
SENATE BILL 5375

State of Washington

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1995 Regular Session

By Senators Wojahn, McCaslin, Haugen, Deccio, Franklin, Spanel, Kohl, Snyder, Quigley, Prentice, Oke and Moyer

Read first time 01/20/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to suspension of licenses for failure to pay child
2 support; amending RCW 74.20A.020, 46.20.291, 46.20.311, 18.04.335,
3 18.11.160, 18.27.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110,
4 18.130.150, 18.160.080, 43.20A.205, and 43.70.115; reenacting and
5 amending RCW 18.130.050; adding new sections to chapter 74.20A RCW;
6 adding a new section to chapter 48.22 RCW; adding a new section to
7 chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a
8 new section to chapter 18.08 RCW; adding a new section to chapter 18.16
9 RCW; adding a new section to chapter 18.20 RCW; adding a new section to
10 chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a
11 new section to chapter 18.43 RCW; adding a new section to chapter 18.44
12 RCW; adding a new section to chapter 18.51 RCW; adding a new section to
13 chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a
14 new section to chapter 18.106 RCW; adding a new section to chapter
15 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new
16 section to chapter 18.145 RCW; adding a new section to chapter 18.165
17 RCW; adding a new section to chapter 18.170 RCW; adding a new section
18 to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW; and
19 creating new sections.

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

1 NEW SECTION. **Sec. 1.** The legislature recognizes that the current
2 statutory procedures for the collection of child support do not apply
3 to all persons owing child support. In order to further insure that
4 child support obligations are met, this act establishes a program by
5 which certain licenses may be suspended if a person is ninety days or
6 more in arrears on child support payments. With this program, it is
7 the intent of the legislature to provide a strong incentive for persons
8 owing support to make timely payments, and to cooperate with the
9 department of social and health services to establish an appropriate
10 schedule for the payment of any arrears.

11 In the implementation and management of this program, it is the
12 legislature's intent that the objective of the department of social and
13 health services be to obtain payment in full of arrears, or where that
14 is not possible, to enter into agreements with delinquent obligors to
15 make timely support payments and make reasonable payments towards the
16 arrears. The legislature intends that if the obligor refuses to
17 cooperate in establishing a fair and reasonable payment schedule for
18 arrears, or refuses to make timely support payments, the department
19 shall proceed with certification to a licensing entity or the
20 department of licensing that the person is not in compliance with a
21 child support order.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.20A RCW
23 to read as follows:

24 (1) As used in this section, unless the context indicates
25 otherwise, the following terms have the following meanings.

26 (a) "Licensing entity" includes any department, board, commission,
27 or other organization of the state authorized by Title 18 RCW to issue,
28 renew, suspend, or revoke a license authorizing an individual to engage
29 in a business, occupation, profession, or industry, and the Washington
30 state bar association.

31 (b) "Noncompliance with a child support order" means a responsible
32 parent has:

33 (i) Accumulated arrears totaling more than three months of child
34 support payments;

35 (ii) Failed to make payments pursuant to a written agreement with
36 the department towards a support arrearage in an amount that exceeds
37 three months of payments; or

1 (iii) Failed to make payments required by a superior court order or
2 administrative order towards a support arrearage in an amount that
3 exceeds three months of payments.

4 (c) "License" means a license, certificate, registration, permit,
5 approval, or other similar document issued by a licensing entity
6 evidencing admission to or granting authority to engage in a
7 profession, occupation, business, or industry.

8 (d) "Licensee" means any individual holding a license, certificate,
9 registration, permit, approval, or other similar document issued by a
10 licensing entity evidencing admission to or granting authority to
11 engage in a profession, occupation, business, or industry.

12 (2) The department may serve upon a responsible parent a notice
13 informing the responsible parent of the department's intent to submit
14 the parent's name to the department of licensing and any appropriate
15 licensing entity as a licensee who is not in compliance with a child
16 support order. The department shall attach a copy of the responsible
17 parent's child support order to the notice. Service of the notice must
18 be made by certified mail, return receipt requested, or by personal
19 service.

20 (3) The notice of noncompliance must include the address and
21 telephone number of the department's division of child support office
22 that issues the notice and must inform the responsible parent that:

23 (a) The parent may request an adjudicative proceeding to contest
24 the issue of compliance. The only issues that may be considered at the
25 adjudicative proceeding are whether the parent is required to pay child
26 support under a child support order and whether the parent is in
27 compliance with that order;

28 (b) A request for an adjudicative proceeding must be made in
29 writing and must be postmarked or personally delivered to the
30 department within twenty days of service. Along with the request, the
31 parent must also submit a hearing fee of one hundred dollars, which
32 will be refunded to the parent if the parent prevails at the
33 adjudicative proceeding;

34 (c) If the parent requests an adjudicative proceeding within twenty
35 days of service, the department will stay action to certify the parent
36 to the department of licensing and any licensing entity for
37 noncompliance with a child support order pending entry of a written
38 decision after the adjudicative proceeding;

1 (d) If the parent does not request an adjudicative proceeding
2 within twenty days of service and remains in noncompliance with a child
3 support order, the department will certify the parent's name to the
4 department of licensing and any appropriate licensing entity for
5 noncompliance with a child support order;

6 (e) The department will stay action to certify the parent to the
7 department of licensing and any licensing entity for noncompliance if
8 the parent agrees to make timely payments of current support and agrees
9 to a reasonable payment schedule for payment of the arrears. It is the
10 parent's responsibility to contact in person or by mail the
11 department's division of child support office indicated on the notice
12 within twenty days of service of the notice to arrange for a payment
13 schedule. The department may stay certification for up to thirty days
14 after contact from a parent to arrange for a payment schedule;

15 (f) If the department certifies the responsible parent to the
16 department of licensing and a licensing entity for noncompliance with
17 a child support order, the licensing entity will suspend the parent's
18 license and the department of licensing will suspend any driver's
19 license that the parent holds until the parent provides the department
20 of licensing and the licensing entity with a written release from the
21 department stating that the responsible parent is in compliance with
22 the child support order;

23 (g) Suspension of a license will affect insurability if the
24 responsible parent's insurance policy excludes coverage for acts
25 occurring after the suspension of a license;

26 (h) If the responsible parent files a motion to modify support with
27 the court or requests the department to amend a support obligation
28 established by an administrative decision, the department or the court
29 may, for up to one hundred twenty days, stay action to certify the
30 parent to the department of licensing and any licensing entity for
31 noncompliance with a child support order; and

32 (i) If the responsible parent subsequently becomes in compliance
33 with the child support order, the department will promptly provide the
34 parent with a written release stating that the parent is in compliance
35 with the order, and the parent may request that the licensing entity or
36 the department of licensing reinstate the suspended license.

