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HOUSE BILL 2693

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State of Washington

62nd Legislature

2012 Regular Session

By Representative Kirby; by request of Department of Licensing

Read first time 01/25/12. Referred to Committee on Business & Financial Services.

1 AN ACT Relating to the regulation of employment agencies; amending  
2 RCW 18.235.020 and 43.24.150; and repealing RCW 19.31.010, 19.31.020,  
3 19.31.030, 19.31.040, 19.31.050, 19.31.060, 19.31.070, 19.31.080,  
4 19.31.090, 19.31.100, 19.31.110, 19.31.120, 19.31.130, 19.31.140,  
5 19.31.150, 19.31.160, 19.31.170, 19.31.180, 19.31.190, 19.31.210,  
6 19.31.220, 19.31.230, 19.31.240, 19.31.245, 19.31.250, 19.31.260,  
7 19.31.270, 19.31.900, and 19.31.910.

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

9 **Sec. 1.** RCW 18.235.020 and 2010 c 179 s 18 are each amended to  
10 read as follows:

11 (1) This chapter applies only to the director and the boards and  
12 commissions having jurisdiction in relation to the businesses and  
13 professions licensed under the chapters specified in this section.  
14 This chapter does not apply to any business or profession not licensed  
15 under the chapters specified in this section.

16 (2)(a) The director has authority under this chapter in relation to  
17 the following businesses and professions:

18 (i) Auctioneers under chapter 18.11 RCW;

1 (ii) Bail bond agents and bail bond recovery agents under chapter  
2 18.185 RCW;

3 (iii) Camping resorts' operators and salespersons under chapter  
4 19.105 RCW;

5 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

6 (v) Cosmetologists, barbers, manicurists, and estheticians under  
7 chapter 18.16 RCW;

8 (vi) Court reporters under chapter 18.145 RCW;

9 (vii) Driver training schools and instructors under chapter 46.82  
10 RCW;

11 (~~(viii) ((Employment agencies under chapter 19.31 RCW;~~  
12 ~~(ix))~~) For hire vehicle operators under chapter 46.72 RCW;

13 (~~((x))~~) (ix) Limousines under chapter 46.72A RCW;

14 (~~((xi))~~) (x) Notaries public under chapter 42.44 RCW;

15 (~~((xii))~~) (xi) Private investigators under chapter 18.165 RCW;

16 (~~((xiii))~~) (xii) Professional boxing, martial arts, and wrestling  
17 under chapter 67.08 RCW;

18 (~~((xiv))~~) (xiii) Real estate appraisers under chapter 18.140 RCW;

19 (~~((xv))~~) (xiv) Real estate brokers and salespersons under chapters  
20 18.85 and 18.86 RCW;

21 (~~((xvi))~~) (xv) Security guards under chapter 18.170 RCW;

22 (~~((xvii))~~) (xvi) Sellers of travel under chapter 19.138 RCW;

23 (~~((xviii))~~) (xvii) Timeshares and timeshare salespersons under  
24 chapter 64.36 RCW;

25 (~~((xix))~~) (xviii) Whitewater river outfitters under chapter 79A.60  
26 RCW;

27 (~~((xx))~~) (xix) Home inspectors under chapter 18.280 RCW;

28 (~~((xxi))~~) (xx) Body artists, body piercers, and tattoo artists, and  
29 body art, body piercing, and tattooing shops and businesses, under  
30 chapter 18.300 RCW; and

31 (~~((xxii))~~) (xxi) Appraisal management companies under chapter  
32 18.310 RCW.

33 (b) The boards and commissions having authority under this chapter  
34 are as follows:

35 (i) The state board (~~(of registration)~~) for architects established  
36 in chapter 18.08 RCW;

37 (ii) The Washington state collection agency board established in  
38 chapter 19.16 RCW;

1 (iii) The state board of registration for professional engineers  
2 and land surveyors established in chapter 18.43 RCW governing licenses  
3 issued under chapters 18.43 and 18.210 RCW;

4 (iv) The funeral and cemetery board established in chapter 18.39  
5 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

6 (v) The state board of licensure for landscape architects  
7 established in chapter 18.96 RCW; and

8 (vi) The state geologist licensing board established in chapter  
9 18.220 RCW.

