

CERTIFICATION OF ENROLLMENT  
ENGROSSED SUBSTITUTE HOUSE BILL 1679

54th Legislature  
1995 Regular Session

Passed by the House April 19, 1995  
Yeas 91 Nays 0

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Speaker of the  
House of Representatives

Passed by the Senate April 6, 1995  
Yeas 43 Nays 0

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President of the Senate

Approved

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Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1679** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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Chief Clerk

FILED

Secretary of State  
State of Washington



1 relates to his or her capacity to perform the duties of a private  
2 security guard, and the director determines that the license should be  
3 withheld to protect the citizens of Washington state. The director  
4 shall make her or his determination to withhold a license because of  
5 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 licensed  
8 private security company or be licensed as a private security company;

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

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

11 (7) 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. 2. A new section is added to chapter 18.170 RCW  
16 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 NEW SECTION. Sec. 3. A new section is added to chapter 18.170 RCW  
21 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (b) It is unlawful for any person holding a license certificate to  
37 knowingly and willfully post the license certificate upon premises

1 other than those described in the license certificate or to materially  
2 alter a license certificate.

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

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

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

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

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

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

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

1 (1) The director shall adopt rules establishing preassignment  
2 training and testing requirements, which shall include a minimum of  
3 four hours of classes. The director may establish, by rule, continuing  
4 education requirements for private security guards.

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

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

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

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

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

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

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

1 (1) Any person from another state that the director determines has  
2 selection, training, and other requirements at least equal to those  
3 required by this chapter, and who holds a valid license, registration,  
4 identification, or similar card issued by the other state, may apply  
5 for a private security guard license card or armed private security  
6 guard license card on a form prescribed by the director. Upon receipt  
7 of a processing fee to be determined by the director, the director  
8 shall issue the individual a private security guard license card or  
9 armed private security guard license card.

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

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

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

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

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

37 (3) The director shall solicit comments from the chief law  
38 enforcement officer of the county and city or town in which the

1 applicant's employer is located on issuance of a permanent private  
2 security guard license.

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

9 **Sec. 11.** RCW 18.170.160 and 1991 c 334 s 16 are each amended to  
10 read as follows:

11 (1) After June 30, 1992, any person who performs the functions and  
12 duties of a private security guard in this state without being licensed  
13 in accordance with this chapter, or any person presenting or attempting  
14 to use as his or her own the license of another, or any person who  
15 gives false or forged evidence of any kind to the director in obtaining  
16 a license, or any person who falsely impersonates any other licensee,  
17 or any person who attempts to use an expired or revoked license, or any  
18 person who violates any of the provisions of this chapter is guilty of  
19 a gross misdemeanor.

20 (2) After January 1, 1992, a person is guilty of a gross  
21 misdemeanor if he or she owns or operates a private security company in  
22 this state without first obtaining a private security company license.

23 (3) After June 30, 1992, the owner or qualifying agent of a private  
24 security company is guilty of a gross misdemeanor if he or she employs  
25 an unlicensed person to perform the duties of a private security guard  
26 without issuing the employee a valid temporary registration card if the  
27 employee does not have in his or her possession a permanent private  
28 security guard license issued by the department. This subsection does  
29 not preclude a private security company from requiring applicants to  
30 attend preassignment training classes or from paying wages for  
31 attending the required preassignment training classes.

32 (4) After June 30, 1992, a person is guilty of a gross misdemeanor  
33 if he or she performs the functions and duties of an armed private  
34 security guard in this state unless the person holds a valid armed  
35 private security guard license issued by the department.

36 (5) After June 30, 1992, it is a gross misdemeanor for a private  
37 security company to hire, contract with, or otherwise engage the  
38 services of an unlicensed armed private security guard knowing that he

1 or she does not have a valid armed private security guard license  
2 issued by the director.