37 (4) A responsible parent may request an adjudicative proceeding
38 upon service of the notice described in subsection (2) of this section.
39 The request for an adjudicative proceeding must be postmarked or

1 personally delivered to the department within twenty days of service.
2 The request must be in writing and indicate the current mailing address
3 and daytime phone number, if available, of the responsible parent. The
4 parent must include with the request a hearing fee in the amount of one
5 hundred dollars, which shall be refunded to the parent if the parent
6 prevails at the adjudicative proceeding. The proceedings under this
7 subsection shall be conducted in accordance with the requirements of
8 chapter 34.05 RCW. The issues that may be considered at the
9 adjudicative proceeding are limited to whether the responsible parent
10 is required to pay child support under a child support order and
11 whether the responsible parent is in compliance with the order.

12 (5) The decision resulting from the adjudicative proceeding must be
13 in writing and inform the responsible parent of all rights to review.
14 The parent's copy of the decision may be sent by regular mail to the
15 parent's most recent address of record.

16 (6) If a responsible parent contacts the department's division of
17 child support office indicated on the notice of noncompliance within
18 twenty days of service of the notice and requests arrangement of a
19 payment schedule, the department shall stay the certification of
20 noncompliance during negotiation of the schedule for payment of
21 arrears. In no event shall the stay continue for more than thirty days
22 from the date of contact by the parent. The department shall make good
23 faith efforts to establish a schedule for payment of arrears that is
24 fair and reasonable, and that considers the financial situation of the
25 responsible parent. At the end of the thirty days, if no payment
26 schedule has been agreed to in writing, the department shall proceed
27 with certification of noncompliance.

28 (7) If a responsible parent timely requests an adjudicative
29 proceeding to contest the issue of compliance, the department may not
30 certify the name of the parent to the department of licensing or a
31 licensing entity for noncompliance with a child support order unless
32 the adjudicative proceeding results in a finding that the responsible
33 parent is not in compliance with the order.

34 (8) The department may certify in writing to the department of
35 licensing and any appropriate licensing entity the name of a
36 responsible parent who is not in compliance with a child support order
37 if:

38 (a) The responsible parent does not timely request an adjudicative
39 proceeding upon service of a notice issued under subsection (2) of this

1 section and is not in compliance with a child support order twenty-one
2 days after service of the notice;

3 (b) An adjudicative proceeding results in a decision that the
4 responsible parent is not in compliance with a child support order;

5 (c) The department and the responsible parent have been unable to
6 agree on a fair and reasonable schedule for payment of the arrears; or

7 (d) The court enters a judgment on a petition for judicial review
8 that finds the responsible parent is not in compliance with a child
9 support order.

10 The department shall send by regular mail a copy of any
11 certification of noncompliance filed with the department of licensing
12 or a licensing entity to the responsible parent at the responsible
13 parent's most recent address of record.

14 (9) The department of licensing and a licensing entity shall notify
15 a responsible parent certified by the department under subsection (8)
16 of this section, without undue delay, that the parent's driver's
17 license or other license has been suspended because the parent's name
18 has been certified by the department as a responsible parent who is not
19 in compliance with a child support order.

20 (10) When a responsible parent who is served notice under
21 subsection (2) of this section subsequently complies with the child
22 support order, the department shall promptly provide the parent with a
23 written release stating that the responsible parent is in compliance
24 with the order.

25 (11) The department may adopt rules to implement and enforce the
26 requirements of this section.

27 (12) Nothing in this section prohibits a responsible parent from
28 filing a motion to modify support with the court or from requesting the
29 department to amend a support obligation established by an
30 administrative decision. If there is a reasonable likelihood that the
31 motion or request will significantly change the amount of the arrears,
32 the department or the court may, for up to one hundred twenty days,
33 stay action to certify the responsible parent to the department of
34 licensing and any licensing entity for noncompliance with a child
35 support order.

36 (13) The department of licensing and a licensing entity may issue,
37 renew, reinstate, or otherwise extend a license in accordance with the
38 licensing entity's or the department of licensing's rules after the
39 licensing entity or the department of licensing receives a copy of the

1 written release specified in subsection (10) of this section. The
2 department of licensing and a licensing entity may waive any applicable
3 requirement for reissuance, renewal, or other extension if it
4 determines that the imposition of that requirement places an undue
5 burden on the person and that waiver of the requirement is consistent
6 with the public interest.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.20A RCW
8 to read as follows:

9 (1) The department of social and health services, the department of
10 licensing, and the various licensing entities shall enter into such
11 agreements as are necessary to carry out the requirements of the
12 license suspension program established in section 2 of this act, but
13 only to the extent the departments and licensing entities determine it
14 is cost-effective.

15 (2) On or before January 1, 1996, and quarterly thereafter, the
16 department of social and health services shall provide to the
17 department of licensing and all licensing entities subject to section
18 2 of this act a list of all responsible parents who are not in
19 compliance with a child support order, as defined in section 2 of this
20 act. Within thirty days of receipt of the list, the department of
21 licensing and each licensing entity shall compare the list with their
22 licensees, and provide to the department of social and health services
23 the following information regarding any current licensees who are on
24 the department's list of persons in noncompliance with a child support
25 order:

26 (a) Name;

27 (b) Address of record;

28 (c) Federal employer identification number or social security
29 number;

30 (d) Type of license;

31 (e) Effective date of license or renewal;

32 (f) Expiration date of license; and

33 (g) Active or inactive status.

34 **Sec. 4.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each
35 amended to read as follows:

1 Unless a different meaning is plainly required by the context, the
2 following words and phrases as hereinafter used in this chapter and
3 chapter 74.20 RCW shall have the following meanings:

4 (1) "Department" means the state department of social and health
5 services.

6 (2) "Secretary" means the secretary of the department of social and
7 health services, his designee or authorized representative.

8 (3) "Dependent child" means any person:

9 (a) Under the age of eighteen who is not self-supporting, married,
10 or a member of the armed forces of the United States; or

11 (b) Over the age of eighteen for whom a court order for support
12 exists.

13 (4) "Support obligation" means the obligation to provide for the
14 necessary care, support, and maintenance, including medical expenses,
15 of a dependent child or other person as required by statutes and the
16 common law of this or another state.

17 (5) "Child support order" means superior court order or
18 administrative order.

