere is the basis for the conviction and all proceedings in which
8 the sentence has been deferred or suspended(~~(. Nothing in this section~~
9 ~~abrogates rights guaranteed under chapter 9.96A RCW))~~);

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

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

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

15 (14) Suspension, revocation, or restriction of the individual's
16 license to practice the profession by competent authority in any state,
17 federal, or foreign jurisdiction, a certified copy of the order,
18 stipulation, or agreement being conclusive evidence of the revocation,
19 suspension, or restriction;

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

21 (a) Not furnishing any necessary papers or documents requested by
22 the director for purposes of conducting an investigation for
23 disciplinary action, denial, suspension, or revocation of a license
24 under this chapter;

25 (b) Not furnishing in writing a full and complete explanation
26 covering the matter contained in a complaint filed with the department;
27 or

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

30 (16) Failure to comply with an order issued by the director or an
31 assurance of discontinuance entered into with the disciplining
32 authority;

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

35 (18) Misrepresentation or fraud in any aspect of the conduct of the
36 business or profession;

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

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

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

8 (22) Failure to maintain insurance; and

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

10 **Sec. 12.** RCW 18.170.180 and 1991 c 334 s 18 are each amended to
11 read as follows:

12 The director has the following authority in administering this
13 chapter:

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

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

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

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

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

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

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

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

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

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

36 (11) To enter into an assurance of discontinuance in lieu of
37 issuing a statement of charges or conducting a hearing. The assurance
38 shall consist of a statement of the law in question and an agreement to

1 not violate the stated provision. The applicant or license holder
2 shall not be required to admit to any violation of the law, and the
3 assurance shall not be construed as such an admission. Violation of an
4 assurance under this subsection is grounds for disciplinary action;

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

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

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

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

12 **Sec. 13.** RCW 18.170.190 and 1991 c 334 s 19 are each amended to
13 read as follows:

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

26 **Sec. 14.** RCW 18.170.230 and 1991 c 334 s 23 are each amended to
27 read as follows:

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

32 (1) Revocation of the license;

33 (2) Suspension of the license for a fixed or indefinite term;

34 (3) Restriction or limitation of the practice;

35 (4) Requiring the satisfactory completion of a specific program of
36 remedial education or treatment;

1 (5) Monitoring of the practice by a supervisor approved by the
2 director;

3 (6) Censure or reprimand;

4 (7) Compliance with conditions of probation for a designated period
5 of time;

6 (8) Withholding a license request;

7 (9) Other corrective action; ((or))

8 (10) Refund of fees billed to and collected from the consumer; or

9 (11) The assessment of administrative penalties.

10 Any of the actions under this section may be totally or partly
11 stayed by the director. All costs associated with compliance with
12 orders issued under this section are the obligation of the license
13 holder or applicant.

14 **Sec. 15.** RCW 18.170.250 and 1991 c 334 s 25 are each amended to
15 read as follows:

16 (1) The director shall investigate complaints concerning practice
17 by unlicensed persons of a profession or business for which a license
18 is required by this chapter. In the investigation of the complaints,
19 the director shall have the same authority as provided the director
20 under RCW 18.170.190. The director shall issue a cease and desist
21 order to a person after notice and hearing and upon a determination
22 that the person has violated this subsection. If the director makes a
23 written finding of fact that the public interest will be irreparably
24 harmed by delay in issuing an order, the director may issue a temporary
25 cease and desist order. The cease and desist order shall not relieve
26 the person practicing or operating a business without a license from
27 criminal prosecution therefor, but the remedy of a cease and desist
28 order shall be in addition to any criminal liability. The cease and
29 desist order is conclusive proof of unlicensed practice and may be
30 enforced under RCW 7.21.060. This method of enforcement of the cease
31 and desist order may be used in addition to, or as an alternative to,
32 any provisions for enforcement of agency orders.

33 (2) The attorney general, a county prosecuting attorney, the
34 director, or any person may, in accordance with the law of this state
35 governing injunctions, maintain an action in the name of this state to
36 enjoin any person practicing a profession or business for which a
37 license is required by this chapter without a license from engaging in
38 such practice or operating such business until the required license is

1 secured. However, the injunction shall not relieve the person
2 practicing or operating a business without a license from criminal
3 prosecution therefor, but the remedy by injunction shall be in addition
4 to any criminal liability.