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

8 (7) It is a gross misdemeanor for any person who performs the  
9 functions and duties of a private security guard to use any name that  
10 includes the word "police" or "law enforcement" or that portrays the  
11 individual or a business as a public law enforcement agency.

12 (8) It is the duty of all officers of the state and political  
13 subdivisions thereof to enforce the provisions of this chapter. The  
14 attorney general shall act as legal adviser of the director, and render  
15 such legal assistance as may be necessary in carrying out the  
16 provisions of this chapter.

17 **Sec. 12.** RCW 18.170.170 and 1991 c 334 s 17 are each amended to  
18 read as follows:

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

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

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

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

29 (4) Not meeting the qualifications set forth in RCW 18.170.030,  
30 18.170.040, or 18.170.060;

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

33 (6) Carrying a firearm in the performance of his or her duties if  
34 not the holder of a valid armed private security guard license, or  
35 carrying a firearm not meeting the provisions of this chapter while in  
36 the performance of his or her duties;

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

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

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

9 (10) Conviction of a gross misdemeanor or felony or the commission  
10 of any act involving moral turpitude, dishonesty, or corruption whether  
11 the act constitutes a crime or not. If the act constitutes a crime,  
12 conviction in a criminal proceeding is not a condition precedent to  
13 disciplinary action. Upon such a conviction, however, the judgment and  
14 sentence is conclusive evidence at the ensuing disciplinary hearing of  
15 the guilt of the license holder or applicant of the crime described in  
16 the indictment or information, and of the person's violation of the  
17 statute on which it is based. For the purposes of this section,  
18 conviction includes all instances in which a plea of guilty or nolo  
19 contendere is the basis for the conviction and all proceedings in which  
20 the sentence has been deferred or suspended(~~(. Nothing in this section~~  
21 ~~abrogates rights guaranteed under chapter 9.96A RCW))~~);

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

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

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

27 (14) Suspension, revocation, or restriction of the individual's  
28 license to practice the profession by competent authority in any state,  
29 federal, or foreign jurisdiction, a certified copy of the order,  
30 stipulation, or agreement being conclusive evidence of the revocation,  
31 suspension, or restriction;

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

33 (a) Not furnishing any necessary papers or documents requested by  
34 the director for purposes of conducting an investigation for  
35 disciplinary action, denial, suspension, or revocation of a license  
36 under this chapter;

37 (b) Not furnishing in writing a full and complete explanation  
38 covering the matter contained in a complaint filed with the department;  
39 or

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

3 (16) Failure to comply with an order issued by the director or an  
4 assurance of discontinuance entered into with the disciplining  
5 authority;

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

8 (18) Misrepresentation or fraud in any aspect of the conduct of the  
9 business or profession;

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

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

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

19 (22) Failure to maintain insurance; and

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

21 **Sec. 13.** RCW 18.170.180 and 1991 c 334 s 18 are each amended to  
22 read as follows:

23 The director shall establish ad hoc advisory committees consisting  
24 of no less than five representatives of the private security guard  
25 industry who shall consult with the Washington law enforcement  
26 executive forum or a similar broad based organization or association to  
27 assist in the development of policies to carry out the purposes of this  
28 chapter.