19 (6) "Superior court order" means any judgment, decree, or order of
20 the superior court of the state of Washington, or a court of comparable
21 jurisdiction of another state, establishing the existence of a support
22 obligation and ordering payment of a set or determinable amount of
23 support moneys to satisfy the support obligation. For purposes of RCW
24 74.20A.055, orders for support which were entered under the uniform
25 reciprocal enforcement of support act by a state where the responsible
26 parent no longer resides shall not preclude the department from
27 establishing an amount to be paid as current and future support.

28 ((+6)) (7) "Administrative order" means any determination,
29 finding, decree, or order for support pursuant to RCW 74.20A.055, or by
30 an agency of another state pursuant to a substantially similar
31 administrative process, establishing the existence of a support
32 obligation and ordering the payment of a set or determinable amount of
33 support moneys to satisfy the support obligation.

34 ((+7)) (8) "Responsible parent" means a natural parent, adoptive
35 parent, or stepparent of a dependent child or a person who has signed
36 an affidavit acknowledging paternity which has been filed with the
37 state office of vital statistics.

38 ((+8)) (9) "Stepparent" means the present spouse of the person who
39 is either the mother, father, or adoptive parent of a dependent child,

1 and such status shall exist until terminated as provided for in RCW
2 26.16.205.

3 ~~((9))~~ (10) "Support moneys" means any moneys or in-kind
4 providings paid to satisfy a support obligation whether denominated as
5 child support, spouse support, alimony, maintenance, or any other such
6 moneys intended to satisfy an obligation for support of any person or
7 satisfaction in whole or in part of arrears or delinquency on such an
8 obligation.

9 ~~((10))~~ (11) "Support debt" means any delinquent amount of support
10 moneys which is due, owing, and unpaid under a superior court order or
11 an administrative order, a debt for the payment of expenses for the
12 reasonable or necessary care, support, and maintenance, including
13 medical expenses, of a dependent child or other person for whom a
14 support obligation is owed; or a debt under RCW 74.20A.100 or
15 74.20A.270. Support debt also includes any accrued interest, fees, or
16 penalties charged on a support debt, and attorneys fees and other costs
17 of litigation awarded in an action to establish and enforce a support
18 obligation or debt.

19 ~~((11))~~ (12) "State" means any state or political subdivision,
20 territory, or possession of the United States, the District of
21 Columbia, and the Commonwealth of Puerto Rico.

22 NEW SECTION. Sec. 5. A new section is added to chapter 74.20A RCW
23 to read as follows:

24 In furtherance of the public policy of increasing collection of
25 child support and to assist in evaluation of the program established in
26 section 2 of this act, the department shall report the following to the
27 legislature and the governor on December 1, 1996, and annually
28 thereafter:

29 (1) The number of responsible parents identified as licensees
30 subject to section 2 of this act;

31 (2) The number of responsible parents identified by the department
32 as not in compliance with a child support order;

33 (3) The number of notices of noncompliance served upon responsible
34 parents by the department;

35 (4) The number of responsible parents served a notice of
36 noncompliance who request an adjudicative proceeding;

37 (5) The number of adjudicative proceedings held, and the results of
38 the adjudicative proceedings;

1 (6) The number of responsible parents certified to the department
2 of licensing or licensing entities for noncompliance with a child
3 support order, and the type of license the parents held;

4 (7) The costs incurred in the implementation and enforcement of
5 section 2 of this act and an estimate of the amount of child support
6 collected due to the departments under section 2 of this act;

7 (8) Any other information regarding this program that the
8 department feels will assist in evaluation of the program;

9 (9) Recommendations for the addition of specific licenses in the
10 program or exclusion of specific licenses from the program, and reasons
11 for such recommendations; and

12 (10) Any recommendations for statutory changes necessary for the
13 cost-effective management of the program.

14 **Sec. 6.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to read
15 as follows:

16 The department is authorized to suspend the license of a driver
17 upon a showing by its records or other sufficient evidence that the
18 licensee:

19 (1) Has committed an offense for which mandatory revocation or
20 suspension of license is provided by law;

21 (2) Has, by reckless or unlawful operation of a motor vehicle,
22 caused or contributed to an accident resulting in death or injury to
23 any person or serious property damage;

24 (3) Has been convicted of offenses against traffic regulations
25 governing the movement of vehicles, or found to have committed traffic
26 infractions, with such frequency as to indicate a disrespect for
27 traffic laws or a disregard for the safety of other persons on the
28 highways;

29 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);
30 ((~~or~~))

31 (5) Has failed to respond to a notice of traffic infraction, failed
32 to appear at a requested hearing, violated a written promise to appear
33 in court, or has failed to comply with the terms of a notice of traffic
34 infraction or citation, as provided in RCW 46.20.289; ((~~or~~))

35 (6) Has committed one of the prohibited practices relating to
36 drivers' licenses defined in RCW 46.20.336; or

1 (7) Has been certified by the department of social and health
2 services as a person who is not in compliance with a child support
3 order as provided in section 2 of this act.

4 **Sec. 7.** RCW 46.20.311 and 1994 c 275 s 27 are each amended to read
5 as follows:

6 (1) The department shall not suspend a driver's license or
7 privilege to drive a motor vehicle on the public highways for a fixed
8 period of more than one year, except as specifically permitted under
9 RCW 46.20.342 or other provision of law. Except for a suspension under
10 RCW 46.20.289 and 46.20.291(5), whenever the license or driving
11 privilege of any person is suspended by reason of a conviction, a
12 finding that a traffic infraction has been committed, pursuant to
13 chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall
14 remain in effect until the person gives and thereafter maintains proof
15 of financial responsibility for the future as provided in chapter 46.29
16 RCW. Whenever the license or driving privilege of any person is
17 suspended as a result of certification of noncompliance with a child
18 support order under chapter 74.20A RCW, the suspension shall remain in
19 effect until the person provides a written release issued by the
20 department of social and health services stating that the person is in
21 compliance with the order. The department shall not issue to the
22 person a new, duplicate, or renewal license until the person pays a
23 reissue fee of twenty dollars. If the suspension is the result of a
24 violation of RCW 46.61.502 or 46.61.504, the reissue fee shall be fifty
25 dollars.

