

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1694**

57th Legislature  
2001 Regular Legislative Session

Passed by the House April 16, 2001  
Yeas 94 Nays 0

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate April 11, 2001  
Yeas 47 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1694** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1694

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AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Boldt, Carrell and Hurst

Read first time 02/01/2001. Referred to Committee on Judiciary.

1            AN ACT Relating to unlicensed practice of a profession or business;  
2 reenacting and amending RCW 9.94A.320; reenacting RCW 18.130.190;  
3 creating a new section; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.** The purpose of this act is to respond to  
6 *State v. Thomas*, 103 Wn. App. 800, by reenacting and ranking, without  
7 changes, legislation relating to the crime of unlicensed practice of a  
8 profession or a business, enacted as section 35, chapter 285, Laws of  
9 1995.

10           **Sec. 2.** RCW 18.130.190 and 1995 c 285 s 35 are each reenacted to  
11 read as follows:

12           (1) The secretary shall investigate complaints concerning practice  
13 by unlicensed persons of a profession or business for which a license  
14 is required by the chapters specified in RCW 18.130.040. In the  
15 investigation of the complaints, the secretary shall have the same  
16 authority as provided the secretary under RCW 18.130.050.

17           (2) The secretary may issue a notice of intention to issue a cease  
18 and desist order to any person whom the secretary has reason to believe

1 is engaged in the unlicensed practice of a profession or business for  
2 which a license is required by the chapters specified in RCW  
3 18.130.040. The person to whom such notice is issued may request an  
4 adjudicative proceeding to contest the charges. The request for  
5 hearing must be filed within twenty days after service of the notice of  
6 intention to issue a cease and desist order. The failure to request a  
7 hearing constitutes a default, whereupon the secretary may enter a  
8 permanent cease and desist order, which may include a civil fine. All  
9 proceedings shall be conducted in accordance with chapter 34.05 RCW.

10 (3) If the secretary makes a final determination that a person has  
11 engaged or is engaging in unlicensed practice, the secretary may issue  
12 a cease and desist order. In addition, the secretary may impose a  
13 civil fine in an amount not exceeding one thousand dollars for each day  
14 upon which the person engaged in unlicensed practice of a business or  
15 profession for which a license is required by one or more of the  
16 chapters specified in RCW 18.130.040. The proceeds of such fines shall  
17 be deposited to the health professions account.

18 (4) If the secretary makes a written finding of fact that the  
19 public interest will be irreparably harmed by delay in issuing an  
20 order, the secretary may issue a temporary cease and desist order. The  
21 person receiving a temporary cease and desist order shall be provided  
22 an opportunity for a prompt hearing. The temporary cease and desist  
23 order shall remain in effect until further order of the secretary. The  
24 failure to request a prompt or regularly scheduled hearing constitutes  
25 a default, whereupon the secretary may enter a permanent cease and  
26 desist order, which may include a civil fine.

27 (5) Neither the issuance of a cease and desist order nor payment of  
28 a civil fine shall relieve the person so practicing or operating a  
29 business without a license from criminal prosecution therefor, but the  
30 remedy of a cease and desist order or civil fine shall be in addition  
31 to any criminal liability. The cease and desist order is conclusive  
32 proof of unlicensed practice and may be enforced under RCW 7.21.060.  
33 This method of enforcement of the cease and desist order or civil fine  
34 may be used in addition to, or as an alternative to, any provisions for  
35 enforcement of agency orders set out in chapter 34.05 RCW.

36 (6) The attorney general, a county prosecuting attorney, the  
37 secretary, a board, or any person may in accordance with the laws of  
38 this state governing injunctions, maintain an action in the name of  
39 this state to enjoin any person practicing a profession or business for

1 which a license is required by the chapters specified in RCW 18.130.040  
2 without a license from engaging in such practice or operating such  
3 business until the required license is secured. However, the  
4 injunction shall not relieve the person so practicing or operating a  
5 business without a license from criminal prosecution therefor, but the  
6 remedy by injunction shall be in addition to any criminal liability.