29 The director has the following authority in administering this  
30 chapter:

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

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

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

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

- 1 (5) In the course of investigating a complaint or report of  
2 unprofessional conduct, to conduct practice reviews;
- 3 (6) To take emergency action ordering summary suspension of a  
4 license, or restriction or limitation of the licensee's practice  
5 pending proceedings by the director;
- 6 (7) To use the office of administrative hearings as authorized in  
7 chapter 34.12 RCW to conduct hearings. However, the director or the  
8 director's designee shall make the final decision in the hearing;
- 9 (8) To enter into contracts for professional services determined to  
10 be necessary for adequate enforcement of this chapter;
- 11 (9) To adopt standards of professional conduct or practice;
- 12 (10) In the event of a finding of unprofessional conduct by an  
13 applicant or license holder, to impose sanctions against a license  
14 applicant or license holder as provided by this chapter;
- 15 (11) To enter into an assurance of discontinuance in lieu of  
16 issuing a statement of charges or conducting a hearing. The assurance  
17 shall consist of a statement of the law in question and an agreement to  
18 not violate the stated provision. The applicant or license holder  
19 shall not be required to admit to any violation of the law, and the  
20 assurance shall not be construed as such an admission. Violation of an  
21 assurance under this subsection is grounds for disciplinary action;
- 22 (12) To designate individuals authorized to sign subpoenas and  
23 statements of charges;
- 24 (13) To employ such investigative, administrative, and clerical  
25 staff as necessary for the enforcement of this chapter; ((and))
- 26 (14) To compel the attendance of witnesses at hearings; and
- 27 (15) To assess administrative penalties for violations of law,  
28 rules, or regulations.

29 **Sec. 14.** RCW 18.170.190 and 1991 c 334 s 19 are each amended to  
30 read as follows:

31 A person, including but not limited to consumers, licensees,  
32 corporations, organizations, and state and local governmental agencies,  
33 may submit a written complaint to the department charging a license  
34 holder or applicant with unprofessional or unlawful conduct and  
35 specifying the grounds for this charge. If the director determines  
36 that the complaint merits investigation, or if the director has reason  
37 to believe, without a formal complaint, that a license holder or  
38 applicant may have engaged in unprofessional or unlawful conduct, the

1 director shall investigate to determine if there has been  
2 unprofessional or unlawful conduct. A person who files a complaint  
3 under this section in good faith is immune from suit in any civil  
4 action related to the filing or contents of the complaint.

5 **Sec. 15.** RCW 18.170.230 and 1991 c 334 s 23 are each amended to  
6 read as follows:

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

- 11 (1) Revocation of the license;
- 12 (2) Suspension of the license for a fixed or indefinite term;
- 13 (3) Restriction or limitation of the practice;
- 14 (4) Requiring the satisfactory completion of a specific program of  
15 remedial education or treatment;
- 16 (5) Monitoring of the practice by a supervisor approved by the  
17 director;
- 18 (6) Censure or reprimand;
- 19 (7) Compliance with conditions of probation for a designated period  
20 of time;
- 21 (8) Withholding a license request;
- 22 (9) Other corrective action; ((or))
- 23 (10) Refund of fees billed to and collected from the consumer; or
- 24 (11) The assessment of administrative penalties.

25 Any of the actions under this section may be totally or partly  
26 stayed by the director. All costs associated with compliance with  
27 orders issued under this section are the obligation of the license  
28 holder or applicant.

29 **Sec. 16.** RCW 18.170.250 and 1991 c 334 s 25 are each amended to  
30 read as follows:

31 (1) The director shall investigate complaints concerning practice  
32 by unlicensed persons of a profession or business for which a license  
33 is required by this chapter. In the investigation of the complaints,  
34 the director shall have the same authority as provided the director  
35 under RCW 18.170.190. The director shall issue a cease and desist  
36 order to a person after notice and hearing and upon a determination  
37 that the person has violated this subsection. If the director makes a

1 written finding of fact that the public interest will be irreparably  
2 harmed by delay in issuing an order, the director may issue a temporary  
3 cease and desist order. The cease and desist order shall not relieve  
4 the person practicing or operating a business without a license from  
5 criminal prosecution therefor, but the remedy of a cease and desist  
6 order shall be in addition to any criminal liability. The cease and  
7 desist order is conclusive proof of unlicensed practice and may be  
8 enforced under RCW 7.21.060. This method of enforcement of the cease  
9 and desist order may be used in addition to, or as an alternative to,  
10 any provisions for enforcement of agency orders.

