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**SUBSTITUTE HOUSE BILL 2512**

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**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on State Government (originally sponsored by Representatives Upthegrove, Schmidt, Miloscia, Romero, Edwards, Jackley, Kenney, Ogden, Chase, Morris, McDermott and Schual-Berke; by request of Governor Locke)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to the uniform regulation of business and  
2 professions pertaining to programs administered by the department of  
3 licensing; amending RCW 18.08.340, 18.08.380, 18.08.420, 18.08.440,  
4 18.11.085, 18.11.095, 18.11.100, 18.11.160, 18.11.180, 18.11.200,  
5 18.16.030, 18.16.060, 18.16.150, 18.16.175, 18.16.200, 18.39.300,  
6 18.39.350, 18.39.410, 18.39.530, 18.43.035, 18.43.105, 18.43.110,  
7 18.43.130, 18.85.040, 18.85.230, 18.85.261, 18.85.271, 18.96.060,  
8 18.96.120, 18.96.140, 18.140.030, 18.140.160, 18.140.170, 18.165.160,  
9 18.165.170, 18.170.170, 18.170.180, 18.185.110, 18.185.120, 18.185.140,  
10 18.185.170, 18.210.020, 18.210.030, 18.210.060, 18.210.160, 18.220.040,  
11 18.220.050, 18.220.130, 18.220.150, 19.16.120, 19.16.351, 19.31.070,  
12 19.31.130, 19.105.350, 19.105.380, 19.105.440, 19.105.470, 19.138.120,  
13 19.138.130, 19.138.170, 19.138.180, 19.138.200, 19.138.240, 19.158.040,  
14 19.158.050, 42.44.030, 42.44.060, 42.44.160, 42.44.170, 42.44.190,  
15 46.72.100, 46.72A.100, 64.36.040, 64.36.090, 64.36.100, 64.36.195,  
16 64.36.200, 64.36.220, 64.36.230, 67.08.010, 67.08.015, 67.08.017,  
17 67.08.090, 67.08.100, 67.08.110, 67.08.130, 67.08.140, 67.08.180,  
18 67.08.300, 68.05.105, 68.05.170, 68.05.235, 68.05.259, 68.05.300,  
19 68.05.310, 68.05.320, 68.05.330, 68.05.340, 68.05.350, 79A.60.480, and  
20 79A.60.490; reenacting and amending RCW 18.145.050; adding a new  
21 section to chapter 18.08 RCW; adding a new section to chapter 18.11

1 RCW; adding a new section to chapter 18.16 RCW; adding a new section to  
2 chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a  
3 new section to chapter 18.85 RCW; adding a new section to chapter 18.96  
4 RCW; adding new sections to chapter 18.140 RCW; adding a new section to  
5 chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding  
6 a new section to chapter 18.170 RCW; adding a new section to chapter  
7 18.185 RCW; adding a new section to chapter 18.210 RCW; adding a new  
8 section to chapter 18.220 RCW; adding a new section to chapter 19.16  
9 RCW; adding a new section to chapter 19.31 RCW; adding a new section to  
10 chapter 19.105 RCW; adding a new section to chapter 19.138 RCW; adding  
11 a new section to chapter 19.158 RCW; adding a new section to chapter  
12 42.44 RCW; adding a new section to chapter 46.72 RCW; adding a new  
13 section to chapter 46.72A RCW; adding a new section to chapter 64.36  
14 RCW; adding a new section to chapter 67.08 RCW; adding a new section to  
15 chapter 68.05 RCW; adding a new section to chapter 79A.60 RCW; adding  
16 a new chapter to Title 18 RCW; creating a new section; repealing RCW  
17 18.08.450, 18.39.400, 18.39.430, 18.39.440, 18.39.460, 18.39.470,  
18 18.39.480, 18.39.490, 18.39.500, 18.39.510, 18.39.520, 18.39.540,  
19 18.39.550, 18.43.140, 18.85.251, 18.85.360, 18.96.130, 18.140.180,  
20 18.165.190, 18.165.200, 18.165.240, 18.165.250, 18.165.260, 18.170.190,  
21 18.170.200, 18.170.240, 18.170.250, 18.170.260, 18.170.270, 18.185.150,  
22 18.185.160, 18.185.180, 18.185.190, 19.16.360, 19.16.380, 19.16.400,  
23 19.105.460, 19.138.190, 19.138.210, 19.138.220, 19.138.230, 19.138.300,  
24 19.158.060, 64.36.180, 64.36.190, 64.36.280, 64.36.300, 67.08.120,  
25 67.08.210, 67.08.230, 67.08.250, and 67.08.260; prescribing penalties;  
26 and providing effective dates.

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

28 **PART 1**

29 NEW SECTION. **Sec. 101.** It is the intent of the legislature to  
30 consolidate disciplinary procedures for the licensed businesses and  
31 professions under the business and professions division of the  
32 department of licensing by providing a uniform disciplinary act for  
33 businesses and professions with standardized procedures for the  
34 regulation of businesses and professions and the enforcement of laws,  
35 the purpose of which is to assure the public of the adequacy of  
36 business and professional competence and conduct.

1 It is also the intent of the legislature that all businesses and  
2 professions newly credentialed by the state and regulated by the  
3 business and professions division of the department of licensing come  
4 under this chapter.

5 NEW SECTION. **Sec. 102.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Board" means those boards specified in section 103(2)(b) of  
8 this act.

9 (2) "Department" means the department of licensing.

10 (3) "Director" means the director of the department or director's  
11 designee.

12 (4) "Disciplinary action" means sanctions identified in section 112  
13 of this act.

14 (5) "Disciplinary authority" means the director, board, or  
15 commission having the authority to take disciplinary action against a  
16 holder of, or applicant for, a professional or business license upon a  
17 finding of a violation of this chapter or a chapter specified under  
18 section 103 of this act.

19 (6) "License," "licensing," and "licensure" are deemed equivalent  
20 to the terms "license," "licensing," "licensure," "certificate,"  
21 "certification," and "registration" as those terms are defined in RCW  
22 18.118.020. Each of these terms, and the term "appointment" under  
23 chapter 42.44 RCW, are interchangeable under the provisions of this  
24 chapter.

25 (7) "Unlicensed practice" means:

26 (a) Practicing a profession or operating a business identified in  
27 section 103 of this act without holding a valid, unexpired, unrevoked,  
28 and unsuspended license to do so; or

29 (b) Representing to a consumer, through offerings, advertisements,  
30 or use of a professional title or designation, that the individual or  
31 business is qualified to practice a profession or operate a business  
32 identified in section 103 of this act without holding a valid,  
33 unexpired, unrevoked, and unsuspended license to do so.

34 NEW SECTION. **Sec. 103.** (1) This chapter applies only to the  
35 director and the boards and commissions having jurisdiction in relation  
36 to the businesses and professions licensed under the chapters specified

1 in this section. This chapter does not apply to any business or  
2 profession not licensed under the chapters specified in this section.

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

5 (i) Auctioneers under chapter 18.11 RCW;

6 (ii) Bail bond agents under chapter 18.185 RCW;

7 (iii) Camping resorts' operators and salespersons under chapter  
8 19.105 RCW;

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

10 (v) Cosmetologists, barbers, manicurists, and estheticians under  
11 chapter 18.16 RCW;

12 (vi) Court reporters under chapter 18.145 RCW;

13 (vii) Employment agencies under chapter 19.31 RCW;

14 (viii) For hire vehicle operators under chapter 46.72 RCW;

15 (ix) Limousines under chapter 46.72A RCW;

16 (x) Notaries public under chapter 42.44 RCW;

17 (xi) Private investigators under chapter 18.165 RCW;

18 (xii) Professional boxing, martial arts, and wrestling under  
19 chapter 67.08 RCW;

20 (xiii) Real estate appraisers under chapter 18.140 RCW;

21 (xiv) Real estate brokers and salespersons under chapters 18.85 and  
22 18.86 RCW;

23 (xv) Security guards under chapter 18.170 RCW;

24 (xvi) Sellers of travel under chapter 19.138 RCW;

25 (xvii) Timeshares and timeshare salespersons under chapter 64.36  
26 RCW; and

27 (xviii) Whitewater river outfitters under chapter 79A.60 RCW.

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

30 (i) The state board of registration for architects established in  
31 chapter 18.08 RCW;

32 (ii) The cemetery board established in chapter 68.05 RCW;

33 (iii) The Washington state collection agency board established in  
34 chapter 19.16 RCW;

35 (iv) The state board of registration for professional engineers and  
36 land surveyors established in chapter 18.43 RCW governing licenses  
37 issued under chapters 18.43 and 18.210 RCW;

38 (v) The state board of funeral directors and embalmers established  
39 in chapter 18.39 RCW;

1 (vi) The state board of registration for landscape architects  
2 established in chapter 18.96 RCW; and

3 (vii) The state geologist licensing board established in chapter  
4 18.220 RCW.

5 (3) In addition to the authority to discipline license holders, the  
6 disciplinary authority may grant or deny licenses based on the  
7 conditions and criteria established in this chapter and the chapters  
8 specified in subsection (2) of this section. This chapter also governs  
9 any investigation, hearing, or proceeding relating to denial of  
10 licensure or issuance of a license conditioned on the applicant's  
11 compliance with an order entered under section 112 of this act by the  
12 disciplinary authority.