26 (2) Any person whose license or privilege to drive a motor vehicle
27 on the public highways has been revoked, unless the revocation was for
28 a cause which has been removed, is not entitled to have the license or
29 privilege renewed or restored until: (a) After the expiration of one
30 year from the date the license or privilege to drive was revoked; (b)
31 after the expiration of the applicable revocation period provided by
32 RCW 46.20.308 or 46.61.5052, 46.61.5053, or 46.20.365; (c) after the
33 expiration of two years for persons convicted of vehicular homicide; or
34 (d) after the expiration of the applicable revocation period provided
35 by RCW 46.20.265. After the expiration of the appropriate period, the
36 person may make application for a new license as provided by law
37 together with a reissue fee in the amount of twenty dollars, but if the
38 revocation is the result of a violation of RCW 46.20.308, 46.61.502, or

1 46.61.504 or is the result of administrative action under RCW
2 46.20.365, the reissue fee shall be fifty dollars. Except for a
3 revocation under RCW 46.20.265, the department shall not then issue a
4 new license unless it is satisfied after investigation of the driving
5 ability of the person that it will be safe to grant the privilege of
6 driving a motor vehicle on the public highways, and until the person
7 gives and thereafter maintains proof of financial responsibility for
8 the future as provided in chapter 46.29 RCW. For a revocation under
9 RCW 46.20.265, the department shall not issue a new license unless it
10 is satisfied after investigation of the driving ability of the person
11 that it will be safe to grant that person the privilege of driving a
12 motor vehicle on the public highways.

13 (3) Whenever the driver's license of any person is suspended
14 pursuant to Article IV of the nonresident violators compact or RCW
15 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
16 to the person any new or renewal license until the person pays a
17 reissue fee of twenty dollars. If the suspension is the result of a
18 violation of the laws of this or any other state, province, or other
19 jurisdiction involving (a) the operation or physical control of a motor
20 vehicle upon the public highways while under the influence of
21 intoxicating liquor or drugs, or (b) the refusal to submit to a
22 chemical test of the driver's blood alcohol content, the reissue fee
23 shall be fifty dollars.

24 NEW SECTION. **Sec. 8.** A new section is added to chapter 48.22 RCW
25 to read as follows:

26 A motor vehicle liability insurance policy that contains any
27 provision excluding insurance coverage for an unlicensed driver shall
28 not apply for ninety days from the date of suspension in the event that
29 the department of licensing suspends a driver's license solely for the
30 nonpayment of child support as provided in chapter 74.20A RCW.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 2.48 RCW
32 to read as follows:

33 ATTORNEYS. Any member of the Washington state bar association who
34 has been certified by the department of social and health services as
35 a person who is not in compliance with a child support order as
36 provided in section 2 of this act shall be immediately suspended from
37 membership. Membership shall not be reinstated until the person

1 provides the Washington state bar association a written release issued
2 by the department of social and health services stating that the person
3 is in compliance with the order. If the person has continued to meet
4 all other requirements for membership during the suspension,
5 reinstatement shall be automatic upon receipt of the notice and payment
6 of any reinstatement fee the association may impose.

7 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.04 RCW
8 to read as follows:

9 ACCOUNTANTS. The board shall immediately suspend the certificate
10 or license of a person who has been certified pursuant to section 2 of
11 this act by the department of social and health services as a person
12 who is not in compliance with a child support order.

13 **Sec. 11.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
14 read as follows:

15 ACCOUNTANTS. (1) Upon application in writing and after hearing
16 pursuant to notice, the board may:

17 ~~((+1))~~ (a) Modify the suspension of, or reissue a certificate or
18 license to, an individual whose certificate has been revoked or
19 suspended; or

20 ~~((+2))~~ (b) Modify the suspension of, or reissue a license to a
21 firm whose license has been revoked, suspended, or which the board has
22 refused to renew.

23 (2) In the case of suspension for failure to comply with a child
24 support order under chapter 74.20A RCW, if the person has continued to
25 meet all other requirements for reinstatement during the suspension,
26 reissuance of a certificate or license shall be automatic upon the
27 board's receipt of a written release issued by the department of social
28 and health services stating that the individual is in compliance with
29 the child support order.

30 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.08 RCW
31 to read as follows:

32 ARCHITECTS. The board shall immediately suspend the certificate of
33 registration or certificate of authorization to practice architecture
34 of a person who has been certified pursuant to section 2 of this act by
35 the department of social and health services as a person who is not in
36 compliance with a child support order. If the person has continued to

1 meet other requirements for reinstatement during the suspension,
2 reissuance of the certificate shall be automatic upon the board's
3 receipt of a written release issued by the department of social and
4 health services stating that the individual is in compliance with the
5 child support order.

6 **Sec. 13.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
7 read as follows:

8 AUCTIONEERS. (1) No license shall be issued by the department to
9 any person who has been convicted of forgery, embezzlement, obtaining
10 money under false pretenses, extortion, criminal conspiracy, fraud,
11 theft, receiving stolen goods, unlawful issuance of checks or drafts,
12 or other similar offense, or to any partnership of which the person is
13 a member, or to any association or corporation of which the person is
14 an officer or in which as a stockholder the person has or exercises a
15 controlling interest either directly or indirectly.

16 (2) The following shall be grounds for denial, suspension, or
17 revocation of a license, or imposition of an administrative fine by the
18 department:

19 (a) Misrepresentation or concealment of material facts in obtaining
20 a license;

21 (b) Underreporting to the department of sales figures so that the
22 auctioneer or auction company surety bond is in a lower amount than
23 required by law;

24 (c) Revocation of a license by another state;

25 (d) Misleading or false advertising;

26 (e) A pattern of substantial misrepresentations related to
27 auctioneering or auction company business;

28 (f) Failure to cooperate with the department in any investigation
29 or disciplinary action;

30 (g) Nonpayment of an administrative fine prior to renewal of a
31 license;

32 (h) Aiding an unlicensed person to practice as an auctioneer or as
33 an auction company; and

34 (i) Any other violations of this chapter.

35 (3) The department shall immediately suspend the license of a
36 person who has been certified pursuant to section 2 of this act by the
37 department of social and health services as a person who is not in
38 compliance with a child support order. If the person has continued to

1 meet all other requirements for reinstatement during the suspension,
2 reissuance of the license shall be automatic upon the department's
3 receipt of a written release issued by the department of social and
4 health services stating that the licensee is in compliance with the
5 child support order.

6 NEW SECTION. Sec. 14. A new section is added to chapter 18.16 RCW
7 to read as follows:

8 COSMETOLOGISTS, BARBERS, AND MANICURISTS. The department shall
9 immediately suspend the license of a person who has been certified
10 pursuant to section 2 of this act by the department of social and
11 health services as a person who is not in compliance with a child
12 support order. If the person has continued to meet all other
13 requirements for reinstatement during the suspension, reissuance of the
14 license shall be automatic upon the department's receipt of a written
15 release issued by the department of social and health services stating
16 that the licensee is in compliance with the child support order.