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

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

26 **Sec. 17.** RCW 18.165.010 and 1991 c 328 s 1 are each amended to  
27 read as follows:

28 Unless the context clearly requires otherwise, the definitions in  
29 this section apply throughout this chapter.

30 (1) "Armed private ~~((detective))~~ investigator" means a private  
31 ~~((detective))~~ investigator who has a current firearms certificate  
32 issued by the commission and is licensed as an armed private  
33 ~~((detective))~~ investigator under this chapter.

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

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

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

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

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

10 (7) "Firearms certificate" means a certificate issued by the  
11 commission.

12 (8) "Forensic scientist" or "accident reconstructionist" means a  
13 person engaged exclusively in collecting and analyzing physical  
14 evidence and data relating to an accident or other matter and compiling  
15 such evidence or data to render an opinion of likely cause, fault, or  
16 circumstance of the accident or matter.

17 (9) "Person" includes any individual, firm, corporation,  
18 partnership, association, company, society, manager, contractor,  
19 subcontractor, bureau, agency, service, office, or an agent or employee  
20 of any of the foregoing.

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

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

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

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

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

35 (c) The location, disposition, or recovery of lost or stolen  
36 property;

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

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

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

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

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

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

12 **Sec. 18.** RCW 18.165.020 and 1991 c 328 s 2 are each amended to  
13 read as follows:

14 The requirements of this chapter do not apply to:

15 (1) A person who is employed exclusively or regularly by one  
16 employer and performs investigations solely in connection with the  
17 affairs of that employer, if the employer is not a private  
18 (~~detective~~) investigator agency;

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

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

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

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

29 (6) Insurers, agents, and insurance brokers licensed by the state,  
30 while performing duties in connection with insurance transacted by  
31 them;

32 (7) A bank subject to the jurisdiction of the Washington state  
33 banking commission or the comptroller of currency of the United States,  
34 or a savings and loan association subject to the jurisdiction of this  
35 state or the federal home loan bank board;

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

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

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

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

10 **Sec. 19.** RCW 18.165.030 and 1991 c 328 s 3 are each amended to  
11 read as follows:

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

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

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

16 (3) Not have been convicted of a crime in any jurisdiction, if the  
17 director determines that the applicant's particular crime directly  
18 relates to his or her capacity to perform the duties of a private  
19 (~~detective~~) investigator and the director determines that the license  
20 should be withheld to protect the citizens of Washington state. The  
21 director shall make her or his determination to withhold a license  
22 because of previous convictions (~~consistent with~~) notwithstanding the  
23 restoration of employment rights act, chapter 9.96A RCW;

24 (4) Be employed by or have an employment offer from a private  
25 (~~detective~~) investigator agency or be licensed as a private  
26 (~~detective~~) investigator agency;

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

28 (6) Pay the required nonrefundable fee for each application; and

29 (7) Submit a fully completed application that includes proper  
30 identification on a form prescribed by the director for each company of  
31 employment.

32 NEW SECTION. **Sec. 20.** A new section is added to chapter 18.165  
33 RCW to read as follows:

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

1       **Sec. 21.** RCW 18.165.040 and 1991 c 328 s 4 are each amended to  
2 read as follows:

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

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

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

7       (c) Have a current firearms certificate issued by the commission;  
8 ((and))

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

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

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

14       **Sec. 22.** RCW 18.165.050 and 1991 c 328 s 5 are each amended to  
15 read as follows:

16       (1) In addition to meeting the minimum requirements to obtain a  
17 license as a private ((~~detective~~)) investigator, an applicant, or, in  
18 the case of a partnership or limited partnership, each partner, or, in  
19 the case of a corporation, the qualifying agent must meet the following  
20 additional requirements to obtain a private ((~~detective~~)) investigator  
21 agency license:

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

25       (b) Have had at least three years' experience in investigative work  
26 or its equivalent as determined by the director. A year's experience  
27 means not less than two thousand hours of actual compensated work  
28 performed before the filing of an application. An applicant shall  
29 substantiate the experience by written certifications from previous  
30 employers. If the applicant is unable to supply written certifications  
31 from previous employers, applicants may offer written certifications  
32 from professional persons other than employers who, based on personal  
33 professional knowledge, can substantiate the employment.