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

10 **Sec. 16.** RCW 18.165.010 and 1991 c 328 s 1 are each amended to
11 read as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Armed private ~~((detective))~~ investigator" means a private
15 ~~((detective))~~ investigator who has a current firearms certificate
16 issued by the commission and is licensed as an armed private
17 ~~((detective))~~ investigator under this chapter.

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

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

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

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

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

31 (7) "Firearms certificate" means a certificate issued by the
32 commission.

33 (8) "Forensic scientist" or "accident reconstructionist" means a
34 person engaged exclusively in collecting and analyzing physical
35 evidence and data relating to an accident or other matter and compiling
36 such evidence or data to render an opinion of likely cause, fault, or
37 circumstance of the accident or matter.

1 (9) "Person" includes any individual, firm, corporation,
2 partnership, association, company, society, manager, contractor,
3 subcontractor, bureau, agency, service, office, or an agent or employee
4 of any of the foregoing.

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

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

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

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

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

19 (c) The location, disposition, or recovery of lost or stolen
20 property;

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

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

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

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

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

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

34 **Sec. 17.** RCW 18.165.020 and 1991 c 328 s 2 are each amended to
35 read as follows:

36 The requirements of this chapter do not apply to:

37 (1) A person who is employed exclusively or regularly by one
38 employer and performs investigations solely in connection with the

1 affairs of that employer, if the employer is not a private
2 ((~~detective~~)) investigator agency;

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

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

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

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

13 (6) Insurers, agents, and insurance brokers licensed by the state,
14 while performing duties in connection with insurance transacted by
15 them;

16 (7) A bank subject to the jurisdiction of the Washington state
17 banking commission or the comptroller of currency of the United States,
18 or a savings and loan association subject to the jurisdiction of this
19 state or the federal home loan bank board;

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

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

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

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

31 **Sec. 18.** RCW 18.165.030 and 1991 c 328 s 3 are each amended to
32 read as follows:

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

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

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

37 (3) Not have been convicted of a crime in any jurisdiction, if the
38 director determines that the applicant's particular crime directly

1 relates to his or her capacity to perform the duties of a private
2 (~~detective~~) investigator and the director determines that the license
3 should be withheld to protect the citizens of Washington state. The
4 director shall make her or his determination to withhold a license
5 because of 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 private
8 (~~detective~~) investigator agency or be licensed as a private
9 (~~detective~~) investigator agency;

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

11 (6) 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. 19.** A new section is added to chapter 18.165
16 RCW 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 **Sec. 20.** RCW 18.165.040 and 1991 c 328 s 4 are each amended to
21 read as follows:

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

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

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

26 (c) Have a current firearms certificate issued by the commission;

27 (~~and~~)

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

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

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

33 **Sec. 21.** RCW 18.165.050 and 1991 c 328 s 5 are each amended to
34 read as follows:

35 (1) In addition to meeting the minimum requirements to obtain a
36 license as a private (~~detective~~) investigator, an applicant, or, in

1 the case of a partnership or limited partnership, each partner, or, in
2 the case of a corporation, the qualifying agent must meet the following
3 additional requirements to obtain a private ((~~detective~~)) investigator
4 agency license:

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

8 (b) Have had at least three years' experience in investigative work
9 or its equivalent as determined by the director. A year's experience
10 means not less than two thousand hours of actual compensated work
11 performed before the filing of an application. An applicant shall
12 substantiate the experience by written certifications from previous
13 employers. If the applicant is unable to supply written certifications
14 from previous employers, applicants may offer written certifications
15 from professional persons other than employers who, based on personal
16 professional knowledge, can substantiate the employment.

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

19 (3) No license to own or operate a private investigator company may
20 be issued to an applicant if the name of the company portrays the
21 company as a public law enforcement agency, or in association with a
22 public law enforcement agency, or includes the word "police."

23 **Sec. 22.** RCW 18.165.060 and 1991 c 328 s 6 are each amended to
24 read as follows:

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

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

33 NEW SECTION. **Sec. 23.** A new section is added to chapter 18.165
34 RCW to read as follows:

35 No licensee, employee or agent of a licensee, or anyone
36 accompanying a licensee, employee, or agent may carry a firearm while
37 soliciting a client.

1 **Sec. 24.** RCW 18.165.070 and 1991 c 328 s 7 are each amended to
2 read as follows:

3 (1) Applications for licenses required under this chapter shall be
4 filed with the director on a form provided by the director. The
5 director may require any information and documentation that reasonably
6 relates to the need to determine whether the applicant meets the
7 criteria.