13 NEW SECTION. **Sec. 104.** The disciplinary authority has the power  
14 to:

15 (1) Adopt, amend, and rescind rules as necessary to carry out the  
16 purposes of this chapter, including, but not limited to, rules  
17 regarding standards of professional conduct and practice;

18 (2) Investigate complaints or reports of unprofessional conduct and  
19 hold hearings as provided in this chapter;

20 (3) Issue subpoenas and administer oaths in connection with any  
21 investigation, hearing, or proceeding held under this chapter;

22 (4) Take or cause depositions to be taken and use other discovery  
23 procedures as needed in an investigation, hearing, or proceeding held  
24 under this chapter;

25 (5) Compel attendance of witnesses at hearings;

26 (6) Conduct practice reviews in the course of investigating a  
27 complaint or report of unprofessional conduct, unless the disciplinary  
28 authority is authorized to audit or inspect applicants or licensees  
29 under the chapters specified in section 103 of this act;

30 (7) Take emergency action ordering summary suspension of a license,  
31 or restriction or limitation of the licensee's practice or business  
32 pending proceedings by the disciplinary authority;

33 (8) Appoint a presiding officer or authorize the office of  
34 administrative hearings, as provided in chapter 34.12 RCW, to conduct  
35 hearings. The disciplinary authority may make the final decision  
36 regarding disposition of the license unless the disciplinary authority  
37 elects to delegate, in writing, the final decision to the presiding  
38 officer;

1 (9) Use individual members of the boards and commissions to direct  
2 investigations. However, the member of the board or commission may not  
3 subsequently participate in the hearing of the case;

4 (10) Enter into contracts for professional services determined to  
5 be necessary for adequate enforcement of this chapter;

6 (11) Grant or deny license applications, secure the return of a  
7 license obtained through the mistake or inadvertence of the department  
8 or the disciplinary authority after providing the person so licensed  
9 with an opportunity for an adjudicative proceeding, and, in the event  
10 of a finding of unprofessional conduct by an applicant or license  
11 holder, impose any sanction against a license applicant or license  
12 holder provided by this chapter;

13 (12) Designate individuals authorized to sign subpoenas and  
14 statements of charges;

15 (13) Establish panels consisting of three or more members of the  
16 board or commission to perform any duty or authority within the board's  
17 or commission's jurisdiction under this chapter; and

18 (14) Contract with licensees, registrants, endorsement or permit  
19 holders, or any other persons or organizations to provide services  
20 necessary for the monitoring or supervision of licensees, registrants,  
21 or endorsement or permit holders who are placed on probation, whose  
22 professional or business activities are restricted, or who are for an  
23 authorized purpose subject to monitoring by the disciplinary authority.  
24 If the subject licensee, registrant, or endorsement or permit holders  
25 may only practice or operate a business under the supervision of  
26 another licensee, registrant, or endorsement or permit holder under the  
27 terms of the law regulating that occupation or business, the  
28 supervising licensee, registrant, or endorsement or permit holder must  
29 consent to the monitoring or supervision under this subsection, unless  
30 the supervising licensee, registrant, or endorsement or permit holder  
31 is, at the time, the subject of a disciplinary order.

32 NEW SECTION. **Sec. 105.** In addition to the authority specified in  
33 section 104 of this act, the director has the following additional  
34 authority:

35 (1) To employ investigative, administrative, and clerical staff as  
36 necessary for the enforcement of this chapter, except as provided  
37 otherwise by statute;

1 (2) Upon request of a board or commission, to appoint not more than  
2 three pro tem members as provided in this subsection. Individuals  
3 appointed as pro tem members of a board or commission must meet the  
4 same minimum qualifications as regular members of the board or  
5 commission. While serving as a pro tem board or commission member, a  
6 person so appointed has all the powers, duties, and immunities, and is  
7 entitled to the entitlements, including travel expenses in accordance  
8 with RCW 43.03.050 and 43.03.060, of a regular member of the board or  
9 commission; and

10 (3) To establish fees to be paid for witnesses, expert witnesses,  
11 and consultants used in any investigation or adjudicative proceedings  
12 as authorized by RCW 34.05.446.

13 NEW SECTION. **Sec. 106.** (1) If the disciplinary authority  
14 determines, upon investigation, that there is reason to believe a  
15 violation of section 114 of this act has occurred, a statement of  
16 charge or charges may be prepared and served upon the license holder or  
17 applicant. The statement of charge or charges must be accompanied by  
18 a notice that the license holder or applicant may request a hearing to  
19 contest the charge or charges. The license holder or applicant must  
20 file a request for a hearing with the disciplinary authority within  
21 twenty days after being served the statement of charges. The failure  
22 to request a hearing constitutes a default, whereupon the disciplinary  
23 authority may enter a decision on the facts available to it.

24 (2) If a hearing is requested, the time of the hearing must be  
25 fixed by the disciplinary authority as soon as convenient, but the  
26 hearing may not be held earlier than thirty days after service of  
27 charges upon the license holder or applicant, unless the disciplinary  
28 authority has issued a summary suspension or summary restriction, for  
29 which a hearing may be held sooner than thirty days after service of  
30 charges.

31 NEW SECTION. **Sec. 107.** The procedures governing adjudicative  
32 proceedings before agencies under chapter 34.05 RCW, the administrative  
33 procedure act, govern all hearings before the disciplinary authority.  
34 The disciplinary authority has, in addition to the powers and duties  
35 set forth in this chapter, all of the powers and duties under chapter  
36 34.05 RCW, which include, without limitation, all powers relating to

1 the administration of oaths, the receipt of evidence, the issuance and  
2 enforcing of subpoenas, and the taking of depositions.

3 NEW SECTION. **Sec. 108.** The department shall not issue a license  
4 to any person whose license has been previously denied, revoked, or  
5 suspended by the disciplinary authority for that profession or  
6 business, except in conformity with the terms and conditions of the  
7 certificate or order of denial, revocation, or suspension, or in  
8 conformity with any order of reinstatement issued by the disciplinary  
9 authority, or in accordance with the final judgment in any proceeding  
10 for review instituted under this chapter.

11 NEW SECTION. **Sec. 109.** An order pursuant to proceedings  
12 authorized by this chapter, after due notice and findings in accordance  
13 with this chapter and chapter 34.05 RCW, or an order of summary  
14 suspension entered under this chapter, takes effect immediately upon  
15 its being served. The order, if appealed to the court, may not be  
16 stayed pending the appeal unless the disciplinary authority or court to  
17 which the appeal is taken enters an order staying the order of the  
18 disciplinary authority, which stay shall provide for terms necessary to  
19 protect the public.

20 NEW SECTION. **Sec. 110.** An individual who has been disciplined or  
21 whose license has been denied by a disciplinary authority may appeal  
22 the decision as provided in chapter 34.05 RCW.

23 NEW SECTION. **Sec. 111.** A person whose license has been suspended  
24 or revoked under this chapter may petition the disciplinary authority  
25 for reinstatement after an interval of time and upon conditions  
26 determined by the disciplinary authority in the order. The  
27 disciplinary authority shall act on the petition in accordance with the  
28 adjudicative proceedings provided under chapter 34.05 RCW and may  
29 impose such conditions as authorized by section 112 of this act. The  
30 disciplinary authority may require successful completion of an  
31 examination as condition of reinstatement.

32 NEW SECTION. **Sec. 112.** (1) Upon finding unprofessional conduct,  
33 the disciplinary authority may issue an order providing for one or any  
34 combination of the following:

1 (a) Revocation of the license;

2 (b) Suspension of the license for a fixed or indefinite term;

3 (c) Restriction or limitation of the practice;

4 (d) Satisfactory completion of a specific program of remedial  
5 education or treatment;

6 (e) Monitoring of the practice in a manner directed by the  
7 disciplinary authority;

8 (f) Censure or reprimand;

9 (g) Compliance with conditions of probation for a designated period  
10 of time;

11 (h) Payment of a fine for each violation found by the disciplinary  
12 authority, not to exceed five thousand dollars per violation. The  
13 disciplinary authority must consider aggravating or mitigating  
14 circumstances in assessing any fine. Funds received must be deposited  
15 in the related program account;

16 (i) Denial of an initial or renewal license application; or  
17 (j) Other corrective action.

18 (2) The disciplinary authority may require reimbursement to the  
19 disciplinary authority for the investigative costs incurred in  
20 investigating the matter that resulted in issuance of an order under  
21 this section, but only if any of the sanctions in subsection (1)(a)  
22 through (j) of this section is ordered.

23 (3) Any of the actions under this section may be totally or partly  
24 stayed by the disciplinary authority. In determining what action is  
25 appropriate, the disciplinary authority must first consider what  
26 sanctions are necessary to protect the public health, safety, or  
27 welfare. Only after these provisions have been made may the  
28 disciplinary authority consider and include in the order requirements  
29 designed to rehabilitate the license holder or applicant. All costs  
30 associated with compliance with orders issued under this section are  
31 the obligation of the license holder or applicant.

32 (4) The licensee or applicant may enter into a stipulated  
33 disposition of charges that includes one or more of the sanctions of  
34 this section, but only after a statement of charges has been issued and  
35 the licensee has been afforded the opportunity for a hearing and has  
36 elected on the record to forego such a hearing. The stipulation shall  
37 either contain one or more specific findings of unprofessional conduct  
38 or a statement by the licensee acknowledging that evidence is  
39 sufficient to justify one or more specified findings of unprofessional

1 conduct. The stipulations entered into under this subsection are  
2 considered formal disciplinary action for all purposes.

3 NEW SECTION. **Sec. 113.** Where payment of a fine is required as a  
4 result of a disciplinary action under section 107 or 116 of this act  
5 and timely payment is not made as directed in the final order, the  
6 disciplinary authority may enforce the order for payment in the  
7 superior court in the county in which the hearing was held. This right  
8 of enforcement is in addition to any other rights the disciplinary  
9 authority may have as to any licensee ordered to pay a fine but may not  
10 be construed to limit a licensee's ability to seek judicial review  
11 under section 110 of this act. In any action for enforcement of an  
12 order of payment of a fine, the disciplinary authority's order is  
13 conclusive proof of the validity of the order of a fine and the terms  
14 of payment.

15 NEW SECTION. **Sec. 114.** The following conduct, acts, or conditions  
16 constitute unprofessional conduct for any license holder or applicant  
17 under the jurisdiction of this chapter:

18 (1) The commission of any act involving moral turpitude,  
19 dishonesty, or corruption relating to the practice of the person's  
20 profession or operation of the person's business, whether the act  
21 constitutes a crime or not. Upon a conviction, however, the judgment  
22 and sentence is conclusive evidence at the ensuing disciplinary hearing  
23 of the guilt of the license holder or applicant of the crime described  
24 in the indictment or information, and of the person's violation of the  
25 statute on which it is based. For the purposes of this section,  
26 conviction includes all instances in which a plea of guilty or nolo  
27 contendere is the basis for the conviction and all proceedings in which  
28 the sentence has been deferred or suspended. Except as specifically  
29 provided by law, nothing in this section abrogates the provisions of  
30 chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person  
31 who is required to register as a sex offender under RCW 9A.44.130;

32 (2) Misrepresentation or concealment of a material fact in  
33 obtaining a license or in reinstatement thereof;

34 (3) Advertising that is false, deceptive, or misleading;

35 (4) Incompetence, negligence, or malpractice that results in harm  
36 or damage to a consumer or that creates an unreasonable risk that a  
37 consumer may be harmed or damaged;

1 (5) The suspension, revocation, or restriction of a license to  
2 engage in any business or profession by competent authority in any  
3 state, federal, or foreign jurisdiction. A certified copy of the  
4 order, stipulation, or agreement is conclusive evidence of the  
5 revocation, suspension, or restriction;

6 (6) Failure to cooperate with the disciplinary authority in the  
7 course of an investigation, audit, or inspection authorized by law by:

8 (a) Not furnishing any papers or documents requested by the  
9 disciplinary authority;

10 (b) Not furnishing in writing an explanation covering the matter  
11 contained in a complaint when requested by the disciplinary authority;

12 (c) Not responding to a subpoena issued by the disciplinary  
13 authority, whether or not the recipient of the subpoena is the accused  
14 in the proceeding; or

15 (d) Not providing authorized access, during regular business hours,  
16 to representatives of the disciplinary authority conducting an  
17 investigation, inspection, or audit at facilities utilized by the  
18 license holder or applicant;