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

36       (3) No license to own or operate a private investigator company may  
37 be issued to an applicant if the name of the company portrays the

1 company as a public law enforcement agency, or in association with a  
2 public law enforcement agency, or includes the word "police."

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

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

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

13 NEW SECTION. **Sec. 24.** A new section is added to chapter 18.165  
14 RCW to read as follows:

15 No licensee, employee or agent of a licensee, or anyone  
16 accompanying a licensee, employee, or agent may display a firearm while  
17 soliciting a client.

18 **Sec. 25.** RCW 18.165.070 and 1991 c 328 s 7 are each amended to  
19 read as follows:

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

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

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

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

11       **Sec. 26.** RCW 18.165.080 and 1991 c 328 s 8 are each amended to  
12 read as follows:

13       (1) The director shall issue a private ~~((detective))~~ investigator  
14 license card to each licensed private ~~((detective))~~ investigator and an  
15 armed private ~~((detective))~~ investigator license card to each armed  
16 private ~~((detective))~~ investigator.

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

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

22       (c) An armed private ~~((detective))~~ investigator shall carry the  
23 license card whenever he or she is performing the duties of an armed  
24 private ~~((detective))~~ investigator and shall exhibit the card upon  
25 request.

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

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

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

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

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

5 **Sec. 27.** RCW 18.165.090 and 1991 c 328 s 9 are each amended to  
6 read as follows:

7 (1) The director shall adopt rules establishing preassignment  
8 training and testing requirements(~~(, which shall include a minimum of~~  
9 ~~four hours of classes)~~). The director may establish, by rule,  
10 continuing education requirements for private ~~((detectives))~~  
11 investigators.

12 (2) The director shall consult with the private ~~((detective))~~  
13 investigator industry and law enforcement before adopting or amending  
14 the preassignment training or continuing education requirements of this  
15 section.

16 ~~((3) A private detective need not fulfill the preassignment~~  
17 ~~training requirements of this chapter if he or she, within sixty days~~  
18 ~~of July 28, 1991, provides proof to the director that he or she~~  
19 ~~previously has met the training requirements of this chapter or has~~  
20 ~~been employed as a private detective or armed private detective for at~~  
21 ~~least eighteen consecutive months immediately prior to the date of~~  
22 ~~application.))~~

23 **Sec. 28.** RCW 18.165.100 and 1991 c 328 s 10 are each amended to  
24 read as follows:

25 (1) No private ~~((detective))~~ investigator agency license may be  
26 issued under the provisions of this chapter unless the applicant files  
27 with the director a surety bond, executed by a surety company  
28 authorized to do business in this state, in the sum of ten thousand  
29 dollars conditioned to recover against the principal and its servants,  
30 officers, agents, and employees by reason of its wrongful or illegal  
31 acts in conducting business licensed under this chapter. The bond  
32 shall be made payable to the state of Washington, and anyone so injured  
33 by the principal or its servants, officers, agents, or employees shall  
34 have the right and shall be permitted to sue directly upon this  
35 obligation in his or her own name. This obligation shall be subject to  
36 successive suits for recovery until the face amount is completely  
37 exhausted.

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

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

11 (4) The director may approve alternative methods of guaranteeing  
12 financial responsibility.

13 **Sec. 29.** RCW 18.165.110 and 1991 c 328 s 11 are each amended to  
14 read as follows:

15 (1) The provisions of this chapter relating to the licensing for  
16 regulatory purposes of private ((~~detectives~~)) investigators, armed  
17 private ((~~detectives~~)) investigators, and private ((~~detective~~))  
18 investigator agencies are exclusive. No governmental subdivision of  
19 this state may enact any laws or rules licensing for regulatory  
20 purposes such persons, except as provided in subsections (2) and (3) of  
21 this section.