7 (7) Unlicensed practice of a profession or operating a business for  
8 which a license is required by the chapters specified in RCW  
9 18.130.040, unless otherwise exempted by law, constitutes a gross  
10 misdemeanor for a single violation. Each subsequent violation, whether  
11 alleged in the same or in subsequent prosecutions, is a class C felony.  
12 All fees, fines, forfeitures, and penalties collected or assessed by a  
13 court because of a violation of this section shall be remitted to the  
14 health professions account.

15 **Sec. 3.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and  
16 2000 c 66 s 2 are each reenacted and amended to read as follows:

17 TABLE 2

18 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

19	XVI	Aggravated Murder 1 (RCW 10.95.020)
20	XV	Homicide by abuse (RCW 9A.32.055)
21		Malicious explosion 1 (RCW 70.74.280(1))
22		Murder 1 (RCW 9A.32.030)
23	XIV	Murder 2 (RCW 9A.32.050)
24	XIII	Malicious explosion 2 (RCW 70.74.280(2))
25		Malicious placement of an explosive 1 (RCW
26		70.74.270(1))
27	XII	Assault 1 (RCW 9A.36.011)
28		Assault of a Child 1 (RCW 9A.36.120)
29		Malicious placement of an imitation device
30		1 (RCW 70.74.272(1)(a))
31		Rape 1 (RCW 9A.44.040)
32		Rape of a Child 1 (RCW 9A.44.073)
33	XI	Manslaughter 1 (RCW 9A.32.060)
34		Rape 2 (RCW 9A.44.050)

1 Rape of a Child 2 (RCW 9A.44.076)

2 X Child Molestation 1 (RCW 9A.44.083)

3 Indecent Liberties (with forcible

4 compulsion) (RCW 9A.44.100(1)(a))

5 Kidnapping 1 (RCW 9A.40.020)

6 Leading Organized Crime (RCW

7 9A.82.060(1)(a))

8 Malicious explosion 3 (RCW 70.74.280(3))

9 Manufacture of methamphetamine (RCW

10 69.50.401(a)(1)(ii))

11 Over 18 and deliver heroin,

12 methamphetamine, a narcotic from

13 Schedule I or II, or flunitrazepam

14 from Schedule IV to someone under 18

15 (RCW 69.50.406)

16 IX Assault of a Child 2 (RCW 9A.36.130)

17 Controlled Substance Homicide (RCW

18 69.50.415)

19 Explosive devices prohibited (RCW

20 70.74.180)

21 Homicide by Watercraft, by being under the

22 influence of intoxicating liquor or

23 any drug (RCW 79A.60.050)

24 Inciting Criminal Profiteering (RCW

25 9A.82.060(1)(b))

26 Malicious placement of an explosive 2 (RCW

27 70.74.270(2))

28 Over 18 and deliver narcotic from Schedule

29 III, IV, or V or a nonnarcotic, except

30 flunitrazepam or methamphetamine, from

31 Schedule I-V to someone under 18 and 3

32 years junior (RCW 69.50.406)

33 Robbery 1 (RCW 9A.56.200)

34 Sexual Exploitation (RCW 9.68A.040)

35 Vehicular Homicide, by being under the

36 influence of intoxicating liquor or

37 any drug (RCW 46.61.520)