8 (2) After receipt of an application for a license, the director
9 shall conduct an investigation to determine whether the facts set forth
10 in the application are true and shall request that the Washington state
11 patrol compare the fingerprints submitted with the application to
12 fingerprint records available to the Washington state patrol. The
13 Washington state patrol shall forward the fingerprints of applicants
14 for an armed private investigator license to the federal bureau of
15 investigation for a national criminal history records check. The
16 director may require that fingerprint cards of licensees be
17 periodically reprocessed to identify criminal convictions subsequent to
18 registration.

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

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

29 **Sec. 25.** RCW 18.165.080 and 1991 c 328 s 8 are each amended to
30 read as follows:

31 (1) The director shall issue a private ~~((detective))~~ investigator
32 license card to each licensed private ((detective)) investigator and an
33 armed private ((detective)) investigator license card to each armed
34 private ((detective)) investigator.

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

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

4 (c) An armed private ((~~detective~~)) investigator shall carry the
5 license card whenever he or she is performing the duties of an armed
6 private ((~~detective~~)) investigator and shall exhibit the card upon
7 request.

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

10 (a) Within seventy-two hours after receipt of the license
11 certificate, the licensee shall post and display the certificate in a
12 conspicuous place in the principal office of the licensee within the
13 state.

14 (b) It is unlawful for any person holding a license certificate to
15 knowingly and willfully post the license certificate upon premises
16 other than those described in the license certificate or to materially
17 alter a license certificate.

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

21 (d) The licensee shall notify the director within thirty days of
22 any change in the licensee's officers or directors or any material
23 change in the information furnished or required to be furnished to the
24 director.

25 **Sec. 26.** RCW 18.165.090 and 1991 c 328 s 9 are each amended to
26 read as follows:

27 (1) The director shall adopt rules establishing preassignment
28 training and testing requirements(~~(, which shall include a minimum of~~
29 ~~four hours of classes)~~). The director may establish, by rule,
30 continuing education requirements for private ((~~detectives~~))
31 investigators.

32 (2) The director shall consult with the private ((~~detective~~))
33 investigator industry and law enforcement before adopting or amending
34 the preassignment training or continuing education requirements of this
35 section.

36 (~~(3) A private detective need not fulfill the preassignment~~
37 ~~training requirements of this chapter if he or she, within sixty days~~
38 ~~of July 28, 1991, provides proof to the director that he or she~~

1 previously has met the training requirements of this chapter or has
2 been employed as a private detective or armed private detective for at
3 least eighteen consecutive months immediately prior to the date of
4 application.))

5 **Sec. 27.** RCW 18.165.100 and 1991 c 328 s 10 are each amended to
6 read as follows:

7 (1) No private ((~~detective~~)) investigator agency license may be
8 issued under the provisions of this chapter unless the applicant files
9 with the director a surety bond, executed by a surety company
10 authorized to do business in this state, in the sum of ten thousand
11 dollars conditioned to recover against the principal and its servants,
12 officers, agents, and employees by reason of its wrongful or illegal
13 acts in conducting business licensed under this chapter. The bond
14 shall be made payable to the state of Washington, and anyone so injured
15 by the principal or its servants, officers, agents, or employees shall
16 have the right and shall be permitted to sue directly upon this
17 obligation in his or her own name. This obligation shall be subject to
18 successive suits for recovery until the face amount is completely
19 exhausted.

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

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

30 (4) The director may approve alternative methods of guaranteeing
31 financial responsibility.

32 **Sec. 28.** RCW 18.165.110 and 1991 c 328 s 11 are each amended to
33 read as follows:

34 (1) The provisions of this chapter relating to the licensing for
35 regulatory purposes of private ((~~detectives~~)) investigators, armed
36 private ((~~detectives~~)) investigators, and private ((~~detective~~))
37 investigator agencies are exclusive. No governmental subdivision of

1 this state may enact any laws or rules licensing for regulatory
2 purposes such persons, except as provided in subsections (2) and (3) of
3 this section.

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

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

13 **Sec. 29.** RCW 18.165.120 and 1991 c 328 s 12 are each amended to
14 read as follows:

15 Private ((~~detectives~~)) investigators or armed private
16 ((~~detectives~~)) investigators whose duties require them to operate
17 across state lines may operate in this state for up to thirty days per
18 year, if they are properly registered and certified in another state
19 with training and certification requirements that the director finds
20 are at least equal to the requirements of this state.