10 (3) In addition to the authority to discipline license holders, the  
11 disciplinary authority may grant or deny licenses based on the  
12 conditions and criteria established in this chapter and the chapters  
13 specified in subsection (2) of this section. This chapter also governs  
14 any investigation, hearing, or proceeding relating to denial of  
15 licensure or issuance of a license conditioned on the applicant's  
16 compliance with an order entered under RCW 18.235.110 by the  
17 disciplinary authority.

18 **Sec. 2.** RCW 43.24.150 and 2011 c 298 s 25 are each amended to read  
19 as follows:

20 (1) The business and professions account is created in the state  
21 treasury. All receipts from business or professional licenses,  
22 registrations, certifications, renewals, examinations, or civil  
23 penalties assessed and collected by the department from the following  
24 chapters must be deposited into the account:

25 (a) Chapter 18.11 RCW, auctioneers;

26 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;

27 (c) Chapter 18.145 RCW, court reporters;

28 (d) Chapter 18.165 RCW, private investigators;

29 (e) Chapter 18.170 RCW, security guards;

30 (f) Chapter 18.185 RCW, bail bond agents;

31 (g) Chapter 18.280 RCW, home inspectors;

32 (h) Chapter 19.16 RCW, collection agencies;

33 (i) (~~Chapter 19.31 RCW, employment agencies;~~

34 ~~(j))~~ Chapter 19.105 RCW, camping resorts;

35 ~~((k))~~ (j) Chapter 19.138 RCW, sellers of travel;

36 ~~((l))~~ (k) Chapter 42.44 RCW, notaries public;

37 ~~((m))~~ (l) Chapter 64.36 RCW, timeshares;

1       ~~((n))~~ (m) Chapter 67.08 RCW, boxing, martial arts, and wrestling;  
2       ~~((o))~~ (n) Chapter 18.300 RCW, body art, body piercing, and  
3 tattooing;

4       ~~((p))~~ (o) Chapter 79A.60 RCW, whitewater river outfitters; and  
5       ~~((q))~~ (p) Chapter 19.158 RCW, commercial telephone solicitation.

6       Moneys in the account may be spent only after appropriation.  
7 Expenditures from the account may be used only for expenses incurred in  
8 carrying out these business and professions licensing activities of the  
9 department. Any residue in the account must be accumulated and may not  
10 revert to the general fund at the end of the biennium.

11       (2) The director must biennially prepare a budget request based on  
12 the anticipated costs of administering the business and professions  
13 licensing activities listed in subsection (1) of this section, which  
14 must include the estimated income from these business and professions  
15 fees.

16       NEW SECTION. Sec. 3. The following acts or parts of acts are each  
17 repealed:

18       (1) RCW 19.31.010 (Short title) and 1969 ex.s. c 228 s 1;

19       (2) RCW 19.31.020 (Definitions) and 2011 c 336 s 531, 1998 c 228 s  
20 1, 1993 c 499 s 1, 1990 c 70 s 1, 1979 c 158 s 82, 1977 ex.s. c 51 s 1,  
21 & 1969 ex.s. c 228 s 2;

22       (3) RCW 19.31.030 (Records) and 1993 c 499 s 2 & 1969 ex.s. c 228  
23 s 3;

24       (4) RCW 19.31.040 (Contract between agency and applicant--  
25 Contents--Notice) and 1993 c 499 s 3, 1985 c 7 s 83, 1977 ex.s. c 51 s  
26 2, & 1969 ex.s. c 228 s 4;

27       (5) RCW 19.31.050 (Approval of contract, fee schedule) and 1969  
28 ex.s. c 228 s 5;

29       (6) RCW 19.31.060 (Request from employer for interview required--  
30 Information to be furnished applicant) and 1977 ex.s. c 51 s 3 & 1969  
31 ex.s. c 228 s 6;