38 VIII Arson 1 (RCW 9A.48.020)

1 Deliver or possess with intent to deliver  
2 methamphetamine (RCW  
3 69.50.401(a)(1)(ii))  
4 Hit and Run--Death (RCW 46.52.020(4)(a))  
5 Homicide by Watercraft, by the operation of  
6 any vessel in a reckless manner (RCW  
7 79A.60.050)  
8 Manslaughter 2 (RCW 9A.32.070)  
9 Manufacture, deliver, or possess with  
10 intent to deliver amphetamine (RCW  
11 69.50.401(a)(1)(ii))  
12 Manufacture, deliver, or possess with  
13 intent to deliver heroin or cocaine  
14 (RCW 69.50.401(a)(1)(i))  
15 Possession of Ephedrine, Pseudoephedrine,  
16 or Anhydrous Ammonia with intent to  
17 manufacture methamphetamine (RCW  
18 69.50.440)  
19 Promoting Prostitution 1 (RCW 9A.88.070)  
20 Selling for profit (controlled or  
21 counterfeit) any controlled substance  
22 (RCW 69.50.410)  
23 Theft of Anhydrous Ammonia (RCW 69.55.010)  
24 Vehicular Homicide, by the operation of any  
25 vehicle in a reckless manner (RCW  
26 46.61.520)

27 VII Burglary 1 (RCW 9A.52.020)  
28 Child Molestation 2 (RCW 9A.44.086)  
29 Dealing in depictions of minor engaged in  
30 sexually explicit conduct (RCW  
31 9.68A.050)  
32 Drive-by Shooting (RCW 9A.36.045)  
33 Homicide by Watercraft, by disregard for  
34 the safety of others (RCW 79A.60.050)  
35 Indecent Liberties (without forcible  
36 compulsion) (RCW 9A.44.100(1) (b) and  
37 (c))  
38 Introducing Contraband 1 (RCW 9A.76.140)

1 Involving a minor in drug dealing (RCW  
2 69.50.401(f))  
3 Malicious placement of an explosive 3 (RCW  
4 70.74.270(3))  
5 Sending, bringing into state depictions of  
6 minor engaged in sexually explicit  
7 conduct (RCW 9.68A.060)  
8 Unlawful Possession of a Firearm in the  
9 first degree (RCW 9.41.040(1)(a))  
10 Use of a Machine Gun in Commission of a  
11 Felony (RCW 9.41.225)  
12 Vehicular Homicide, by disregard for the  
13 safety of others (RCW 46.61.520)

14 VI Bail Jumping with Murder 1 (RCW  
15 9A.76.170(2)(a))  
16 Bribery (RCW 9A.68.010)  
17 Incest 1 (RCW 9A.64.020(1))  
18 Intimidating a Judge (RCW 9A.72.160)  
19 Intimidating a Juror/Witness (RCW  
20 9A.72.110, 9A.72.130)  
21 Malicious placement of an imitation device  
22 2 (RCW 70.74.272(1)(b))  
23 Manufacture, deliver, or possess with  
24 intent to deliver narcotics from  
25 Schedule I or II (except heroin or  
26 cocaine) or flunitrazepam from  
27 Schedule IV (RCW 69.50.401(a)(1)(i))  
28 Rape of a Child 3 (RCW 9A.44.079)  
29 Theft of a Firearm (RCW 9A.56.300)  
30 Unlawful Storage of Anhydrous Ammonia (RCW  
31 69.55.020)

32 V Abandonment of dependent person 1 (RCW  
33 9A.42.060)  
34 Advancing money or property for  
35 extortionate extension of credit (RCW  
36 9A.82.030)  
37 Bail Jumping with class A Felony (RCW  
38 9A.76.170(2)(b))