19 (7) Failure to comply with an order issued by the disciplinary  
20 authority;

21 (8) Violating any lawful rule made by the disciplinary authority;

22 (9) Aiding or abetting an unlicensed person to practice or operate  
23 a business or profession when a license is required;

24 (10) Practice or operation of a business or profession beyond the  
25 scope of practice or operation as defined by law or rule;

26 (11) Misrepresentation in any aspect of the conduct of the business  
27 or profession;

28 (12) Failure to adequately supervise or oversee auxiliary staff,  
29 whether employees or contractors, to the extent that consumers may be  
30 harmed or damaged;

31 (13) Conviction of any gross misdemeanor or felony relating to the  
32 practice of the person's profession or operation of the person's  
33 business. For the purposes of this subsection, conviction includes all  
34 instances in which a plea of guilty or nolo contendere is the basis for  
35 conviction and all proceedings in which the sentence has been deferred  
36 or suspended. Except as specifically provided by law, nothing in this  
37 section abrogates the provisions of chapter 9.96A RCW. However, RCW  
38 9.96A.020 does not apply to a person who is required to register as a  
39 sex offender under RCW 9A.44.130; and

1 (14) Interference with an investigation or disciplinary action by  
2 willful misrepresentation of facts before the disciplinary authority or  
3 its authorized representatives, or by the use of threats or harassment  
4 against any consumer or witness to discourage them from providing  
5 evidence in a disciplinary action or any other legal action, or by the  
6 use of financial inducements to any consumer or witness to prevent or  
7 attempt to prevent him or her from providing evidence in a disciplinary  
8 action.

9 NEW SECTION. **Sec. 115.** If a person or business regulated by this  
10 chapter violates or fails to comply with a final order issued under  
11 section 114 of this act, the attorney general, any prosecuting  
12 attorney, the director, the board or commission, or any other person  
13 may maintain an action in the name of the state of Washington to enjoin  
14 the person from violating the order or failing to comply with the  
15 order. The injunction does not relieve the offender from criminal  
16 prosecution, but the remedy by injunction is in addition to the  
17 liability of the offender to criminal prosecution and disciplinary  
18 action.

19 NEW SECTION. **Sec. 116.** (1) The disciplinary authority may  
20 investigate complaints concerning practice by unlicensed persons of a  
21 profession or business for which a license is required by the chapters  
22 specified in section 103 of this act. In the investigation of the  
23 complaints, the director has the same authority as provided the  
24 disciplinary authority under section 104 of this act.

25 (2) The disciplinary authority may issue a notice of intent to  
26 issue a cease and desist order to any person whom the disciplinary  
27 authority has reason to believe is engaged in the unlicensed practice  
28 of a profession or operation of a business for which a license is  
29 required by the chapters specified in section 103 of this act. The  
30 person to whom such a notice is issued may request an adjudicative  
31 proceeding to contest the allegations. The notice shall include a  
32 brief, plain statement of the alleged unlicensed activities. The  
33 request for hearing must be filed within twenty days after service of  
34 the notice of intent to issue a cease and desist order. The failure to  
35 request a hearing constitutes a default, whereupon the director may  
36 enter a permanent cease and desist order, which may include a civil

1 fine. All proceedings shall be conducted in accordance with chapter  
2 34.05 RCW.

3 (3) If the disciplinary authority makes a final determination that  
4 a person has engaged or is engaging in unlicensed practice, the  
5 director may issue a permanent cease and desist order. In addition,  
6 the disciplinary authority may impose a civil fine in an amount not  
7 exceeding one thousand dollars for each day upon which the person  
8 engaged in the unlicensed practice of a profession or operation of a  
9 business for which a license is required by one or more of the chapters  
10 specified in section 103 of this act. The proceeds of such a fine  
11 shall be deposited in the related program account.

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

22 (5) The cease and desist order is conclusive proof of unlicensed  
23 practice and may be enforced under RCW 7.21.060. This method of  
24 enforcement of the cease and desist order or civil fine may be used in  
25 addition to, or as an alternative to, any provisions for enforcement of  
26 agency orders set out in chapter 34.05 RCW.

27 (6) The attorney general, a county prosecuting attorney, the  
28 director, a board or commission, or any person may, in accordance with  
29 the laws of this state governing injunctions, maintain an action in the  
30 name of the state of Washington to enjoin any person practicing a  
31 profession or business without a license for which a license is  
32 required by the chapters specified in section 103 of this act. All  
33 fees, fines, forfeitures, and penalties collected or assessed by a  
34 court because of a violation of this section shall be deposited in the  
35 related program account.

36 (7) The civil remedies in this section do not limit the ability to  
37 pursue criminal prosecution as authorized in any of the acts specified  
38 in section 103 of this act nor do the civil remedies limit any criminal  
39 sanctions.

1        NEW SECTION.    **Sec. 117.**    A person or business that violates an  
2 injunction issued under this chapter may be found in contempt of court  
3 under RCW 7.21.010.    Upon a finding by a court of competent  
4 jurisdiction that the person or business is in contempt, the court may  
5 order any remedial sanction as authorized by RCW 7.21.030.    Further,  
6 the court may, in addition to the remedial sanctions available under  
7 RCW 7.21.030, order the person or business to pay a civil penalty to  
8 the state in an amount not to exceed twenty-five thousand dollars,  
9 which shall be deposited in the related program account.    For the  
10 purposes of this section, the superior court issuing any injunction  
11 retains jurisdiction and the cause shall be continued, and in such  
12 cases the attorney general acting in the name of the state may petition  
13 for the recovery of civil penalties.

14        NEW SECTION.    **Sec. 118.**    A person who attempts to obtain, obtains,  
15 or attempts to maintain a license by willful misrepresentation or  
16 fraudulent representation is guilty of a gross misdemeanor.

17        NEW SECTION.    **Sec. 119.**    If the disciplinary authority has reason  
18 to believe that a license holder has committed a crime, or violated the  
19 laws of another regulatory body, the disciplinary authority may notify  
20 the attorney general or the county prosecuting attorney in the county  
21 in which the act took place, or other responsible official of the facts  
22 known to the disciplinary authority.

23        NEW SECTION.    **Sec. 120.**    The director, members of the boards or  
24 commissions, or individuals acting on their behalf are immune from suit  
25 in any action, civil or criminal, based on any disciplinary actions or  
26 other official acts performed in the course of their duties.

27        NEW SECTION.    **Sec. 121.**    This chapter does not affect the use of  
28 records, obtained from the director or the disciplinary authorities, in  
29 any existing investigation or action by any public agency.    Nor does  
30 this chapter limit any existing exchange of information between the  
31 director or the disciplinary authorities and other public agencies.

32        NEW SECTION.    **Sec. 122.**    (1) This chapter applies to any conduct,  
33 acts, or conditions occurring on or after the effective date of this  
34 section.

1 (2) This chapter does not apply to or govern the construction of  
2 and disciplinary action for any conduct, acts, or conditions occurring  
3 prior to the effective date of this section. The conduct, acts, or  
4 conditions must be construed and disciplinary action taken according to  
5 the provisions of law existing at the time of the occurrence in the  
6 same manner as if this chapter had not been enacted.

7 NEW SECTION. **Sec. 123.** This chapter may be known and cited as the  
8 uniform regulation of business and professions act.

9 NEW SECTION. **Sec. 124.** Sections 101 through 123 of this act take  
10 effect January 1, 2003.

11 NEW SECTION. **Sec. 125.** Sections 101 through 124 of this act  
12 constitute a new chapter in Title 18 RCW.

13 **PART 2**

14 **Sec. 201.** RCW 18.08.340 and 1985 c 37 s 5 are each amended to read  
15 as follows:

16 (1) The board may adopt such rules under chapter 34.05 RCW as are  
17 necessary for the proper performance of its duties under this chapter.

18 (2) The director shall employ an executive secretary subject to  
19 approval by the board. (~~The director shall provide such secretarial~~  
20 ~~and administrative support as may be required to carry out the purposes~~  
21 ~~of this chapter.~~

22 (~~3) The board or the director may conduct investigations concerning~~  
23 ~~alleged violations of this chapter. In making such investigations and~~  
24 ~~in all proceedings of the board under this chapter, the chairman or any~~  
25 ~~member of the board acting in place of the chairman may administer~~  
26 ~~oaths or affirmations to witnesses appearing before the board, subpoena~~  
27 ~~witnesses and compel their attendance, and require the production of~~  
28 ~~books, records, papers, and documents. If any person refuses to obey~~  
29 ~~a subpoena so issued, or refuses to testify or produce any books,~~  
30 ~~records, papers, or documents so required to be produced, the board may~~  
31 ~~present its petition in the superior court of Thurston county or the~~  
32 ~~county in which the person resides, setting forth the facts, and~~  
33 ~~thereupon the court shall, in a proper case, enter a suitable order~~

1 ~~compelling compliance with this chapter and imposing such other terms~~  
2 ~~and conditions as the court finds equitable.))~~

3 **Sec. 202.** RCW 18.08.380 and 1985 c 37 s 9 are each amended to read  
4 as follows:

5 ~~((1) The director may reinstate a certificate of registration to~~  
6 ~~any person or a certificate of authorization to any corporation or~~  
7 ~~joint stock association whose certificate has been revoked, if a~~  
8 ~~majority of the board vote in favor of such reissuance, if the board~~  
9 ~~finds that the circumstances or conditions that brought about the~~  
10 ~~revocation are not likely to recur and that the person, corporation, or~~  
11 ~~joint stockholders' association is then sufficiently trustworthy and~~  
12 ~~reliable at the time reinstatement is sought, and that the best~~  
13 ~~interests of the public will be served by reinstatement of the~~  
14 ~~registration.~~

15 ~~(2))~~ A new certificate of registration or certificate of  
16 authorization to replace any certificate lost, destroyed, or mutilated  
17 may be issued by the director. A charge, determined as provided in RCW  
18 43.24.086, shall be made for such issuance.

19 **Sec. 203.** RCW 18.08.420 and 1991 c 72 s 2 are each amended to read  
20 as follows:

21 (1) An architect or architects may organize a corporation formed  
22 either as a business corporation under the provisions of Title 23B RCW  
23 or as a professional corporation under the provisions of chapter 18.100  
24 RCW. For an architect or architects to practice architecture through  
25 a corporation or joint stock association organized by any person under  
26 Title 23B RCW, the corporation or joint stock association shall file  
27 with the board:

28 (a) The application for certificate of authorization upon a form to  
29 be prescribed by the board and containing information required to  
30 enable the board to determine whether the corporation is qualified  
31 under this chapter to practice architecture in this state;

32 (b) Its notices of incorporation and bylaws and a certified copy of  
33 a resolution of the board of directors of the corporation that  
34 designates individuals registered under this chapter as responsible for  
35 the practice of architecture by the corporation in this state and that  
36 provides that full authority to make all final architectural decisions  
37 on behalf of the corporation with respect to work performed by the

1 corporation in this state shall be granted and delegated by the board  
2 of directors to the individuals designated in the resolution. The  
3 filing of the resolution shall not relieve the corporation of any  
4 responsibility or liability imposed upon it by law or by contract; and

5 (c) A designation in writing setting forth the name or names of the  
6 person or persons registered under this chapter who are responsible for  
7 the architecture of the firm. If there is a change in the person or  
8 persons responsible for the architecture of the firm, the changes shall  
9 be designated in writing and filed with the board within thirty days  
10 after the effective date of the changes.