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

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

31 **Sec. 30.** RCW 18.165.120 and 1991 c 328 s 12 are each amended to  
32 read as follows:

33 Private ((~~detectives~~)) investigators or armed private  
34 ((~~detectives~~)) investigators whose duties require them to operate  
35 across state lines may operate in this state for up to thirty days per  
36 year, if they are properly registered and certified in another state

1 with training and certification requirements that the director finds  
2 are at least equal to the requirements of this state.

3 **Sec. 31.** RCW 18.165.130 and 1991 c 328 s 13 are each amended to  
4 read as follows:

5 (1) A private ((~~detective~~)) investigator agency shall notify the  
6 director within thirty days after the death or termination of  
7 employment of any employee who is a licensed private ((~~detective~~))  
8 investigator or armed private ((~~detective~~)) investigator by returning  
9 the license to the department with the word terminated written across  
10 the face of the license, the date of termination, and the signature of  
11 the principal of the private investigator company.

12 (2) A private ((~~detective~~)) investigator agency shall notify the  
13 director within seventy-two hours and the chief law enforcement officer  
14 of the county, city, or town in which the agency is located immediately  
15 upon receipt of information affecting a licensed private  
16 ((~~detective's~~)) investigator's or armed private ((~~detective's~~))  
17 investigator's continuing eligibility to hold a license under the  
18 provisions of this chapter.

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

24 **Sec. 32.** RCW 18.165.140 and 1991 c 328 s 14 are each amended to  
25 read as follows:

26 (1) Any person from another state that the director determines has  
27 selection, training, and other requirements at least equal to those  
28 required by this chapter, and who holds a valid license, registration,  
29 identification, or similar card issued by the other state, may apply  
30 for a private ((~~detective~~)) investigator license card or armed private  
31 ((~~detective~~)) investigator license card on a form prescribed by the  
32 director. Upon receipt of ((~~a processing~~)) an application fee to be  
33 determined by the director, the director shall issue the individual a  
34 private ((~~detective~~)) investigator license card or armed private  
35 ((~~detective~~)) investigator license card.

36 (2) A valid license, registration, identification, or similar card  
37 issued by any other state of the United States is valid in this state

1 for a period of ninety days, but only if the licensee is on temporary  
2 assignment for the same employer that employs the licensee in the state  
3 in which he or she is a permanent resident.

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

7 **Sec. 33.** RCW 18.165.150 and 1991 c 328 s 15 are each amended to  
8 read as follows:

9 (1) After June 30, 1992, any person who performs the functions and  
10 duties of a private ((~~detective~~)) investigator in this state without  
11 being licensed in accordance with the provisions of this chapter, or  
12 any person presenting or attempting to use as his or her own the  
13 license of another, or any person who gives false or forged evidence of  
14 any kind to the director in obtaining a license, or any person who  
15 falsely impersonates any other licensee, or any person who attempts to  
16 use an expired or revoked license, or any person who violates any of  
17 the provisions of this chapter is guilty of a gross misdemeanor.

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

22 (3) After June 30, 1992, the owner or qualifying agent of a private  
23 ((~~detective~~)) investigator agency is guilty of a gross misdemeanor if  
24 he or she employs any person to perform the duties of a private  
25 ((~~detective~~)) investigator without the employee having in his or her  
26 possession a permanent private ((~~detective~~)) investigator license  
27 issued by the department. This shall not preclude a private  
28 ((~~detective~~)) investigator agency from requiring applicants to attend  
29 preassignment training classes or from paying wages for attending the  
30 required preassignment training classes.

31 (4) After June 30, 1992, a person is guilty of a gross misdemeanor  
32 if he or she performs the functions and duties of an armed private  
33 ((~~detective~~)) investigator in this state unless the person holds a  
34 valid armed private ((~~detective~~)) investigator license issued by the  
35 department.