17 NEW SECTION. Sec. 15. A new section is added to chapter 18.20 RCW
18 to read as follows:

19 BOARDING HOMES. The department shall immediately suspend the
20 license of a person who has been certified pursuant to section 2 of
21 this act by the department of social and health services as a person
22 who is not in compliance with a child support order. If the person has
23 continued to meet all other requirements for reinstatement during the
24 suspension, reissuance of the license shall be automatic upon the
25 department's receipt of a written release issued by the department of
26 social and health services stating that the licensee is in compliance
27 with the child support order.

28 **Sec. 16.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
29 amended to read as follows:

30 CONTRACTORS. (1) A certificate of registration shall be valid for
31 one year and shall be renewed on or before the expiration date. The
32 department shall issue to the applicant a certificate of registration
33 upon compliance with the registration requirements of this chapter.

34 (2) If the department approves an application, it shall issue a
35 certificate of registration to the applicant. The certificate shall be
36 valid for:

1 (a) One year;
2 (b) Until the bond expires; or
3 (c) Until the insurance expires, whichever comes first. The
4 department shall place the expiration date on the certificate.

5 (3) A contractor may supply a short-term bond or insurance policy
6 to bring its registration period to the full one year.

7 (4) If a contractor's surety bond or other security has an
8 unsatisfied judgment against it or is canceled, or if the contractor's
9 insurance policy is canceled, the contractor's registration shall be
10 automatically suspended on the effective date of the impairment or
11 cancellation. The department shall give notice of the suspension to
12 the contractor.

13 (5) The department shall immediately suspend the certificate of
14 registration of a contractor who has been certified by the department
15 of social and health services as a person who is not in compliance with
16 a child support order as provided in section 2 of this act. The
17 certificate of registration shall not be reissued or renewed unless the
18 person provides to the department a written release from the department
19 of social and health services stating that he or she is in compliance
20 with the child support order and the person has continued to meet all
21 other requirements for certification during the suspension.

22 NEW SECTION. Sec. 17. A new section is added to chapter 18.28 RCW
23 to read as follows:

24 DEBT ADJUSTERS. The department shall immediately suspend the
25 license of a person who has been certified pursuant to section 2 of
26 this act by the department of social and health services as a person
27 who is not in compliance with a child support order. If the person has
28 continued to meet all other requirements for reinstatement during the
29 suspension, reissuance of the license shall be automatic upon the
30 department's receipt of a written release issued by the department of
31 social and health services stating that the licensee is in compliance
32 with the child support order.

33 **Sec. 18.** RCW 18.39.181 and 1986 c 259 s 65 are each amended to
34 read as follows:

35 EMBALMERS AND FUNERAL DIRECTORS. The director shall have the
36 following powers and duties:

37 (1) To issue all licenses provided for under this chapter;

- 1 (2) To annually renew licenses under this chapter;
- 2 (3) To collect all fees prescribed and required under this chapter;
- 3 ((and))
- 4 (4) To immediately suspend the license of a person who has been
5 certified pursuant to section 2 of this act by the department of social
6 and health services as a person who is not in compliance with a child
7 support order; and
- 8 (5) To keep general books of record of all official acts,
9 proceedings, and transactions of the department of licensing while
10 acting under this chapter.

11 NEW SECTION. Sec. 19. A new section is added to chapter 18.39 RCW
12 to read as follows:

13 EMBALMERS AND FUNERAL DIRECTORS. In the case of suspension for
14 failure to comply with a child support order under chapter 74.20A RCW,
15 if the person has continued to meet all other requirements for
16 reinstatement during the suspension, reissuance of a license shall be
17 automatic upon the director's receipt of a written release issued by
18 the department of social and health services stating that the
19 individual is in compliance with the child support order.

20 NEW SECTION. Sec. 20. A new section is added to chapter 18.43 RCW
21 to read as follows:

22 ENGINEERS AND LAND SURVEYORS. The board shall immediately suspend
23 the registration of a person who has been certified pursuant to section
24 2 of this act by the department of social and health services as a
25 person who is not in compliance with a child support order. If the
26 person has continued to meet all other requirements for membership
27 during the suspension, reissuance of the registration shall be
28 automatic upon the board's receipt of a written release issued by the
29 department of social and health services stating that the person is in
30 compliance with the child support order.

31 NEW SECTION. Sec. 21. A new section is added to chapter 18.44 RCW
32 to read as follows:

33 ESCROW AGENTS. The department shall immediately suspend the
34 certificate of registration of a person who has been certified pursuant
35 to section 2 of this act by the department of social and health
36 services as a person who is not in compliance with a child support

1 order. If the person has continued to meet all other requirements for
2 certification during the suspension, reissuance of the certificate
3 shall be automatic upon the department's receipt of a written release
4 issued by the department of social and health services stating that the
5 person is in compliance with the child support order.

6 **Sec. 22.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to read
7 as follows:

8 MATERNITY HOMES. The department may deny, suspend, or revoke a
9 license in any case in which it finds that there has been failure or
10 refusal to comply with the requirements established under this chapter
11 or the rules adopted under it.

12 The department shall immediately suspend the license of a person
13 who has been certified pursuant to section 2 of this act by the
14 department of social and health services as a person who is not in
15 compliance with a child support order. If the person has continued to
16 meet all other requirements for reinstatement during the suspension,
17 reissuance of the license shall be automatic upon the department's
18 receipt of a written release issued by the department of social and
19 health services stating that the person is in compliance with the child
20 support order.

21 RCW 43.70.115 governs notice of a license denial, revocation,
22 suspension, or modification and provides the right to an adjudicative
23 proceeding.

24 NEW SECTION. **Sec. 23.** A new section is added to chapter 18.51 RCW
25 to read as follows:

26 NURSING HOME OPERATORS. The department shall immediately suspend
27 the license of a person who has been certified pursuant to section 2 of
28 this act by the department of social and health services, division of
29 child support, as a person who is not in compliance with a child
30 support order. If the person has continued to meet all other
31 requirements for reinstatement during the suspension, reissuance of the
32 license shall be automatic upon the department's receipt of a written
33 release issued by the division of child support stating that the person
34 is in compliance with the child support order.