11 (2) Upon the filing with the board of the application for  
12 certificate of authorization, the certified copy of the resolution, and  
13 the information specified in subsection (1) of this section, the board  
14 shall authorize the director to issue to the corporation a certificate  
15 of authorization to practice architecture in this state upon a  
16 determination by the board that:

17 (a) The bylaws of the corporation contain provisions that all  
18 architectural decisions pertaining to any project or architectural  
19 activities in this state shall be made by the specified architects  
20 responsible for the project or architectural activities, or other  
21 responsible architects under the direction or supervision of the  
22 architects responsible for the project or architectural activities;

23 (b) The applicant corporation has the ability to provide, through  
24 qualified personnel, professional services or creative work requiring  
25 architectural experience, and with respect to the architectural  
26 services that the corporation undertakes or offers to undertake, the  
27 personnel have the ability to apply special knowledge to the  
28 professional services or creative work such as consultation,  
29 investigation, evaluation, planning, design, and administration of the  
30 construction contract in connection with any public or private  
31 structures, buildings, equipment, processes, works, or projects;

32 (c) The application for certificate of authorization contains the  
33 professional records of the designated person or persons who are  
34 responsible;

35 (d) The application for certificate of authorization states the  
36 experience of the corporation, if any, in furnishing architectural  
37 services during the preceding five-year period;

38 (e) The applicant corporation meets such other requirements related  
39 to professional competence in the furnishing of architectural services

1 as may be established and promulgated by the board in furtherance of  
2 the purposes of this chapter; and

3 (f) The applicant corporation is possessed of the ability and  
4 competence to furnish architectural services in the public interest.

5 (3) Upon recommendation of the board to impose action as authorized  
6 in section 112 of this act, the director (~~((shall refuse to issue or))~~)  
7 may (~~((suspend or revoke))~~) impose the recommended action upon a  
8 certificate of authorization to a corporation if the board finds that  
9 any of the officers, directors, incorporators, or the stockholders  
10 holding a majority of stock of the corporation have committed an act  
11 prohibited under RCW 18.08.440 or section 114 of this act or have been  
12 found personally responsible for misconduct under subsection (6) or (7)  
13 of this section.

14 (4) In the event a corporation, organized solely by a group of  
15 architects each registered under this chapter, applies for a  
16 certificate of authorization, the board may, in its discretion, grant  
17 a certificate of authorization to that corporation based on a review of  
18 the professional records of such incorporators, in lieu of the required  
19 qualifications set forth in subsections (1) and (2) of this section.  
20 In the event the ownership of such corporation is altered, the  
21 corporation shall apply for a revised certificate of authorization,  
22 based upon the professional records of the owners if exclusively  
23 architects, under the qualifications required by subsections (1) and  
24 (2) of this section.

25 (5) Any corporation authorized to practice architecture under this  
26 chapter, together with its directors and officers for their own  
27 individual acts, are responsible to the same degree as an individual  
28 registered architect and shall conduct their business without  
29 misconduct or malpractice in the practice of architecture as defined in  
30 this chapter.

31 (6) Any corporation that has been certified under this chapter and  
32 has engaged in the practice of architecture (~~((shall))~~) may have its  
33 certificate of authorization either suspended or revoked by the board  
34 if, after a proper hearing, the board finds that the corporation has  
35 committed misconduct or malpractice under RCW 18.08.440 or section 114  
36 of this act. In such a case, any individual architect registered under  
37 this chapter who is involved in such misconduct is also subject to  
38 disciplinary measures provided in this chapter and section 112 of this  
39 act.

1 (7) All plans, specifications, designs, and reports when issued in  
2 connection with work performed by a corporation under its certificate  
3 of authorization shall be prepared by or under the direction of the  
4 designated architects and shall be signed by and stamped with the  
5 official seal of the designated architects in the corporation  
6 authorized under this chapter.

7 (8) For each certificate of authorization issued under this section  
8 there shall be paid a certification fee and an annual certification  
9 renewal fee as prescribed by the director under RCW 43.24.086.

10 (9) This chapter shall not affect the practice of architecture as  
11 a professional service corporation under chapter 18.100 RCW.

12 **Sec. 204.** RCW 18.08.440 and 1985 c 37 s 15 are each amended to  
13 read as follows:

14 The board shall have the power to impose ~~((fines on any person  
15 practicing architecture in an amount not to exceed one thousand dollars  
16 for each offense and may reprimand a registrant and may suspend,  
17 revoke, or refuse to issue or renew a certificate of registration or  
18 authorization to practice architecture in this state))~~ any action  
19 listed under section 112 of this act upon the following grounds:

20 (1) Offering to pay, paying, or accepting, either directly or  
21 indirectly, any substantial gift, bribe, or other consideration to  
22 influence the award of professional work;

23 (2) Being willfully untruthful or deceptive in any professional  
24 report, statement, or testimony;

25 ~~(3) ((Having conviction in any court of any offense involving moral  
26 turpitude or fraud;~~

27 ~~(4))~~ Having a financial interest in the bidding for or the  
28 performance of a contract to supply labor or materials for or to  
29 construct a project for which employed or retained as an architect  
30 except with the consent of the client or employer after disclosure of  
31 such facts; or allowing an interest in any business to affect a  
32 decision regarding architectural work for which retained, employed, or  
33 called upon to perform;

34 ~~((5))~~ (4) Signing or permitting a seal to be affixed to any  
35 drawings or specifications that were not prepared or reviewed by the  
36 architect or under the architect's personal supervision by persons  
37 subject to the architect's direction and control; or

1       (~~(6) Aiding or abetting any person not authorized to practice~~  
2 ~~architecture under this chapter;~~  
3       ~~(7)) (5) Willfully evading or trying to evade any law, ordinance,~~  
4 ~~code, or regulation governing construction of buildings(~~~~or~~  
5       ~~(8) Violating any provision of this chapter or any regulation~~  
6 ~~adopted under it)).~~

7       **NEW SECTION. Sec. 205.** A new section is added to chapter 18.08  
8 RCW to read as follows:

9       The uniform regulation of business and professions act, chapter  
10 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
11 practice, the issuance and denial of licenses, and the discipline of  
12 licensees under this chapter.

13       **Sec. 206.** RCW 18.11.085 and 1987 c 336 s 1 are each amended to  
14 read as follows:

15       Every individual, before acting as an auctioneer, shall obtain an  
16 auctioneer certificate of registration. To be licensed as an  
17 auctioneer, an individual shall meet all of the following requirements:

18       (1) Be at least eighteen years of age or sponsored by a licensed  
19 auctioneer.

20       (2) File with the department a completed application on a form  
21 prescribed by the director.

22       (3) Show that the proper tax registration certificate required by  
23 RCW 82.32.030 has been obtained from the department of revenue.

24       (4) Pay the auctioneer registration fee required under the agency  
25 rules adopted pursuant to this chapter.

26       (5) Except as otherwise provided under RCW 18.11.121, file with the  
27 department an auctioneer surety bond in the amount and form required by  
28 RCW 18.11.121 and the agency rules adopted pursuant to this chapter.

29       (6) Have no disqualifications under RCW 18.11.160 or section 114 of  
30 this act.

31       **Sec. 207.** RCW 18.11.095 and 1987 c 336 s 5 are each amended to  
32 read as follows:

33       Every person, before operating an auction company as defined in RCW  
34 18.11.050, shall obtain an auction company certificate of registration.

1 (1) Except as provided in subsection (2) of this section, to be  
2 licensed as an auction company, a person shall meet all of the  
3 following requirements:

4 (a) File with the department a completed application on a form  
5 prescribed by the director.

6 (b) Sign a notarized statement included on the application form  
7 that all auctioneers hired by the auction company to do business in the  
8 state shall be properly registered under this chapter.

9 (c) Show that the proper tax registration certificate required by  
10 RCW 82.32.030 has been obtained from the department of revenue.

11 (d) Pay the auction company registration fee required under the  
12 agency rules adopted pursuant to this chapter.

13 (e) File with the department an auction company surety bond in the  
14 amount and form required by RCW 18.11.121 and the agency rules adopted  
15 pursuant to this chapter.

16 (f) Have no disqualifications under RCW 18.11.160 or section 114 of  
17 this act.

18 (2) An auction company shall not be charged a license fee if it is  
19 a sole proprietorship or a partnership owned by an auctioneer or  
20 auctioneers, each of whom is licensed under this chapter, and if it has  
21 in effect a surety bond or bonds or other security approved by the  
22 director in the amount that would otherwise be required for an auction  
23 company to be granted or to retain a license under RCW 18.11.121.

24 **Sec. 208.** RCW 18.11.100 and 1986 c 324 s 7 are each amended to  
25 read as follows:

26 (1) Nonresident auctioneers and auction companies are required to  
27 comply with the provisions of this chapter, chapter 18.--- RCW  
28 (sections 101 through 124 of this act), and the rules of the department  
29 as a condition of conducting business in the state.

30 (2) The application of a nonresident under this chapter shall  
31 constitute the appointment of the secretary of state as the applicant's  
32 agent upon whom process may be served in any action or proceeding  
33 against the applicant arising out of a transaction or operation  
34 connected with or incidental to the business of an auctioneer or an  
35 auction company.

36 **Sec. 209.** RCW 18.11.160 and 1997 c 58 s 814 are each amended to  
37 read as follows:

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

9 ~~((The following shall be grounds for denial, suspension, or  
10 revocation of a license, or imposition of an administrative fine by the  
11 department:~~

12 ~~(a) Misrepresentation or concealment of material facts in obtaining  
13 a license;~~

14 ~~(b))~~ In addition to the unprofessional conduct described in  
15 section 114 of this act, the director has the authority to take  
16 disciplinary action for any of the following conduct, acts, or  
17 conditions:

18 (a) Underreporting to the department of sales figures so that the  
19 auctioneer or auction company surety bond is in a lower amount than  
20 required by law;

21 ~~((c) Revocation of a license by another state;~~

22 ~~(d) Misleading or false advertising;~~

23 ~~(e) A pattern of substantial misrepresentations related to  
24 auctioneering or auction company business;~~

25 ~~(f) Failure to cooperate with the department in any investigation  
26 or disciplinary action;~~

27 ~~(g))~~ (b) Nonpayment of an administrative fine prior to renewal of  
28 a license(;

29 ~~(h) Aiding an unlicensed person to practice as an auctioneer or as  
30 an auction company)); and~~

31 ~~((i))~~ (c) Any other violations of this chapter.