36 (5) After June 30, 1992, it is a gross misdemeanor for a private  
37 ((~~detective~~)) investigator agency to hire, contract with, or otherwise  
38 engage the services of an unlicensed armed private ((~~detective~~))

1 investigator knowing that the private ((~~detective~~)) investigator does  
2 not have a valid armed private ((~~detective~~)) investigator license  
3 issued by the director.

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

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

14 **Sec. 34.** RCW 18.165.160 and 1991 c 328 s 16 are each amended to  
15 read as follows:

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

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

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

25 (3) Not meeting the qualifications set forth in RCW 18.165.030,  
26 18.165.040, or 18.165.050;

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

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

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

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

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

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

7 (10) Conviction of a gross misdemeanor or felony or the commission  
8 of any act involving moral turpitude, dishonesty, or corruption whether  
9 the act constitutes a crime or not. If the act constitutes a crime,  
10 conviction in a criminal proceeding is not a condition precedent to  
11 disciplinary action. Upon such a conviction, however, the judgment and  
12 sentence is conclusive evidence at the ensuing disciplinary hearing of  
13 the guilt of the license holder or applicant of the crime described in  
14 the indictment or information, and of the person's violation of the  
15 statute on which it is based. For the purposes of this section,  
16 conviction includes all instances in which a plea of guilty or nolo  
17 contendere is the basis for the conviction and all proceedings in which  
18 the sentence has been deferred or suspended(~~(. Nothing in this section~~  
19 ~~abrogates rights guaranteed under chapter 9.96A RCW))~~);

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

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

23 (13) Suspension, revocation, or restriction of the individual's  
24 license to practice the profession by competent authority in any state,  
25 federal, or foreign jurisdiction, a certified copy of the order,  
26 stipulation, or agreement being conclusive evidence of the revocation,  
27 suspension, or restriction;

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

29 (a) Not furnishing any necessary papers or documents requested by  
30 the director for purposes of conducting an investigation for  
31 disciplinary action, denial, suspension, or revocation of a license  
32 under this chapter;

33 (b) Not furnishing in writing a full and complete explanation  
34 covering the matter contained in a complaint filed with the department;  
35 or

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

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

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

3 (17) Misrepresentation or fraud in any aspect of the conduct of the  
4 business or profession;

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

7 (19) Interference with an investigation or disciplinary proceeding  
8 by willful misrepresentation of facts before the director or the  
9 director's authorized representative, or by the use of threats or  
10 harassment against any client or witness to prevent them from providing  
11 evidence in a disciplinary proceeding or any other legal action; ((or))

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

14 (21) Assisting a client to locate, trace, or contact a person when  
15 the investigator knows that the client is prohibited by any court order  
16 from harassing or contacting the person whom the investigator is being  
17 asked to locate, trace, or contact, as it pertains to domestic  
18 violence, stalking, or minor children;

19 (22) Failure to maintain bond or insurance; or

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

21 **Sec. 35.** RCW 18.165.170 and 1991 c 328 s 17 are each amended to  
22 read as follows:

23 The director has the following authority in administering this  
24 chapter:

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

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

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

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

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

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

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

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

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

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

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

17 (12) To designate individuals authorized to sign subpoenas and  
18 statements of charges;

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

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

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

24 **Sec. 36.** RCW 18.165.180 and 1991 c 328 s 18 are each amended to  
25 read as follows:

26 A person, including but not limited to consumers, licensees,  
27 corporations, organizations, and state and local governmental agencies,  
28 may submit a written complaint to the department charging a license  
29 holder or applicant with unprofessional or unlawful conduct and  
30 specifying the grounds for the charge. If the director determines that  
31 the complaint merits investigation, or if the director has reason to  
32 believe, without a formal complaint, that a license holder or applicant  
33 may have engaged in unprofessional or unlawful conduct, the director  
34 shall investigate to determine if there has been unprofessional or  
35 unlawful conduct. A person who files a complaint under this section in  
36 good faith is immune from suit in any civil action related to the  
37 filing or contents of the complaint.