21 **Sec. 30.** RCW 18.165.130 and 1991 c 328 s 13 are each amended to
22 read as follows:

23 (1) A private ((~~detective~~)) investigator agency shall notify the
24 director within thirty days after the death or termination of
25 employment of any employee who is a licensed private ((~~detective~~))
26 investigator or armed private ((~~detective~~)) investigator by returning
27 the license to the department with the word terminated written across
28 the face of the license, the date of termination, and the signature of
29 the principal of the private investigator company.

30 (2) A private ((~~detective~~)) investigator agency shall notify the
31 director within seventy-two hours and the chief law enforcement officer
32 of the county, city, or town in which the agency is located immediately
33 upon receipt of information affecting a licensed private
34 ((~~detective's~~)) investigator's or armed private ((~~detective's~~))
35 investigator's continuing eligibility to hold a license under the
36 provisions of this chapter.

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

6 **Sec. 31.** RCW 18.165.140 and 1991 c 328 s 14 are each amended to
7 read as follows:

8 (1) Any person from another state that the director determines has
9 selection, training, and other requirements at least equal to those
10 required by this chapter, and who holds a valid license, registration,
11 identification, or similar card issued by the other state, may apply
12 for a private ((~~detective~~)) investigator license card or armed private
13 ((~~detective~~)) investigator license card on a form prescribed by the
14 director. Upon receipt of ((~~a processing~~)) an application fee to be
15 determined by the director, the director shall issue the individual a
16 private ((~~detective~~)) investigator license card or armed private
17 ((~~detective~~)) investigator license card.

18 (2) A valid license, registration, identification, or similar card
19 issued by any other state of the United States is valid in this state
20 for a period of ninety days, but only if the licensee is on temporary
21 assignment for the same employer that employs the licensee in the state
22 in which he or she is a permanent resident.

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

26 **Sec. 32.** RCW 18.165.150 and 1991 c 328 s 15 are each amended to
27 read as follows:

28 (1) After June 30, 1992, any person who performs the functions and
29 duties of a private ((~~detective~~)) investigator in this state without
30 being licensed in accordance with the provisions of this chapter, or
31 any person presenting or attempting to use as his or her own the
32 license of another, or any person who gives false or forged evidence of
33 any kind to the director in obtaining a license, or any person who
34 falsely impersonates any other licensee, or any person who attempts to
35 use an expired or revoked license, or any person who violates any of
36 the provisions of this chapter is guilty of a gross misdemeanor.

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

5 (3) After June 30, 1992, the owner or qualifying agent of a private
6 ((detective)) investigator agency is guilty of a gross misdemeanor if
7 he or she employs any person to perform the duties of a private
8 ((detective)) investigator without the employee having in his or her
9 possession a permanent private ((detective)) investigator license
10 issued by the department. This shall not preclude a private
11 ((detective)) investigator agency from requiring applicants to attend
12 preassignment training classes or from paying wages for attending the
13 required preassignment training classes.

14 (4) After June 30, 1992, a person is guilty of a gross misdemeanor
15 if he or she performs the functions and duties of an armed private
16 ((detective)) investigator in this state unless the person holds a
17 valid armed private ((detective)) investigator license issued by the
18 department.

19 (5) After June 30, 1992, it is a gross misdemeanor for a private
20 ((detective)) investigator agency to hire, contract with, or otherwise
21 engage the services of an unlicensed armed private ((detective))
22 investigator knowing that the private ((detective)) investigator does
23 not have a valid armed private ((detective)) investigator license
24 issued by the director.

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

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

35 **Sec. 33.** RCW 18.165.160 and 1991 c 328 s 16 are each amended to
36 read as follows:

37 The following acts are prohibited and constitute grounds for
38 disciplinary action, assessing administrative penalties, or denial,

1 suspension, or revocation of any license under this chapter, as deemed
2 appropriate by the director:

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

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

8 (3) Not meeting the qualifications set forth in RCW 18.165.030,
9 18.165.040, or 18.165.050;

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

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

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

19 (7) Making any statement that would reasonably cause another person
20 to believe that the private ((~~detective~~)) investigator is a sworn peace
21 officer;

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

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

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

1 the sentence has been deferred or suspended(~~(. Nothing in this section~~
2 ~~abrogates rights guaranteed under chapter 9.96A RCW))~~);

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

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

6 (13) Suspension, revocation, or restriction of the individual's
7 license to practice the profession by competent authority in any state,
8 federal, or foreign jurisdiction, a certified copy of the order,
9 stipulation, or agreement being conclusive evidence of the revocation,
10 suspension, or restriction;