32 (3) The department shall immediately suspend the license of a  
33 person who has been certified pursuant to RCW 74.20A.320 by the  
34 department of social and health services as a person who is not in  
35 compliance with a support order ~~((or a residential or visitation  
36 order)).~~ If the person has continued to meet all other requirements  
37 for reinstatement during the suspension, reissuance of the license  
38 shall be automatic upon the department's receipt of a release issued by

1 the department of social and health services stating that the licensee  
2 is in compliance with the order.

3 **Sec. 210.** RCW 18.11.180 and 1986 c 324 s 14 are each amended to  
4 read as follows:

5 It shall be unlawful for a licensed auctioneer or licensed auction  
6 company to pay compensation in money or otherwise to anyone not  
7 licensed under this chapter to render any service or to do any act  
8 forbidden under this chapter to be rendered or performed except by  
9 licensees. The department (~~shall~~) may fine any person who violates  
10 this section five hundred dollars for the first offense and one  
11 thousand dollars for the second or subsequent offense. Furthermore,  
12 the violation of this section by any licensee shall be, in the  
13 discretion of the department, sufficient cause for (~~license suspension~~  
14 ~~or revocation~~) taking any actions listed under section 112 of this  
15 act.

16 **Sec. 211.** RCW 18.11.200 and 1986 c 324 s 16 are each amended to  
17 read as follows:

18 The director shall adopt rules for the purpose of carrying out and  
19 developing this chapter, including rules governing the conduct of  
20 (~~investigations and~~) inspections (~~and the imposition of~~  
21 ~~administrative penalties~~)).

22 NEW SECTION. **Sec. 212.** A new section is added to chapter 18.11  
23 RCW to read as follows:

24 The uniform regulation of business and professions act, chapter  
25 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
26 practice, the issuance and denial of licenses, and the discipline of  
27 licensees under this chapter.

28 **Sec. 213.** RCW 18.16.030 and 1991 c 324 s 2 are each amended to  
29 read as follows:

30 In addition to any other duties imposed by law, including sections  
31 104 and 105 of this act, the director shall have the following powers  
32 and duties:

33 (1) To set all license, examination, and renewal fees in accordance  
34 with RCW 43.24.086;

35 (2) To adopt rules necessary to implement this chapter;

1       (3) ~~((To investigate alleged violations of this chapter and~~  
2 ~~consumer complaints involving the practice of cosmetology, barbering,~~  
3 ~~esthetics, or manicuring, schools offering training in these areas, and~~  
4 ~~salons/shops and booth renters offering these services;~~

5       ~~(4) To issue subpoenas, statements of charges, statements of~~  
6 ~~intent, final orders, stipulated agreements, and any other legal~~  
7 ~~remedies necessary to enforce this chapter;~~

8       ~~(5) To issue cease and desist letters and letters of warning for~~  
9 ~~infractions of this chapter;~~

10       ~~(6) To conduct all disciplinary proceedings, impose sanctions, and~~  
11 ~~assess fines for violations of this chapter or any rules adopted under~~  
12 ~~it;~~

13       ~~(7)) To prepare and administer or approve the preparation and~~  
14 ~~administration of licensing examinations;~~

15       ~~((+8))~~ (4) To establish minimum safety and sanitation standards  
16 for schools, cosmetologists, barbers, manicurists, estheticians, and  
17 salons/shops;

18       ~~((+9))~~ (5) To establish minimum instruction guidelines for the  
19 training of students;

20       ~~((+10))~~ (6) To maintain the official department record of  
21 applicants and licensees;

22       ~~((+11) To delegate in writing to a designee the authority to issue~~  
23 ~~subpoenas, statements of charges, and any other documents necessary to~~  
24 ~~enforce this chapter;~~

25       ~~(+12))~~ (7) To establish by rule the procedures for an appeal of an  
26 examination failure;

27       ~~((+13) To employ such administrative, investigative, and clerical~~  
28 ~~staff as needed to implement this chapter;~~

29       ~~(+14))~~ (8) To set license expiration dates and renewal periods for  
30 all licenses consistent with this chapter; and

31       ~~((+15))~~ (9) To make information available to the department of  
32 revenue to assist in collecting taxes from persons required to be  
33 licensed under this chapter.

34       **Sec. 214.** RCW 18.16.060 and 1991 c 324 s 4 are each amended to  
35 read as follows:

36       (1) The director ~~((shall impose a fine of one thousand dollars on))~~  
37 may take action under sections 116 and 117 of this act against any

1 person who does any of the following without first obtaining the  
2 license required by this chapter:

3 (a) Except as provided in subsection (2) of this section,  
4 commercial practice of cosmetology, barbering, esthetics, manicuring,  
5 or instructing;

6 (b) Instructs in a school;

7 (c) Operates a school; or

8 (d) Operates a salon/shop. Each booth renter shall be considered  
9 to be operating an independent salon/shop and shall obtain a separate  
10 salon/shop license.

11 (2) A person licensed as a cosmetology instructor-operator may  
12 engage in the commercial practice of cosmetology without maintaining a  
13 cosmetologist license. A person licensed as a barbering instructor-  
14 operator may engage in the commercial practice of barbering without  
15 maintaining a barber license. A person licensed as a manicuring  
16 instructor-operator may engage in the commercial practice of manicuring  
17 without maintaining a manicurist license. A person licensed as an  
18 esthetician instructor-operator may engage in the commercial practice  
19 of esthetics without maintaining an esthetician license.

20 **Sec. 215.** RCW 18.16.150 and 1997 c 178 s 1 are each amended to  
21 read as follows:

22 Schools shall be audited and inspected by the director or the  
23 director's designee for compliance with this chapter at least once a  
24 year. If the director determines that a licensed school is not  
25 maintaining the standards required according to this chapter, written  
26 notice thereof shall be given to the school. A school which fails to  
27 correct these conditions to the satisfaction of the director within a  
28 reasonable time (~~shall~~) may be subject to penalties imposed under  
29 (~~RCW 18.16.210~~) section 112 of this act.

30 **Sec. 216.** RCW 18.16.175 and 1997 c 178 s 2 are each amended to  
31 read as follows:

32 (1) A salon/shop shall meet the following minimum requirements:

33 (a) Maintain an outside entrance separate from any rooms used for  
34 sleeping or residential purposes;

35 (b) Provide and maintain for the use of its customers adequate  
36 toilet facilities located within or adjacent to the salon/shop;

1 (c) Be operated under the direct supervision of a licensed  
2 cosmetologist except that a salon/shop that is limited to barbering may  
3 be directly supervised by a barber, a salon/shop that is limited to  
4 manicuring may be directly supervised by a manicurist, and a salon/shop  
5 that is limited to esthetics may be directly supervised by an  
6 esthetician;

7 (d) Any room used wholly or in part as a salon/shop shall not be  
8 used for residential purposes, except that toilet facilities may be  
9 used jointly for residential and business purposes;

10 (e) Meet the zoning requirements of the county, city, or town, as  
11 appropriate;

12 (f) Provide for safe storage and labeling of chemicals used in the  
13 practice of cosmetology;

14 (g) Meet all applicable local and state fire codes;

15 (h) Provide proof that the salon/shop is covered by a public  
16 liability insurance policy in an amount not less than one hundred  
17 thousand dollars for combined bodily injury and property damage  
18 liability; and

19 (i) Other requirements which the director determines are necessary  
20 for safety and sanitation of salons/shops. The director may consult  
21 with the state board of health and the department of labor and  
22 industries in establishing minimum salon/shop safety requirements.

23 (2) A salon/shop shall post the notice to customers described in  
24 RCW 18.16.180.

25 (3) Upon receipt of a written complaint that a salon/shop has  
26 violated any provisions of this chapter, chapter 18.--- RCW (sections  
27 101 through 124 of this act), or the rules adopted under ((~~this~~))  
28 either chapter, or at least once every two years, the director or the  
29 director's designee shall inspect each salon/shop. If the director  
30 determines that any salon/shop is not in compliance with this chapter,  
31 the director shall send written notice to the salon/shop. A salon/shop  
32 which fails to correct the conditions to the satisfaction of the  
33 director within a reasonable time shall, upon due notice, be subject to  
34 the penalties imposed by the director under ((~~RCW 18.16.210~~)) section  
35 112 of this act. The director may enter any salon/shop during business  
36 hours for the purpose of inspection. The director may contract with  
37 health authorities of local governments to conduct the inspections  
38 under this subsection.

1 (4) A salon/shop, including a salon/shop operated by a booth  
2 renter, shall obtain a certificate of registration from the department  
3 of revenue.

4 (5) This section does not prohibit the use of motor homes as mobile  
5 salon/shops if the motor home meets the health and safety standards of  
6 this section.

7 **Sec. 217.** RCW 18.16.200 and 1991 c 324 s 14 are each amended to  
8 read as follows:

9 Any applicant or licensee under this chapter may be subject to  
10 disciplinary action by the director if the licensee or applicant:

11 ~~(1) ((Has been found guilty of a crime related to the practice of~~  
12 ~~cosmetology, barbering, esthetics, manicuring, or instructing;~~

13 ~~(2) Has made a material misstatement or omission in connection with~~  
14 ~~an original application or renewal;~~

15 ~~(3) Has engaged in false or misleading advertising;~~

16 ~~(4) Has performed services in an unsafe or unsanitary manner;~~

17 ~~(5) Has aided and abetted unlicensed activity;~~

18 ~~(6))~~ Has engaged in the commercial practice of cosmetology,  
19 barbering, manicuring, esthetics, or instructed in or operated a school  
20 without first obtaining the license required by this chapter;

21 ~~((7))~~ (2) Has engaged in the commercial practice of cosmetology  
22 in a school;

23 ~~((8))~~ (3) Has not provided a safe, sanitary, and good moral  
24 environment for students and the public(~~(;~~

25 ~~(9) Has not provided records as required by this chapter;~~

26 ~~(10) Has not cooperated with the department in supplying records or~~  
27 ~~assisting in an investigation or disciplinary procedure)); or~~

28 ~~((11))~~ (4) Has violated any provision of this chapter or any rule  
29 adopted under it.

30 NEW SECTION. **Sec. 218.** A new section is added to chapter 18.16  
31 RCW to read as follows:

32 The uniform regulation of business and professions act, chapter  
33 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
34 practice, the issuance and denial of licenses, and the discipline of  
35 licensees under this chapter.

