

SENATE BILL REPORT

SHB 2512

As Reported By Senate Committee On:
Labor, Commerce & Financial Institutions, February 28, 2002

Title: An act relating to the uniform regulation of business and professions pertaining to programs administered by the department of licensing.

Brief Description: Creating the uniform regulation of business and professions act.

Sponsors: House Committee on State Government (originally sponsored by Representatives Upthegrove, Schmidt, Miloscia, Romero, Edwards, Jackley, Kenney, Ogden, Chase, Morris, McDermott and Schual-Berke; by request of Governor Locke).

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 2/25/02, 2/28/02 [DP].

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

Staff: Elizabeth Mitchell (786-7430)

Background: The Department of Licensing regulates 25 businesses and professions. Each business and profession has a separate set of laws regarding disciplinary actions, investigating violations of the law, and imposing sanctions for violations.

Summary of Bill: Uniform disciplinary regulations are established for all businesses and professions regulated by the Department of Licensing.

"Disciplinary authorities" are defined as boards, commissions, or the director. All disciplinary authorities may investigate complaints, conduct proceedings pursuant to the Administrative Procedure Act, issue subpoenas, take depositions, conduct practice reviews, perform audits and inspections, and order a summary suspension of business practices.

"Unprofessional conduct" is uniformly defined for all businesses and professions regulated by the department. If a disciplinary authority believes that unprofessional conduct has occurred, a statement of charges may be delivered to a license holder or applicant. The license holder or applicant must request a hearing within 15 days to contest the charges.

Upon a finding of unprofessional conduct, uniform sanctions are specified for all businesses and professions regulated by the department. In addition to these sanctions, disciplinary authorities may take any other corrective action they deem appropriate. Sanctions may be totally or partially stayed, but only after a disciplinary authority takes public health and safety into consideration.

Disciplinary authorities may investigate complaints of unlicensed practice, and may issue temporary and permanent cease and desist orders. Disciplinary authorities may also impose a civil fine of not more than \$1000 for each day that a person engages in unlicensed practice.

If a person or business fails to comply with an order regarding unprofessional conduct or practicing without a license, the Attorney General, a county prosecuting attorney, a disciplinary authority or any other person may take action to enjoin the person from violating the order. If a person or business violates such an injunction, they may be found in contempt of court, and the court may assess a civil penalty not to exceed \$25,000. If a person or business fails to pay fines for unprofessional conduct or practicing without a license in a timely manner, disciplinary authorities may enforce the order for payment in superior court.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Sections 101 through 240 and 242 through 401 take effect January 1, 2003. Section 241 takes effect July 1, 2003.

Testimony For: The Department of Licensing has been working with stakeholders on this bill for three years. A uniform set of procedures will make the process more simple for consumers.

Testimony Against: Representatives of the Land Surveyors of Washington testified that they were in favor of most provisions of the bill, but said that they had several objections regarding the reimbursement, license revocation, document-furnishing, and business access provisions of the bill.

Testified: Patrick Beehler, Clarice Clark, Land Surveyors of Washington (con); Bob Mitchell, Washington Association of Realtors (pro); Fred Hellberg, Alan Ruthbun, Governor's Office (pro); Art Wang, Office of Administration Hearings (pro).