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

12 (a) Not furnishing any necessary papers or documents requested by
13 the director for purposes of conducting an investigation for
14 disciplinary action, denial, suspension, or revocation of a license
15 under this chapter;

16 (b) Not furnishing in writing a full and complete explanation
17 covering the matter contained in a complaint filed with the department;
18 or

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

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

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

25 (17) Misrepresentation or fraud in any aspect of the conduct of the
26 business or profession;

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

29 (19) Interference with an investigation or disciplinary proceeding
30 by willful misrepresentation of facts before the director or the
31 director's authorized representative, or by the use of threats or
32 harassment against any client or witness to prevent them from providing
33 evidence in a disciplinary proceeding or any other legal action; (~~or~~)

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

36 (21) Failure to maintain bond or insurance; or

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

1 **Sec. 34.** RCW 18.165.170 and 1991 c 328 s 17 are each amended to
2 read as follows:

3 The director has the following authority in administering this
4 chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **Sec. 35.** RCW 18.165.180 and 1991 c 328 s 18 are each amended to
4 read as follows:

5 A person, including but not limited to consumers, licensees,
6 corporations, organizations, and state and local governmental agencies,
7 may submit a written complaint to the department charging a license
8 holder or applicant with unprofessional or unlawful conduct and
9 specifying the grounds for the charge. If the director determines that
10 the complaint merits investigation, or if the director has reason to
11 believe, without a formal complaint, that a license holder or applicant
12 may have engaged in unprofessional or unlawful conduct, the director
13 shall investigate to determine if there has been unprofessional or
14 unlawful conduct. A person who files a complaint under this section in
15 good faith is immune from suit in any civil action related to the
16 filing or contents of the complaint.

17 **Sec. 36.** RCW 18.165.190 and 1991 c 328 s 19 are each amended to
18 read as follows:

19 (1) If the director determines, upon investigation, that there is
20 reason to believe a violation of this chapter has occurred, a statement
21 of charges shall be prepared and served upon the license holder or
22 applicant and notice of this action given to the owner or qualifying
23 agent of the employing private ((~~detective~~)) investigator agency. The
24 statement of charges shall be accompanied by a notice that the license
25 holder or applicant may request a hearing to contest the charges. The
26 license holder or applicant must file a request for hearing with the
27 department within twenty days after being served the statement of
28 charges. The failure to request a hearing constitutes a default,
29 whereupon the director may enter an order pursuant to RCW 34.05.440.

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

35 **Sec. 37.** RCW 18.165.220 and 1991 c 328 s 22 are each amended to
36 read as follows:

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

6 (1) Revocation of the license;

7 (2) Suspension of the license for a fixed or indefinite term;

8 (3) Restriction or limitation of the practice;

9 (4) Requiring the satisfactory completion of a specific program of
10 remedial education or treatment;

11 (5) Monitoring of the practice by a supervisor approved by the
12 director;

13 (6) Censure or reprimand;

14 (7) Compliance with conditions of probation for a designated period
15 of time;

16 (8) Withholding a license request;

17 (9) Other corrective action; (~~or~~)

18 (10) Refund of fees billed to and collected from the consumer; or

19 (11) Assessing administrative penalties.

20 Any of the actions under this section may be totally or partly
21 stayed by the director. All costs associated with compliance with
22 orders issued under this section are the obligation of the license
23 holder or applicant.

24 **Sec. 38.** RCW 18.165.240 and 1991 c 328 s 24 are each amended to
25 read as follows:

26 (1) The director shall investigate complaints concerning practice
27 by unlicensed persons of a profession or business for which a license
28 is required by this chapter. In the investigation of the complaints,
29 the director shall have the same authority as provided the director
30 under RCW 18.165.190. The director shall issue a cease and desist
31 order to a person after notice and hearing and upon a determination
32 that the person has violated this subsection. If the director makes a
33 written finding of fact that the public interest will be irreparably
34 harmed by delay in issuing an order, the director may issue a temporary
35 cease and desist order. The cease and desist order shall not relieve
36 the person practicing or operating a business without a license from
37 criminal prosecution therefor, but the remedy of a cease and desist
38 order shall be in addition to any criminal liability. The cease and

1 desist order is conclusive proof of unlicensed practice and may be
2 enforced under RCW 7.21.060. This method of enforcement of the cease
3 and desist order may be used in addition to, or as an alternative to,
4 any provisions for enforcement of agency orders.

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

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

20 NEW SECTION. **Sec. 39.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

--- END ---