1       **Sec. 219.** RCW 18.39.300 and 1989 c 390 s 7 are each amended to  
2 read as follows:

3       In addition to the grounds for action set forth in ((~~RCW 18.130.170~~  
4 ~~and 18.130.180~~)) section 114 of this act, the board may take the  
5 disciplinary action set forth in ((~~RCW 18.130.160~~)) section 112 of this  
6 act against the funeral establishment's license, the license of any  
7 funeral director and/or the funeral establishment's certificate of  
8 registration, if the licensee or registrant:

9       (1) Fails to comply with any provisions of this chapter(~~(, chapter~~  
10 ~~18.130-RCW,~~)) or any proper order or regulation of the board;

11       (2) Is found by the board to be in such condition that further  
12 execution of prearrangement contracts could be hazardous to purchasers  
13 or beneficiaries and the people of this state;

14       (3) Refuses to be examined, or refuses to submit to examination by  
15 the board when required;

16       (4) Fails to pay the expense of an examination; or

17       (5) Is found by the board after investigation or receipt of  
18 reliable information to be managed by persons who are incompetent or  
19 untrustworthy or so lacking in managerial experience as to make the  
20 proposed or continued execution or servicing of prearrangement funeral  
21 service contracts hazardous to purchasers, beneficiaries, or to the  
22 public.

23       **Sec. 220.** RCW 18.39.350 and 1989 c 390 s 11 are each amended to  
24 read as follows:

25       Any person who violates or fails to comply with, or aids or abets  
26 any person in the violation of, or failure to comply with any of the  
27 provisions of this chapter is guilty of a class C felony pursuant to  
28 chapter 9A.20 RCW. Any such violation constitutes an unfair practice  
29 under chapter 19.86 RCW and this chapter and conviction thereunder is  
30 grounds for license revocation under this chapter and section 112 of  
31 this act. Retail installment contracts under this chapter shall be  
32 governed by chapter 63.14 RCW.

33       **Sec. 221.** RCW 18.39.410 and 1994 c 17 s 3 are each amended to read  
34 as follows:

35       ((~~The following shall constitute unprofessional conduct~~)) In  
36 addition to the unprofessional conduct described in section 114 of this  
37 act, the board may take disciplinary action and may impose any of the

1 sanctions specified in section 112 of this act for the following  
2 conduct, acts, or conditions:

3 (1) Solicitation of dead human bodies by a licensee, registrant,  
4 endorsement, or permit holder, or agent, assistant, or employee of the  
5 licensee, registrant, endorsement, or permit holder whether the  
6 solicitation occurs after death or while death is impending. This  
7 chapter does not prohibit general advertising or the sale of  
8 prearrangement funeral service contracts;

9 (2) Solicitation may include employment of solicitors, payment of  
10 commission, bonus, rebate, or any form of gratuity or payment of a  
11 finders fee, referral fee, or other consideration given for the purpose  
12 of obtaining or providing the services for a dead human body or where  
13 death is impending;

14 (3) Acceptance by a licensee, registrant, endorsement, or permit  
15 holder or other employee of a funeral establishment of a commission,  
16 bonus, rebate, or gratuity in consideration of directing business to a  
17 cemetery, crematory, mausoleum, columbarium, florist, or other person  
18 providing goods and services to the disposition of dead human bodies;

19 (4) Using a casket or part of a casket that has previously been  
20 used as a receptacle for, or in connection with, the burial or other  
21 disposition of a dead human body without the written consent of the  
22 person lawfully entitled to control the disposition of remains of the  
23 deceased person in accordance with RCW 68.50.160. This subsection does  
24 not prohibit the use of rental caskets, such as caskets of which the  
25 outer shell portion is rented and the inner insert that contains the  
26 dead human body is purchased and used for the disposition, that are  
27 disclosed as such in the statement of funeral goods and services;

28 (5) Violation of a state law, municipal law, or county ordinance or  
29 regulation affecting the handling, custody, care, transportation, or  
30 disposition of dead human bodies;

31 (6) Refusing to promptly surrender the custody of a dead human body  
32 upon the expressed order of the person lawfully entitled to its custody  
33 under RCW 68.50.160;

34 (7) Selling, or offering for sale, a share, certificate, or an  
35 interest in the business of a funeral establishment, or in a  
36 corporation, firm, or association owning or operating a funeral  
37 establishment that promises or purports to give to purchasers a right  
38 to the services of a licensee, registrant, endorsement, or permit  
39 holder at a charge or cost less than offered or given to the public;

1       (8) ~~((The commission of an act involving moral turpitude,~~  
2 ~~dishonesty, or corruption relating to the practice of the funeral~~  
3 ~~profession whether or not the act constitutes a crime. If the act~~  
4 ~~constitutes a crime, conviction in a criminal proceeding is not a~~  
5 ~~condition precedent to disciplinary action. Upon such a conviction,~~  
6 ~~however, the judgment and sentence is conclusive evidence at the~~  
7 ~~ensuing disciplinary hearing of the guilt of the license, registration,~~  
8 ~~endorsement, or permit holder, or applicant of the crime described in~~  
9 ~~the indictment or information and of the person's violation of the~~  
10 ~~statute on which it is based. For the purpose of this section,~~  
11 ~~conviction includes all instances in which a plea of guilty or nolo~~  
12 ~~contendere is the basis for the conviction in all proceedings in which~~  
13 ~~the sentence has been deferred or suspended. This section does not~~  
14 ~~abrogate rights guaranteed under chapter 9.96A RCW;~~

15       (9) ~~Misrepresentation or concealment of a material fact in~~  
16 ~~obtaining a license, registration, endorsement, or permit or in~~  
17 ~~reinstatement thereof;~~

18       (10) ~~All advertising that is false, fraudulent, or misleading;~~

19       (11) ~~Suspension or revocation or restriction of the individual's~~  
20 ~~license, registration, endorsement, or permit to practice the~~  
21 ~~profession by competent authority in any state, federal, or foreign~~  
22 ~~jurisdiction, a certified copy of the order, stipulation, or agreement~~  
23 ~~being conclusive evidence of the revocation, suspension, or~~  
24 ~~restriction;~~

25       (12)) ~~Violation of any state or federal statute or administrative~~  
26 ~~ruling relating to funeral practice;~~

27       (~~(13) Failure to cooperate with the board by:~~

28       (a) ~~Not furnishing any papers or documents;~~

29       (b) ~~Not furnishing in writing a full and complete explanation~~  
30 ~~covering the matters contained in a complaint filed with the board; or~~

31       (c) ~~Not responding to subpoenas issued by the board whether or not~~  
32 ~~the recipient of the subpoena is the accused in the proceeding;~~

33       (14) ~~Failure to comply with an order issued by the board or an~~  
34 ~~assurance of discontinuance entered into with the board;~~

35       (15) ~~Aiding or abetting an unlicensed or unregistered person to~~  
36 ~~practice where a license, registration, endorsement, or permit is~~  
37 ~~required;~~

38       (16) ~~Misrepresentation or fraud in any aspect of the conduct of~~  
39 ~~funeral practice;~~

1       ~~(17) Conviction of a gross misdemeanor or felony relating to this~~  
2 ~~title. For the purpose of this subsection, conviction includes all~~  
3 ~~instances in which a plea of guilty or nolo contendere is the basis for~~  
4 ~~conviction and all proceedings in which the sentence has been deferred~~  
5 ~~or suspended. This section does not abrogate rights guaranteed under~~  
6 ~~chapter 9.96A RCW;~~

7       ~~(18) Interference with an investigation or disciplinary proceeding~~  
8 ~~by willful misrepresentation of facts before the board or its~~  
9 ~~authorized representative or the inspector, or by the use of threats or~~  
10 ~~harassment against a witness to prevent that witness from providing~~  
11 ~~evidence in a disciplinary hearing or other legal action;~~

12       ~~(19) Diminished capacity or habitual intemperance in the use of~~  
13 ~~alcohol, controlled substances, or prescribed drugs that impairs,~~  
14 ~~interferes, or otherwise prevents the proper performance of licensed,~~  
15 ~~registered, endorsed, or permitted duties or functions;~~

16       ~~(20)) (9) Knowingly concealing information concerning a violation~~  
17 ~~of this title((;~~

18       ~~(21) Incompetence or negligence as a licensee, registrant,~~  
19 ~~endorsement, or permit holder in carrying out the duties of the~~  
20 ~~profession)).~~

21       **Sec. 222.** RCW 18.39.530 and 1994 c 17 s 15 are each amended to  
22 read as follows:

23       ~~((1) The director shall investigate a complaint concerning~~  
24 ~~practice by an unlicensed person for which a license, registration,~~  
25 ~~endorsement, or permit is required under this chapter. The director~~  
26 ~~shall issue a cease and desist order to a person after notice and~~  
27 ~~hearing and upon a determination that the person has violated this~~  
28 ~~subsection. If the director makes a written finding of fact that the~~  
29 ~~public interest will be irreparably harmed by delay in issuing an~~  
30 ~~order, the director may issue a temporary cease and desist order. The~~  
31 ~~cease and desist order does not relieve the person practicing or~~  
32 ~~operating a business without a license, registration, permit, or~~  
33 ~~registration from criminal prosecution for the unauthorized practice or~~  
34 ~~operation, but the remedy of a cease and desist order is in addition to~~  
35 ~~criminal liability. The cease and desist order is conclusive proof of~~  
36 ~~unlicensed practice and may be enforced by civil contempt. This method~~  
37 ~~of enforcement of the cease and desist order may be used in addition~~

1 to, or as an alternative to, provisions for enforcement or agency  
2 orders under chapter 34.05 RCW.

3 (2) The attorney general, a county prosecuting attorney, the  
4 director, the board, or a person may, in accordance with the laws of  
5 this state governing injunctions, maintain an action in the name of  
6 this state to enjoin a person practicing a profession or business for  
7 which a license, registration, endorsement, or permit is required under  
8 this chapter without a license, registration, endorsement, or permit  
9 from engaging in the practice or operation of the business until the  
10 required license, registration, endorsement, or permit is secured.  
11 However, the injunction does not relieve the person so practicing or  
12 operating a business without a license, registration, endorsement, or  
13 permit from criminal prosecution for the unauthorized practice or  
14 operation, but the remedy by injunction is in addition to criminal  
15 liability.

16 (3)) Unlicensed practice of a profession or operation of a  
17 business for which a license, registration, endorsement, or permit is  
18 required under this chapter, unless otherwise exempted by law, is a  
19 gross misdemeanor. Fees, fines, forfeitures, and penalties collected  
20 or assessed by a court because of a violation of this section must be  
21 remitted to the board.

22 NEW SECTION. **Sec. 223.** A new section is added to chapter 18.39  
23 RCW to read as follows:

24 The uniform regulation of business and professions act, chapter  
25 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
26 practice, the issuance and denial of licenses, and the discipline of  
27 licensees under this chapter.