32       (7) RCW 19.31.070 (Administration of chapter--Rules--  
33 Investigations--Inspections) and 2002 c 86 s 269 & 1969 ex.s. c 228 s  
34 7;

35       (8) RCW 19.31.080 (License required--Penalty) and 2011 c 336 s 532  
36 & 1969 ex.s. c 228 s 8;

1 (9) RCW 19.31.090 (Bond--Cash deposit--Action on bond or deposit--  
2 Procedure--Judgment) and 2011 c 336 s 533, 1977 ex.s. c 51 s 4, & 1969  
3 ex.s. c 228 s 9;

4 (10) RCW 19.31.100 (Application--Contents--Filing--Qualifications  
5 of applicants and licensees--Waiver--Exceptions) and 1993 c 499 s 4,  
6 1982 c 227 s 14, 1977 ex.s. c 51 s 5, & 1969 ex.s. c 228 s 10;

7 (11) RCW 19.31.110 (Expiration date of license--Reinstatement) and  
8 1977 ex.s. c 51 s 6 & 1969 ex.s. c 228 s 11;

9 (12) RCW 19.31.120 (Transfer of license) and 1969 ex.s. c 228 s 12;

10 (13) RCW 19.31.130 (License sanction--Grounds--Support order,  
11 noncompliance) and 2002 c 86 s 270, 1997 c 58 s 848, & 1969 ex.s. c 228  
12 s 13;

13 (14) RCW 19.31.140 (Fees for licensees) and 1985 c 7 s 84, 1975 1st  
14 ex.s. c 30 s 92, & 1969 ex.s. c 228 s 14;

15 (15) RCW 19.31.150 (Employment condition precedent to charging  
16 fee--Exceptions) and 1993 c 499 s 5 & 1969 ex.s. c 228 s 15;

17 (16) RCW 19.31.160 (Charging fee or payment contrary to chapter--  
18 Return of excess) and 1969 ex.s. c 228 s 16;

19 (17) RCW 19.31.170 (Limitations on fee amounts--Refunds--  
20 Exceptions) and 2011 c 336 s 534, 1993 c 499 s 6, 1977 ex.s. c 51 s 7,  
21 & 1969 ex.s. c 228 s 17;

22 (18) RCW 19.31.180 (Posting of fee limitation and remedy  
23 provisions) and 2011 c 336 s 535 & 1969 ex.s. c 228 s 18;

24 (19) RCW 19.31.190 (Rules of conduct--Complaints) and 2011 c 336 s  
25 536, 1993 c 499 s 7, 1977 ex.s. c 51 s 8, & 1969 ex.s. c 228 s 19;

26 (20) RCW 19.31.210 (Enforcement) and 2011 c 336 s 537 & 1969 ex.s.  
27 c 228 s 21;

28 (21) RCW 19.31.220 (Assurance of discontinuance of violation) and  
29 2011 c 336 s 538 & 1969 ex.s. c 228 s 22;

30 (22) RCW 19.31.230 (Civil penalty) and 1969 ex.s. c 228 s 23;

31 (23) RCW 19.31.240 (Service of process outside state) and 2011 c  
32 336 s 539 & 1969 ex.s. c 228 s 24;

33 (24) RCW 19.31.245 (Registration or licensing prerequisite to suit  
34 by employment agency--Action against unregistered or unlicensed  
35 employment agency) and 1993 c 499 s 8, 1990 c 70 s 2, & 1977 ex.s. c 51  
36 s 10;

37 (25) RCW 19.31.250 (Chapter provisions exclusive--Authority of  
38 political subdivisions not affected) and 1969 ex.s. c 228 s 25;

1           (26) RCW 19.31.260 (Administrative procedure act to govern  
2 administration) and 1969 ex.s. c 228 s 26;  
3           (27) RCW 19.31.270 (Uniform regulation of business and professions  
4 act) and 2002 c 86 s 271;  
5           (28) RCW 19.31.900 (Severability--1969 ex.s. c 228) and 1969 ex.s.  
6 c 228 s 27; and  
7           (29) RCW 19.31.910 (Effective date--1969 ex.s. c 228) and 1969  
8 ex.s. c 228 s 28.

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