

# SENATE BILL REPORT

## SB 6472

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As Reported By Senate Committee On:  
Labor, Commerce & Financial Institutions, February 6, 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:** Senators Gardner and Winsley; by request of Governor Locke.

**Brief History:**

**Committee Activity:** Labor, Commerce & Financial Institutions: 1/21/02, 2/6/02 [DPS].

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### SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

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**Majority Report:** That Substitute Senate Bill No. 6472 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, 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 Substitute 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.

**Substitute Bill Compared to Original Bill:** The real estate appraiser commission account is created. The department must consider mitigating factors when assessing penalties for unprofessional conduct. Numerous technical changes are made.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Sections 101-237 and 239-401 take effect January 1, 2003 and Section 238 which takes effect July 1, 2003.

**Testimony For:** Current laws lack uniformity, and this sometimes leads to complaints about unequal treatment in different regulatory programs. This bill will protect consumers by clearly stating consequences for unprofessional conduct across all programs, and will make program regulation easier for consumers to understand. Minor changes were suggested by representatives of appraisers and funeral homes.

**Testimony Against:** None.

**Testified:** PRO: Fred Hellberg, Governor's Office; Alan Rathban, DOL; Michael Transue, Pierce County Security Services, Inc.; T.K. Bentler, WA State Funeral Director Assn.