28 **Sec. 224.** RCW 18.43.035 and 1997 c 247 s 2 are each amended to  
29 read as follows:

30 The board may adopt and amend bylaws establishing its organization  
31 and method of operation, including but not limited to meetings,  
32 maintenance of books and records, publication of reports, code of  
33 ethics, and rosters, and adoption and use of a seal. Four members of  
34 the board shall constitute a quorum for the conduct of any business of  
35 the board. The board may employ such persons as are necessary to carry  
36 out its duties under this chapter. It may adopt rules reasonably  
37 necessary to administer the provisions of this chapter. ((It may

1 conduct investigations concerning alleged violations of this chapter or  
2 the rules adopted by the board. In making such investigations and in  
3 all proceedings under RCW 18.43.110, the chairman of the board or any  
4 member of the board acting in his place may administer oaths or  
5 affirmations to witnesses appearing before the board, subpoena  
6 witnesses and compel their attendance, and require the production of  
7 books, records, papers and documents. If any person shall refuse to  
8 obey any subpoena so issued, or shall refuse to testify or produce any  
9 books, records, papers or documents so required to be produced, the  
10 board may present its petition to the superior court of the county in  
11 which such person resides, setting forth the facts, and thereupon the  
12 court shall, in any proper case, enter a suitable order compelling  
13 compliance with this chapter and imposing such other terms and  
14 conditions as the court may deem equitable.)) The board shall submit  
15 to the governor such periodic reports as may be required. A roster,  
16 showing the names and places of business of all registered professional  
17 engineers and land surveyors may be published for distribution, upon  
18 request, to professional engineers and land surveyors registered under  
19 this chapter and to the public.

20 **Sec. 225.** RCW 18.43.105 and 1961 c 142 s 4 are each amended to  
21 read as follows:

22 ((As used in this chapter "misconduct or malpractice in the  
23 practice of engineering" shall include but not be limited to the  
24 following)) In addition to the unprofessional conduct described in  
25 section 114 of this act, the board may take disciplinary action for the  
26 following conduct, acts, or conditions:

27 (1) Offering to pay, paying or accepting, either directly or  
28 indirectly, any substantial gift, bribe, or other consideration to  
29 influence the award of professional work;

30 (2) Being willfully untruthful or deceptive in any professional  
31 report, statement or testimony;

32 (3) Attempting to injure falsely or maliciously, directly or  
33 indirectly, the professional reputation, prospects or business of  
34 anyone;

35 (4) Failure to state separately or to charge separately for  
36 professional engineering services or land surveying where other  
37 services or work are also being performed in connection with the  
38 engineering services;

1       (5) ~~((Conviction in any court of any offense involving moral~~  
2 ~~turpitude;~~  
3       ~~(6))~~) Violation of any provisions of this chapter;  
4       ~~((7))~~) (6) Conflict of interest--Having a financial interest in  
5 bidding for or performance of a contract to supply labor or materials  
6 for or to construct a project for which employed or retained as an  
7 engineer except with the consent of the client or employer after  
8 disclosure of such facts; or allowing an interest in any business to  
9 affect a decision regarding engineering work for which retained,  
10 employed, or called upon to perform;  
11       ~~((8))~~) (7) Nondisclosure--Failure to promptly disclose to a client  
12 or employer any interest in a business which may compete with or affect  
13 the business of the client or employer;  
14       ~~((9))~~) (8) Unfair competition--Reducing a fee quoted for  
15 prospective employment or retainer as an engineer after being informed  
16 of the fee quoted by another engineer for the same employment or  
17 retainer;  
18       ~~((10))~~) (9) Improper advertising--Soliciting retainer or  
19 employment by advertisement which is undignified, self-laudatory, false  
20 or misleading, or which makes or invites comparison between the  
21 advertiser and other engineers;  
22       ~~((11))~~) (10) Committing any other act, or failing to act, which  
23 act or failure are customarily regarded as being contrary to the  
24 accepted professional conduct or standard generally expected of those  
25 practicing professional engineering or land surveying.

26       **Sec. 226.** RCW 18.43.110 and 1997 c 247 s 3 are each amended to  
27 read as follows:

28       The board shall have the exclusive power to ~~((fine and reprimand))~~  
29 discipline the registrant and ~~((suspend or revoke))~~ sanction the  
30 certificate of registration of any registrant ~~((who is found guilty of:~~

31       ~~The practice of any fraud or deceit in obtaining a certificate of~~  
32 ~~registration; or~~

33       ~~Any gross negligence, incompetency, or misconduct in the practice~~  
34 ~~of engineering or land surveying as a registered engineer or land~~  
35 ~~surveyor)).~~

36       Any person may ~~((prefer))~~ file a complaint alleging ~~((fraud,~~  
37 ~~deceit, gross negligence, incompetency, or misconduct))~~ unprofessional  
38 conduct, as set out in section 114 of this act and RCW 18.43.105,

1 against any registrant ((and)). The complaint shall be in writing and  
2 shall be sworn to in writing by the person making the allegation. A  
3 registrant against whom a complaint was made must be immediately  
4 informed of such complaint by the board.

5 ~~((All procedures related to hearings on such charges shall be in  
6 accordance with provisions relating to adjudicative proceedings in  
7 chapter 34.05 RCW, the Administrative Procedure Act.~~

8 ~~If, after such hearing, a majority of the board vote in favor of  
9 finding the violations had occurred, the board shall revoke or suspend  
10 the certificate of registration of such registered professional  
11 engineer or land surveyor.))~~

12 The board, for reasons it deems sufficient, may reissue a  
13 certificate of registration to any person whose certificate has been  
14 revoked or suspended, providing a majority of the board vote in favor  
15 of such issuance. A new certificate of registration to replace any  
16 certificate revoked, lost, destroyed, or mutilated may be issued,  
17 subject to the rules of the board, and a charge determined by the  
18 director as provided in RCW 43.24.086 shall be made for such issuance.

19 ~~((Any person who shall feel aggrieved by any action of the board in  
20 denying or revoking his certificate of registration may appeal  
21 therefrom to the superior court of the county in which such person  
22 resides, and after full hearing, said court shall make such decree  
23 sustaining or revoking the action of the board as it may deem just and  
24 proper.~~

25 ~~Fines imposed by the board shall not exceed one thousand dollars  
26 for each offense.))~~

27 In addition to the imposition of ~~((civil penalties under this  
28 section))~~ disciplinary action under section 112 of this act, the board  
29 may refer violations of this chapter to the appropriate prosecuting  
30 attorney for charges under RCW 18.43.120.

31 **Sec. 227.** RCW 18.43.130 and 1997 c 247 s 4 are each amended to  
32 read as follows:

33 This chapter shall not be construed to prevent or affect:

34 (1) The practice of any other legally recognized profession or  
35 trade; or

36 (2) The practice of a person not a resident and having no  
37 established place of business in this state, practicing or offering to  
38 practice herein the profession of engineering or land surveying, when

1 such practice does not exceed in the aggregate more than thirty days in  
2 any calendar year: PROVIDED, Such person has been determined by the  
3 board to be legally qualified by registration to practice the said  
4 profession in his or her own state or country in which the requirements  
5 and qualifications for obtaining a certificate of registration are not  
6 lower than those specified in this chapter. The person shall request  
7 such a determination by completing an application prescribed by the  
8 board and accompanied by a fee determined by the director. Upon  
9 approval of the application, the board shall issue a permit authorizing  
10 temporary practice; or

11 (3) The practice of a person not a resident and having no  
12 established place of business in this state, or who has recently become  
13 a resident thereof, practicing or offering to practice herein for more  
14 than thirty days in any calendar year the profession of engineering or  
15 land surveying, if he or she shall have filed with the board an  
16 application for a certificate of registration and shall have paid the  
17 fee required by this chapter: PROVIDED, That such person is legally  
18 qualified by registration to practice engineering or land surveying in  
19 his or her own state or country in which the requirements and  
20 qualifications of obtaining a certificate of registration are not lower  
21 than those specified in this chapter. Such practice shall continue  
22 only for such time as the board requires for the consideration of the  
23 application for registration; or

24 (4) The work of an employee or a subordinate of a person holding a  
25 certificate of registration under this chapter, or an employee of a  
26 person practicing lawfully under provisions of this section: PROVIDED,  
27 That such work does not include final design or decisions and is done  
28 under the direct responsibility, checking, and supervision of a person  
29 holding a certificate of registration under this chapter or a person  
30 practicing lawfully under the provisions of this section; or

31 (5) The work of a person rendering engineering or land surveying  
32 services to a corporation, as an employee of such corporation, when  
33 such services are rendered in carrying on the general business of the  
34 corporation and such general business does not consist, either wholly  
35 or in part, of the rendering of engineering services to the general  
36 public: PROVIDED, That such corporation employs at least one person  
37 holding a certificate of registration under this chapter or practicing  
38 lawfully under the provisions of this chapter; or

1 (6) The practice of officers or employees of the government of the  
2 United States while engaged within the state in the practice of the  
3 profession of engineering or land surveying for the government of the  
4 United States; or

5 (7) Nonresident engineers employed for the purpose of making  
6 engineering examinations; or

7 (8) The practice of engineering or land surveying, or both, in this  
8 state by a corporation or joint stock association: PROVIDED, That

9 (a) The corporation has filed with the board an application for  
10 certificate of authorization upon a form to be prescribed by the board  
11 and containing information required to enable the board to determine  
12 whether such corporation is qualified in accordance with this chapter  
13 to practice engineering or land surveying, or both, in this state;

14 (b) For engineering, the corporation has filed with the board a  
15 certified copy of a resolution of the board of directors of the  
16 corporation that shall designate a person holding a certificate of  
17 registration under this chapter as responsible for the practice of  
18 engineering by the corporation in this state and shall provide that  
19 full authority to make all final engineering decisions on behalf of the  
20 corporation with respect to work performed by the corporation in this  
21 state shall be granted and delegated by the board of directors to the  
22 person so designated in the resolution. For land surveying, the  
23 corporation has filed with the board a certified copy of a resolution  
24 of the board of directors of the corporation which shall designate a  
25 person holding a certificate of registration under this chapter as  
26 responsible for the practice of land surveying by the corporation in  
27 this state and shall provide full authority to make all final land  
28 surveying decisions on behalf of the corporation with respect to work  
29 performed by the corporation in this state be granted and delegated by  
30 the board of directors to the person so designated in the resolution.  
31 If a corporation offers both engineering and land surveying services,  
32 the board of directors shall designate both a licensed engineer and a  
33 licensed land surveyor. If a person is licensed in both engineering  
34 and land surveying, the person may be designated for both professions.  
35 The resolution shall further state that the bylaws of the corporation  
36 shall be amended to include the following provision: "The designated  
37 engineer or land surveyor, respectively, named in the resolution as  
38 being in responsible charge, or an engineer or land surveyor under the  
39 designated engineer or land surveyor's direct supervision, shall make