1 Child Molestation 3 (RCW 9A.44.089)  
2 Criminal Mistreatment 1 (RCW 9A.42.020)  
3 Custodial Sexual Misconduct 1 (RCW  
4 9A.44.160)  
5 Delivery of imitation controlled substance  
6 by person eighteen or over to person  
7 under eighteen (RCW 69.52.030(2))  
8 Domestic Violence Court Order Violation  
9 (RCW 10.99.040, 10.99.050, 26.09.300,  
10 26.10.220, 26.26.138, 26.50.110,  
11 26.52.070, or 74.34.145)  
12 Extortion 1 (RCW 9A.56.120)  
13 Extortionate Extension of Credit (RCW  
14 9A.82.020)  
15 Extortionate Means to Collect Extensions of  
16 Credit (RCW 9A.82.040)  
17 Incest 2 (RCW 9A.64.020(2))  
18 Kidnapping 2 (RCW 9A.40.030)  
19 Perjury 1 (RCW 9A.72.020)  
20 Persistent prison misbehavior (RCW  
21 9.94.070)  
22 Possession of a Stolen Firearm (RCW  
23 9A.56.310)  
24 Rape 3 (RCW 9A.44.060)  
25 Rendering Criminal Assistance 1 (RCW  
26 9A.76.070)  
27 Sexual Misconduct with a Minor 1 (RCW  
28 9A.44.093)  
29 Sexually Violating Human Remains (RCW  
30 9A.44.105)  
31 Stalking (RCW 9A.46.110)  
32 IV Arson 2 (RCW 9A.48.030)  
33 Assault 2 (RCW 9A.36.021)  
34 Assault by Watercraft (RCW 79A.60.060)  
35 Bribing a Witness/Bribe Received by Witness  
36 (RCW 9A.72.090, 9A.72.100)  
37 Commercial Bribery (RCW 9A.68.060)  
38 Counterfeiting (RCW 9.16.035(4))  
39 Escape 1 (RCW 9A.76.110)



1 Hit and Run--Injury (RCW 46.52.020(4)(b))  
2 Hit and Run with Vessel--Injury Accident  
3 (RCW 79A.60.200(3))  
4 Indecent Exposure to Person Under Age  
5 Fourteen (subsequent sex offense) (RCW  
6 9A.88.010)  
7 Influencing Outcome of Sporting Event (RCW  
8 9A.82.070)  
9 Knowingly Trafficking in Stolen Property  
10 (RCW 9A.82.050(2))  
11 Malicious Harassment (RCW 9A.36.080)  
12 Manufacture, deliver, or possess with  
13 intent to deliver narcotics from  
14 Schedule III, IV, or V or nonnarcotics  
15 from Schedule I-V (except marijuana,  
16 amphetamine, methamphetamines, or  
17 flunitrazepam) (RCW 69.50.401(a)(1)  
18 (iii) through (v))  
19 Residential Burglary (RCW 9A.52.025)  
20 Robbery 2 (RCW 9A.56.210)  
21 Theft of Livestock 1 (RCW 9A.56.080)  
22 Threats to Bomb (RCW 9.61.160)  
23 Use of Proceeds of Criminal Profiteering  
24 (RCW 9A.82.080 (1) and (2))  
25 Vehicular Assault (RCW 46.61.522)  
26 Willful Failure to Return from Furlough  
27 (RCW 72.66.060)

28 III Abandonment of dependent person 2 (RCW  
29 9A.42.070)  
30 Assault 3 (RCW 9A.36.031)  
31 Assault of a Child 3 (RCW 9A.36.140)  
32 Bail Jumping with class B or C Felony (RCW  
33 9A.76.170(2)(c))  
34 Burglary 2 (RCW 9A.52.030)  
35 Communication with a Minor for Immoral  
36 Purposes (RCW 9.68A.090)  
37 Criminal Gang Intimidation (RCW 9A.46.120)  
38 Criminal Mistreatment 2 (RCW 9A.42.030)  
39 Custodial Assault (RCW 9A.36.100)