1       **Sec. 37.** RCW 18.165.190 and 1991 c 328 s 19 are each amended to  
2 read as follows:

3       (1) If the director determines, upon investigation, that there is  
4 reason to believe a violation of this chapter has occurred, a statement  
5 of charges shall be prepared and served upon the license holder or  
6 applicant and notice of this action given to the owner or qualifying  
7 agent of the employing private ((detective)) investigator agency. The  
8 statement of charges shall be accompanied by a notice that the license  
9 holder or applicant may request a hearing to contest the charges. The  
10 license holder or applicant must file a request for hearing with the  
11 department within twenty days after being served the statement of  
12 charges. The failure to request a hearing constitutes a default,  
13 whereupon the director may enter an order pursuant to RCW 34.05.440.

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

19       **Sec. 38.** RCW 18.165.220 and 1991 c 328 s 22 are each amended to  
20 read as follows:

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

- 26       (1) Revocation of the license;
- 27       (2) Suspension of the license for a fixed or indefinite term;
- 28       (3) Restriction or limitation of the practice;
- 29       (4) Requiring the satisfactory completion of a specific program of  
30 remedial education or treatment;
- 31       (5) Monitoring of the practice by a supervisor approved by the  
32 director;
- 33       (6) Censure or reprimand;
- 34       (7) Compliance with conditions of probation for a designated period  
35 of time;
- 36       (8) Withholding a license request;
- 37       (9) Other corrective action; ((or))
- 38       (10) Refund of fees billed to and collected from the consumer; or

1        (11) Assessing administrative penalties.

2        Any of the actions under this section may be totally or partly  
3 stayed by the director. All costs associated with compliance with  
4 orders issued under this section are the obligation of the license  
5 holder or applicant.

6        **Sec. 39.** RCW 18.165.240 and 1991 c 328 s 24 are each amended to  
7 read as follows:

8        (1) The director shall investigate complaints concerning practice  
9 by unlicensed persons of a profession or business for which a license  
10 is required by this chapter. In the investigation of the complaints,  
11 the director shall have the same authority as provided the director  
12 under RCW 18.165.190. The director shall issue a cease and desist  
13 order to a person after notice and hearing and upon a determination  
14 that the person has violated this subsection. If the director makes a  
15 written finding of fact that the public interest will be irreparably  
16 harmed by delay in issuing an order, the director may issue a temporary  
17 cease and desist order. The cease and desist order shall not relieve  
18 the person practicing or operating a business without a license from  
19 criminal prosecution therefor, but the remedy of a cease and desist  
20 order shall be in addition to any criminal liability. The cease and  
21 desist order is conclusive proof of unlicensed practice and may be  
22 enforced under RCW 7.21.060. This method of enforcement of the cease  
23 and desist order may be used in addition to, or as an alternative to,  
24 any provisions for enforcement of agency orders.

25        (2) The attorney general, a county prosecuting attorney, the  
26 director, or any person may, in accordance with the law of this state  
27 governing injunctions, maintain an action in the name of this state to  
28 enjoin any person practicing a profession or business for which a  
29 license is required by this chapter without a license from engaging in  
30 such practice or operating such business until the required license is  
31 secured. However, the injunction shall not relieve the person  
32 practicing or operating a business without a license from criminal  
33 prosecution therefor, but the remedy by injunction shall be in addition  
34 to any criminal liability.

35        (3) Unlicensed practice of a profession or operating a business for  
36 which a license is required by this chapter, unless otherwise exempted  
37 by law, constitutes a gross misdemeanor.    (~~All fees, fines,~~

1 ~~forfeitures, and penalties collected or assessed by a court because of~~  
2 ~~a violation of this section shall be remitted to the department.))~~

3 NEW SECTION. **Sec. 40.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 41.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and shall take  
10 effect immediately.

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