35 NEW SECTION. **Sec. 24.** A new section is added to chapter 18.76 RCW
36 to read as follows:

1 POISON CENTER MEDICAL DIRECTOR/POISON INFORMATION SPECIALISTS. The
2 department shall immediately suspend the certification of a poison
3 center medical director or a poison information specialist who has been
4 certified pursuant to section 2 of this act by the department of social
5 and health services as a person who is not in compliance with a child
6 support order. If the person has continued to meet all other
7 requirements for certification during the suspension, reissuance of the
8 certification shall be automatic upon the department's receipt of a
9 written release issued by the department of social and health services
10 stating that the person is in compliance with the child support order.

11 NEW SECTION. **Sec. 25.** A new section is added to chapter 18.85 RCW
12 to read as follows:

13 REAL ESTATE BROKERS AND SALESPERSONS. The director shall
14 immediately suspend the license of a broker or salesperson who has been
15 certified pursuant to section 2 of this act by the department of social
16 and health services as a person who is not in compliance with a child
17 support order. If the person has continued to meet all other
18 requirements for reinstatement during the suspension, reissuance of the
19 license shall be automatic upon the director's receipt of a written
20 release issued by the department of social and health services stating
21 that the person is in compliance with the child support order.

22 **Sec. 26.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
23 to read as follows:

24 LANDSCAPE ARCHITECTS. (1) The director may refuse to renew, or may
25 suspend or revoke, a certificate of registration to use the titles
26 landscape architect, landscape architecture, or landscape architectural
27 in this state upon the following grounds:

28 ~~((1))~~ (a) The holder of the certificate of registration is
29 impersonating a practitioner or former practitioner.

30 ~~((2))~~ (b) The holder of the certificate of registration is guilty
31 of fraud, deceit, gross negligence, gross incompetency or gross
32 misconduct in the practice of landscape architecture.

33 ~~((3))~~ (c) The holder of the certificate of registration permits
34 his seal to be affixed to any plans, specifications or drawings that
35 were not prepared by him or under his personal supervision by employees
36 subject to his direction and control.

1 (~~(4)~~) (d) The holder of the certificate has committed fraud in
2 applying for or obtaining a certificate.

3 (2) The director shall immediately suspend the certificate of
4 registration of a landscape architect who has been certified pursuant
5 to section 2 of this act by the department of social and health
6 services as a person who is not in compliance with a child support
7 order. If the person has continued to meet all other requirements for
8 certification during the suspension, reissuance of the certificate of
9 registration shall be automatic upon the director's receipt of a
10 written release issued by the department of social and health services
11 stating that the person is in compliance with the child support order.

12 **Sec. 27.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
13 read as follows:

14 WATER WELL CONSTRUCTION. (1) In cases other than those relating to
15 the failure of a licensee to renew a license, the director may suspend
16 or revoke a license issued pursuant to this chapter for any of the
17 following reasons:

18 (~~(1)~~) (a) For fraud or deception in obtaining the license;

19 (~~(2)~~) (b) For fraud or deception in reporting under RCW
20 18.104.050;

21 (~~(3)~~) (c) For violating the provisions of this chapter, or of any
22 lawful rule or regulation of the department or the department of
23 health.

24 (2) The director shall immediately suspend any license issued under
25 this chapter if the holder of the license has been certified pursuant
26 to section 2 of this act by the department of social and health
27 services as a person who is not in compliance with a child support
28 order. If the person has continued to meet all other requirements for
29 reinstatement during the suspension, reissuance of the license shall be
30 automatic upon the director's receipt of a written release issued by
31 the department of social and health services stating that the person is
32 in compliance with the child support order.

33 (3) No license shall be suspended for more than six months, except
34 that a suspension under section 2 of this act shall continue until the
35 department receives a written release issued by the department of
36 social and health services stating that the person is in compliance
37 with the order.

1 (4) No person whose license is revoked shall be eligible to apply
2 for a license for one year from the effective date of the final order
3 of revocation.

4 NEW SECTION. **Sec. 28.** A new section is added to chapter 18.106
5 RCW to read as follows:

6 PLUMBERS. The department shall immediately suspend any certificate
7 of competency issued under this chapter if the holder of the
8 certificate has been certified pursuant to section 2 of this act by the
9 department of social and health services as a person who is not in
10 compliance with a child support order. If the person has continued to
11 meet all other requirements for certification during the suspension,
12 reissuance of the certificate of competency shall be automatic upon the
13 department's receipt of a written release issued by the department of
14 social and health services stating that the person is in compliance
15 with the child support order.

16 NEW SECTION. **Sec. 29.** A new section is added to chapter 18.130
17 RCW to read as follows:

18 UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS. The disciplining
19 authority shall immediately suspend the license of any person subject
20 to this chapter who has been certified by the department of social and
21 health services as a person who is not in compliance with a child
22 support order as provided in section 2 of this act.

23 **Sec. 30.** RCW 18.130.050 and 1993 c 367 s 21 and 1993 c 367 s 5 are
24 each reenacted and amended to read as follows:

25 UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS. The disciplining
26 authority has the following authority:

27 (1) To adopt, amend, and rescind such rules as are deemed necessary
28 to carry out this chapter;

29 (2) To investigate all complaints or reports of unprofessional
30 conduct as defined in this chapter and to hold hearings as provided in
31 this chapter;

32 (3) To issue subpoenas and administer oaths in connection with any
33 investigation, hearing, or proceeding held under this chapter;

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

1 (5) To compel attendance of witnesses at hearings;

2 (6) In the course of investigating a complaint or report of
3 unprofessional conduct, to conduct practice reviews;

4 (7) To take emergency action ordering summary suspension of a
5 license, or restriction or limitation of the licensee's practice
6 pending proceedings by the disciplining authority;

7 (8) To use the office of administrative hearings as authorized in
8 chapter 34.12 RCW to conduct hearings. However, the disciplining
9 authority shall make the final decision regarding disposition of the
10 license;

11 (9) To use individual members of the boards to direct
12 investigations. However, the member of the board shall not
13 subsequently participate in the hearing of the case;

14 (10) To enter into contracts for professional services determined
15 to be necessary for adequate enforcement of this chapter;

16 (11) To contract with licensees or other persons or organizations
17 to provide services necessary for the monitoring and supervision of
18 licensees who are placed on probation, whose professional activities
19 are restricted, or who are for any authorized purpose subject to
20 monitoring by the disciplining authority;

21 (12) To adopt standards of professional conduct or practice;

22 (13) To grant or deny license applications, and in the event of a
23 finding of unprofessional conduct by an applicant or license holder, to
24 impose any sanction against a license applicant or license holder
25 provided by this chapter;

26 (14) To designate individuals authorized to sign subpoenas and
27 statements of charges;

28 (15) To establish panels consisting of three or more members of the
29 board to perform any duty or authority within the board's jurisdiction
30 under this chapter;

31 (16) To review and audit the records of licensed health facilities'
32 or services' quality assurance committee decisions in which a
33 licensee's practice privilege or employment is terminated or
34 restricted. Each health facility or service shall produce and make
35 accessible to the disciplining authority the appropriate records and
36 otherwise facilitate the review and audit. Information so gained shall
37 not be subject to discovery or introduction into evidence in any civil
38 action pursuant to RCW 70.41.200(3);

1 (17) To immediately suspend licenses of persons who have been
2 certified by the department of social and health services as not in
3 compliance with a child support order as provided in section 2 of this
4 act.