1 Delivery of a material in lieu of a  
2 controlled substance (RCW  
3 69.50.401(c))  
4 Escape 2 (RCW 9A.76.120)  
5 Extortion 2 (RCW 9A.56.130)  
6 Harassment (RCW 9A.46.020)  
7 Intimidating a Public Servant (RCW  
8 9A.76.180)  
9 Introducing Contraband 2 (RCW 9A.76.150)  
10 Maintaining a Dwelling or Place for  
11 Controlled Substances (RCW  
12 69.50.402(a)(6))  
13 Malicious Injury to Railroad Property (RCW  
14 81.60.070)  
15 Manufacture, deliver, or possess with  
16 intent to deliver marijuana (RCW  
17 69.50.401(a)(1)(iii))  
18 Manufacture, distribute, or possess with  
19 intent to distribute an imitation  
20 controlled substance (RCW  
21 69.52.030(1))  
22 Patronizing a Juvenile Prostitute (RCW  
23 9.68A.100)  
24 Perjury 2 (RCW 9A.72.030)  
25 Possession of Incendiary Device (RCW  
26 9.40.120)  
27 Possession of Machine Gun or Short-Barreled  
28 Shotgun or Rifle (RCW 9.41.190)  
29 Promoting Prostitution 2 (RCW 9A.88.080)  
30 Recklessly Trafficking in Stolen Property  
31 (RCW 9A.82.050(1))  
32 Securities Act violation (RCW 21.20.400)  
33 Tampering with a Witness (RCW 9A.72.120)  
34 Telephone Harassment (subsequent conviction  
35 or threat of death) (RCW 9.61.230)  
36 Theft of Livestock 2 (RCW 9A.56.080)  
37 Unlawful Imprisonment (RCW 9A.40.040)  
38 Unlawful possession of firearm in the  
39 second degree (RCW 9.41.040(1)(b))

1 Unlawful Use of Building for Drug Purposes  
2 (RCW 69.53.010)  
3 Willful Failure to Return from Work Release  
4 (RCW 72.65.070)

5 II Computer Trespass 1 (RCW 9A.52.110)  
6 Counterfeiting (RCW 9.16.035(3))  
7 Create, deliver, or possess a counterfeit  
8 controlled substance (RCW  
9 69.50.401(b))

10 Escape from Community Custody (RCW  
11 72.09.310)

12 Health Care False Claims (RCW 48.80.030)

13 Malicious Mischief 1 (RCW 9A.48.070)

14 Possession of controlled substance that is  
15 either heroin or narcotics from  
16 Schedule I or II or flunitrazepam from  
17 Schedule IV (RCW 69.50.401(d))

18 Possession of phencyclidine (PCP) (RCW  
19 69.50.401(d))

20 Possession of Stolen Property 1 (RCW  
21 9A.56.150)

22 Theft 1 (RCW 9A.56.030)

23 Theft of Rental, Leased, or Lease-purchased  
24 Property (valued at one thousand five  
25 hundred dollars or more) (RCW  
26 9A.56.096(4))

27 Trafficking in Insurance Claims (RCW  
28 48.30A.015)

29 Unlawful Practice of Law (RCW 2.48.180)

30 Unlicensed Practice of a Profession or  
31 Business (RCW 18.130.190(7) (as  
32 reenacted by this act))

33 I Attempting to Elude a Pursuing Police  
34 Vehicle (RCW 46.61.024)

35 False Verification for Welfare (RCW  
36 74.08.055)

37 Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled  
2 Substance (RCW 69.50.403)  
3 Forgery (RCW 9A.60.020)  
4 Malicious Mischief 2 (RCW 9A.48.080)  
5 Possess Controlled Substance that is a  
6 Narcotic from Schedule III, IV, or V  
7 or Non-narcotic from Schedule I-V  
8 (except phencyclidine or  
9 flunitrazepam) (RCW 69.50.401(d))  
10 Possession of Stolen Property 2 (RCW  
11 9A.56.160)  
12 Reckless Burning 1 (RCW 9A.48.040)  
13 Taking Motor Vehicle Without Permission  
14 (RCW 9A.56.070)  
15 Theft 2 (RCW 9A.56.040)  
16 Theft of Rental, Leased, or Lease-purchased  
17 Property (valued at two hundred fifty  
18 dollars or more but less than one  
19 thousand five hundred dollars) (RCW  
20 9A.56.096(4))  
21 Unlawful Issuance of Checks or Drafts (RCW  
22 9A.56.060)  
23 Unlawful Use of Food Stamps (RCW 9.91.140  
24 (2) and (3))  
25 Vehicle Prowl 1 (RCW 9A.52.095)

26 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of the  
28 state government and its existing public institutions, and takes effect  
29 immediately.

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