5 **Sec. 31.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
6 read as follows:

7 UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS. A person whose
8 license has been suspended or revoked under this chapter may petition
9 the disciplining authority for reinstatement after an interval as
10 determined by the disciplining authority in the order. The
11 disciplining authority shall hold hearings on the petition and may deny
12 the petition or may order reinstatement and impose terms and conditions
13 as provided in RCW 18.130.160 and issue an order of reinstatement. The
14 disciplining authority may require successful completion of an
15 examination as a condition of reinstatement.

16 A person whose license has been suspended for noncompliance with a
17 child support order under section 2 of this act may petition for
18 reinstatement at any time by providing the disciplining authority a
19 written release issued by the department of social and health services
20 stating that the person is in compliance with the child support order.
21 If the person has continued to meet all other requirements for
22 reinstatement during the suspension, the disciplining authority shall
23 automatically reissue the person's license upon receipt of the release,
24 and payment of a reinstatement fee, if any.

25 NEW SECTION. **Sec. 32.** A new section is added to chapter 18.140
26 RCW to read as follows:

27 CERTIFIED REAL ESTATE APPRAISERS. The department shall immediately
28 suspend any license or certificate issued under this chapter if the
29 holder has been certified pursuant to section 2 of this act by the
30 department of social and health services as a person who is not in
31 compliance with a child support order. If the person has continued to
32 meet all other requirements for reinstatement during the suspension,
33 reissuance of the license or certificate shall be automatic upon the
34 department's receipt of a written release issued by the department of
35 social and health services stating that the person is in compliance
36 with the child support order.

1 NEW SECTION. **Sec. 33.** A new section is added to chapter 18.145
2 RCW to read as follows:

3 **SHORTHAND REPORTERS.** The director shall immediately suspend any
4 certificate issued under this chapter if the holder has been certified
5 pursuant to section 2 of this act by the department of social and
6 health services as a person who is not in compliance with a child
7 support order. If the person has continued to meet all other
8 requirements for certification during the suspension, reissuance of the
9 certificate shall be automatic upon the director's receipt of a written
10 release issued by the department of social and health services stating
11 that the person is in compliance with the child support order.

12 **Sec. 34.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
13 read as follows:

14 **FIRE SPRINKLER SYSTEM CONTRACTORS.** (1) The state director of fire
15 protection may refuse to issue or renew or may suspend or revoke the
16 privilege of a licensed fire protection sprinkler system contractor or
17 the certificate of a certificate of competency holder to engage in the
18 fire protection sprinkler system business or in lieu thereof, establish
19 penalties as prescribed by Washington state law, for any of the
20 following reasons:

21 (a) Gross incompetency or gross negligence in the preparation of
22 technical drawings, installation, repair, alteration, maintenance,
23 inspection, service, or addition to fire protection sprinkler systems;

24 (b) Conviction of a felony;

25 (c) Fraudulent or dishonest practices while engaging in the fire
26 protection sprinkler systems business;

27 (d) Use of false evidence or misrepresentation in an application
28 for a license or certificate of competency;

29 (e) Permitting his or her license to be used in connection with the
30 preparation of any technical drawings which have not been prepared by
31 him or her personally or under his or her immediate supervision, or in
32 violation of this chapter; or

33 (f) Knowingly violating any provisions of this chapter or the
34 regulations issued thereunder.

35 (2) The state director of fire protection shall revoke the license
36 of a licensed fire protection sprinkler system contractor or the
37 certificate of a certificate of competency holder who engages in the

1 fire protection sprinkler system business while the license or
2 certificate of competency is suspended.

3 (3) The state director of fire protection shall immediately suspend
4 any license or certificate issued under this chapter if the holder has
5 been certified pursuant to section 2 of this act by the department of
6 social and health services as a person who is not in compliance with a
7 child support order. If the person has continued to meet all other
8 requirements for reinstatement during the suspension, reissuance of the
9 license or certificate shall be automatic upon the director's receipt
10 of a written release issued by the department of social and health
11 services stating that the person is in compliance with the child
12 support order.

13 (4) Any licensee or certificate of competency holder who is
14 aggrieved by an order of the state director of fire protection
15 suspending or revoking a license may, within thirty days after notice
16 of such suspension or revocation, appeal under chapter 34.05 RCW.

17 NEW SECTION. Sec. 35. A new section is added to chapter 18.165
18 RCW to read as follows:

19 PRIVATE DETECTIVES. The department shall immediately suspend a
20 license issued under this chapter if the holder has been certified
21 pursuant to section 2 of this act by the department of social and
22 health services as a person who is not in compliance with a child
23 support order. If the person has continued to meet all other
24 requirements for reinstatement during the suspension, reissuance of the
25 license shall be automatic upon the department's receipt of a written
26 release issued by the department of social and health services stating
27 that the person is in compliance with the child support order.

28 NEW SECTION. Sec. 36. A new section is added to chapter 18.170
29 RCW to read as follows:

30 SECURITY GUARDS. The director shall immediately suspend any
31 license issued under this chapter if the holder has been certified
32 pursuant to section 2 of this act by the department of social and
33 health services as a person who is not in compliance with a child
34 support order. If the person has continued to meet all other
35 requirements for reinstatement during the suspension, reissuance of the
36 license shall be automatic upon the director's receipt of a written

1 release issued by the department of social and health services stating
2 that the person is in compliance with the child support order.

3 NEW SECTION. **Sec. 37.** A new section is added to chapter 18.175
4 RCW to read as follows:

5 **ATHLETE AGENTS.** The director shall immediately suspend a
6 certificate of registration issued under this chapter if the holder has
7 been certified pursuant to section 2 of this act by the department of
8 social and health services as a person who is not in compliance with a
9 child support order. If the person has continued to meet all other
10 requirements for certification during the suspension, reissuance of the
11 certificate shall be automatic upon the director's receipt of a written
12 release issued by the department of social and health services stating
13 that the person is in compliance with the child support order.

14 NEW SECTION. **Sec. 38.** A new section is added to chapter 18.185
15 RCW to read as follows:

16 **BAIL BOND AGENTS.** The director shall immediately suspend any
17 license issued under this chapter if the holder has been certified
18 pursuant to section 2 of this act by the department of social and
19 health services as a person who is not in compliance with a child
20 support order. If the person has continued to meet all other
21 requirements for reinstatement during the suspension, reissuance of the
22 license shall be automatic upon the director's receipt of a written
23 release issued by the department of social and health services stating
24 that the person is in compliance with the child support order.

25 **Sec. 39.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
26 read as follows:

27 This section governs the denial of an application for a license or
28 the suspension, revocation, or modification of a license by the
29 department.

30 (1) The department shall give written notice of the denial of an
31 application for a license to the applicant or his or her agent. The
32 department shall give written notice of revocation, suspension, or
33 modification of a license to the licensee or his or her agent. The
34 notice shall state the reasons for the action. The notice shall be
35 personally served in the manner of service of a summons in a civil

1 action or shall be given in ((~~an other~~)) another manner that shows
2 proof of receipt.

3 (2) Except as otherwise provided in this subsection and in
4 subsection (4) of this section, revocation, suspension, or modification
5 is effective twenty-eight days after the licensee or the agent receives
6 the notice.

7 (a) The department may make the date the action is effective later
8 than twenty-eight days after receipt. If the department does so, it
9 shall state the effective date in the written notice given the licensee
10 or agent.

11 (b) The department may make the date the action is effective sooner
12 than twenty-eight days after receipt when necessary to protect the
13 public health, safety, or welfare. When the department does so, it
14 shall state the effective date and the reasons supporting the effective
15 date in the written notice given to the licensee or agent.

16 (c) When the department has received certification pursuant to
17 chapter 74.20A RCW from the division of child support that the licensee
18 is a person who is not in compliance with a child support order, the
19 department shall provide that the suspension is effective immediately
20 upon receipt of the suspension notice by the licensee.

21 (3) Except for licensees suspended for noncompliance with a child
22 support order under chapter 74.20A RCW, a license applicant or licensee
23 who is aggrieved by a department denial, revocation, suspension, or
24 modification has the right to an adjudicative proceeding. The
25 proceeding is governed by the Administrative Procedure Act, chapter
26 34.05 RCW. The application must be in writing, state the basis for
27 contesting the adverse action, include a copy of the adverse notice, be
28 served on and received by the department within twenty-eight days of
29 the license applicant's or licensee's receiving the adverse notice, and
30 be served in a manner that shows proof of receipt.

31 (4)(a) If the department gives a licensee twenty-eight or more days
32 notice of revocation, suspension, or modification and the licensee
33 files an appeal before its effective date, the department shall not
34 implement the adverse action until the final order has been entered.
35 The presiding or reviewing officer may permit the department to
36 implement part or all of the adverse action while the proceedings are
37 pending if the appellant causes an unreasonable delay in the
38 proceeding, if the circumstances change so that implementation is in
39 the public interest, or for other good cause.

1 (b) If the department gives a licensee less than twenty-eight days
2 notice of revocation, suspension, or modification and the licensee
3 timely files a sufficient appeal, the department may implement the
4 adverse action on the effective date stated in the notice. The
5 presiding or reviewing officer may order the department to stay
6 implementation of part or all of the adverse action while the
7 proceedings are pending if staying implementation is in the public
8 interest or for other good cause.

9 **Sec. 40.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to read
10 as follows:

11 This section governs the denial of an application for a license or
12 the suspension, revocation, or modification of a license by the
13 department. This section does not govern actions taken under chapter
14 18.130 RCW.

15 (1) The department shall give written notice of the denial of an
16 application for a license to the applicant or his or her agent. The
17 department shall give written notice of revocation, suspension, or
18 modification of a license to the licensee or his or her agent. The
19 notice shall state the reasons for the action. The notice shall be
20 personally served in the manner of service of a summons in a civil
21 action or shall be given in (~~(an other [another])~~) another manner that
22 shows proof of receipt.

23 (2) Except as otherwise provided in this subsection and in
24 subsection (4) of this section, revocation, suspension, or modification
25 is effective twenty-eight days after the licensee or the agent receives
26 the notice.

27 (a) The department may make the date the action is effective later
28 than twenty-eight days after receipt. If the department does so, it
29 shall state the effective date in the written notice given the licensee
30 or agent.

31 (b) The department may make the date the action is effective sooner
32 than twenty-eight days after receipt when necessary to protect the
33 public health, safety, or welfare. When the department does so, it
34 shall state the effective date and the reasons supporting the effective
35 date in the written notice given to the licensee or agent.

36 (c) When the department has received certification pursuant to
37 chapter 74.20A RCW from the department of social and health services
38 that the licensee is a person who is not in compliance with a child

1 support order, the department shall provide that the suspension is
2 effective immediately upon receipt of the suspension notice by the
3 licensee.

4 (3) Except for licensees suspended for noncompliance with a child
5 support order under chapter 74.20A RCW, a license applicant or licensee
6 who is aggrieved by a department denial, revocation, suspension, or
7 modification has the right to an adjudicative proceeding. The
8 proceeding is governed by the Administrative Procedure Act, chapter
9 34.05 RCW. The application must be in writing, state the basis for
10 contesting the adverse action, include a copy of the adverse notice, be
11 served on and received by the department within twenty-eight days of
12 the license applicant's or licensee's receiving the adverse notice, and
13 be served in a manner that shows proof of receipt.

14 (4)(a) If the department gives a licensee twenty-eight or more days
15 notice of revocation, suspension, or modification and the licensee
16 files an appeal before its effective date, the department shall not
17 implement the adverse action until the final order has been entered.
18 The presiding or reviewing officer may permit the department to
19 implement part or all of the adverse action while the proceedings are
20 pending if the appellant causes an unreasonable delay in the
21 proceeding, if the circumstances change so that implementation is in
22 the public interest, or for other good cause.

23 (b) If the department gives a licensee less than twenty-eight days
24 notice of revocation, suspension, or modification and the licensee
25 timely files a sufficient appeal, the department may implement the
26 adverse action on the effective date stated in the notice. The
27 presiding or reviewing officer may order the department to stay
28 implementation of part or all of the adverse action while the
29 proceedings are pending if staying implementation is in the public
30 interest or for other good cause.

31 NEW SECTION. Sec. 41. If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 42.** Section captions as used in this act do not
2 constitute any part of the law.

--- **END** ---