1 all engineering or land surveying decisions pertaining to engineering  
2 or land surveying activities in the state of Washington." However, the  
3 filing of the resolution shall not relieve the corporation of any  
4 responsibility or liability imposed upon it by law or by contract;

5 (c) If there is a change in the designated engineer or designated  
6 land surveyor, the corporation shall notify the board in writing within  
7 thirty days after the effective date of the change. If the corporation  
8 changes its name, the corporation shall submit a copy of its amended  
9 certificate of authority or amended certificate of incorporation as  
10 filed with the secretary of state within thirty days of the filing;

11 (d) Upon the filing with the board the application for certificate  
12 for authorization, certified copy of resolution and an affidavit, the  
13 designation of a designated engineer or designated land surveyor, or  
14 both, specified in (b) of this subsection, a certificate of  
15 incorporation or certificate of authorization as filed with the  
16 secretary of state, and a copy of the corporation's current Washington  
17 business license, the board shall issue to the corporation a  
18 certificate of authorization to practice engineering or land surveying,  
19 or both, in this state upon a determination by the board that:

20 (i) The designated engineer or designated land surveyor, or both,  
21 hold a certificate of registration in this state in accordance with  
22 this chapter and the certificate is in force;

23 (ii) The designated engineer or designated land surveyor, or both,  
24 are not designated in responsible charge for another corporation or a  
25 limited liability company; and

26 (iii) The corporation is licensed with the secretary of state and  
27 holds a current unified business identification number and the board  
28 determines, based on evaluating the findings and information in this  
29 section, that the applicant corporation possesses the ability and  
30 competence to furnish engineering or land surveying services, or both,  
31 in the public interest.

32 The board may exercise its discretion to ~~((refuse to issue or it  
33 may suspend or revoke))~~ take any of the actions under section 112 of  
34 this act with respect to a certificate of authorization issued to a  
35 corporation if the board finds that any of the officers, directors,  
36 incorporators, or the stockholders holding a majority of stock of such  
37 corporation has ~~((committed misconduct or malpractice))~~ engaged in  
38 unprofessional conduct as defined in RCW 18.43.105 or section 114 of  
39 this act or has been found personally responsible for ~~((misconduct or~~

1 malpractice)) unprofessional conduct under (f) and (g) of this  
2 subsection.

3 (e) Engineers or land surveyors organized as a professional service  
4 corporation under chapter 18.100 RCW are exempt from applying for a  
5 certificate of authorization under this chapter.

6 (f) Any corporation authorized to practice engineering under this  
7 chapter, together with its directors and officers for their own  
8 individual acts, are responsible to the same degree as an individual  
9 registered engineer, and must conduct its business without ((~~misconduct~~  
10 ~~or malpractice~~)) unprofessional conduct in the practice of engineering  
11 as defined in this chapter and section 114 of this act.

12 (g) Any corporation that is certified under this chapter is subject  
13 to the authority of the board as provided in RCW 18.43.035, 18.43.105,  
14 18.43.110, ((and)) 18.43.120, and chapter 18.--- RCW (sections 101  
15 through 124 of this act).

16 (h) All plans, specifications, designs, and reports when issued in  
17 connection with work performed by a corporation under its certificate  
18 of authorization shall be prepared by or under the direct supervision  
19 of and shall be signed by and shall be stamped with the official seal  
20 of a person holding a certificate of registration under this chapter.

21 (i) For each certificate of authorization issued under this  
22 subsection (8) there shall be paid an initial fee determined by the  
23 director as provided in RCW 43.24.086 and an annual renewal fee  
24 determined by the director as provided in RCW 43.24.086.

25 (9) The practice of engineering and/or land surveying in this state  
26 by a partnership if the partnership employs at least one person holding  
27 a valid certificate of registration under this chapter to practice  
28 engineering or land surveying, or both. The board shall not issue  
29 certificates of authorization to partnerships after July 1, 1998.  
30 Partnerships currently registered with the board are not required to  
31 pay an annual renewal fee after July 1, 1998.

32 (10) The practice of engineering or land surveying, or both, in  
33 this state by limited liability companies: Provided, That

34 (a) The limited liability company has filed with the board an  
35 application for certificate of authorization upon a form to be  
36 prescribed by the board and containing information required to enable  
37 the board to determine whether the limited liability company is  
38 qualified under this chapter to practice either or both engineering or  
39 land surveying in this state.

1 (b) The limited liability company has filed with the board a  
2 certified copy of a resolution by the company manager or managers that  
3 shall designate a person holding a certificate of registration under  
4 this chapter as being responsible for the practice of engineering or  
5 land surveying, or both, by the limited liability company in this state  
6 and that the designated person has full authority to make all final  
7 engineering or land surveying decisions on behalf of the limited  
8 liability company with respect to work performed by the limited  
9 liability company in this state. The resolution shall further state  
10 that the limited liability company agreement shall be amended to  
11 include the following provision: "The designated engineer or land  
12 surveyor, respectively, named in the resolution as being in responsible  
13 charge, or an engineer or land surveyor under the designated engineer  
14 or land surveyor's direct supervision, shall make all engineering or  
15 land surveying decisions pertaining to engineering or land surveying  
16 activities in the state of Washington." However, the filing of the  
17 resolution shall not relieve the limited liability company of  
18 responsibility or liability imposed upon it by law or by contract.

19 (c) The designated engineer for the limited liability company must  
20 hold a current professional engineer license issued by this state.

21 The designated land surveyor for the limited liability company must  
22 hold a current professional land surveyor license issued by this state.

23 If a person is licensed as both a professional engineer and as a  
24 professional land surveyor in this state, then the limited liability  
25 company may designate the person as being in responsible charge for  
26 both professions.

27 If there is a change in the designated engineer or designated land  
28 surveyor, the limited liability company shall notify the board in  
29 writing within thirty days after the effective date of the change. If  
30 the limited liability company changes its name, the company shall  
31 submit to the board a copy of the certificate of amendment filed with  
32 the secretary of state's office.

33 (d) Upon the filing with the board the application for certificate  
34 of authorization, a certified copy of the resolution, an affidavit from  
35 the designated engineer or the designated land surveyor, or both,  
36 specified in (b) and (c) of this subsection, a copy of the certificate  
37 of formation as filed with the secretary of state, and a copy of the  
38 company's current business license, the board shall issue to the  
39 limited liability company a certificate of authorization to practice

1 engineering or land surveying, or both, in this state upon  
2 determination by the board that:

3 (i) The designated engineer or designated land surveyor, or both,  
4 hold a certificate of registration in this state under this chapter and  
5 the certificate is in force;

6 (ii) The designated engineer or designated land surveyor, or both,  
7 are not designated in responsible charge for another limited liability  
8 company or a corporation;

9 (iii) The limited liability company is licensed with the secretary  
10 of state and has a current unified business identification number and  
11 that the board determines, based on evaluating the findings and  
12 information under this subsection, that the applicant limited liability  
13 company possesses the ability and competence to furnish either or both  
14 engineering or land surveying services in the public interest.

15 The board may exercise its discretion to (~~refuse to issue, or it~~  
16 ~~may suspend or revoke~~) take any of the actions under section 112 of  
17 this act with respect to a certificate of authorization issued to a  
18 limited liability company if the board finds that any of the managers  
19 or members holding a majority interest in the limited liability company  
20 has (~~committed misconduct or malpractice~~) engaged in unprofessional  
21 conduct as defined in RCW 18.43.105 or section 114 of this act or has  
22 been found personally responsible for (~~misconduct or malpractice~~)  
23 unprofessional conduct under the provisions of (f) and (g) of this  
24 subsection.

25 (e) Engineers or land surveyors organized as a professional limited  
26 liability company are exempt from applying for a certificate of  
27 authorization under this chapter.

28 (f) Any limited liability company authorized to practice  
29 engineering or land surveying, or both, under this chapter, together  
30 with its manager or managers and members for their own individual acts,  
31 are responsible to the same degree as an individual registered engineer  
32 or registered land surveyor, and must conduct their business without  
33 (~~misconduct or malpractice~~) unprofessional conduct in the practice of  
34 engineering or land surveying, or both.

35 (g) A limited liability company that is certified under this  
36 chapter is subject to the authority of the board as provided in RCW  
37 18.43.035, 18.43.105, 18.43.110, (~~and~~) 18.43.120, and chapter 18.---  
38 RCW (sections 101 through 124 of this act).

1 (h) All plans, specifications, designs, and reports when issued in  
2 connection with work performed by a limited liability company under its  
3 certificate of authorization shall be prepared by or under the direct  
4 supervision of and shall be signed by and shall be stamped with the  
5 official seal of a person holding a certificate of registration under  
6 this chapter.

7 (i) For each certificate of authorization issued under this  
8 subsection (10) there shall be paid an initial fee determined by the  
9 director as provided in RCW 43.24.086 and an annual renewal fee  
10 determined by the director as provided in RCW 43.24.086.

11 NEW SECTION. **Sec. 228.** A new section is added to chapter 18.43  
12 RCW to read as follows:

13 The uniform regulation of business and professions act, chapter  
14 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
15 practice, the issuance and denial of licenses, and the discipline of  
16 licensees under this chapter.

17 **Sec. 229.** RCW 18.85.040 and 1992 c 92 s 1 are each amended to read  
18 as follows:

19 (1) The director, with the advice and approval of the commission,  
20 may issue rules and regulations to govern the activities of real estate  
21 brokers, associate real estate brokers and salespersons, consistent  
22 with this chapter and chapter 18.--- RCW (sections 101 through 124 of  
23 this act), fix the times and places for holding examinations of  
24 applicants for licenses and prescribe the method of conducting them.

25 (2) The director shall enforce all laws, rules, and regulations  
26 relating to the licensing of real estate brokers, associate real estate  
27 brokers, and salespersons, grant or deny licenses to real estate  
28 brokers, associate real estate brokers, and salespersons, and hold  
29 hearings. ~~((The director may impose any one or more of the following~~  
30 ~~sanctions: Suspend or revoke licenses, deny applications for licenses,~~  
31 ~~fine violators, or require the completion of a course in a selected~~  
32 ~~aspect of real estate practice relevant to the provision of this~~  
33 ~~chapter or rule violated. The director may deny, suspend or revoke the~~  
34 ~~authority of a broker to act as the designated broker of persons who~~  
35 ~~commit violations of the real estate license law or of the rules and~~  
36 ~~regulations.))~~

1 (3) The director shall establish by rule standards for licensure of  
2 applicants licensed in other jurisdictions.

3 (4) The director shall institute a program of real estate education  
4 including, but not limited to, instituting a program of education at  
5 institutions of higher education in Washington. The overall program  
6 shall include establishing minimum levels of ongoing education for  
7 licensees relating to the practice of real estate by real estate  
8 brokers and salespersons under this chapter. The program may also  
9 include the development or implementation of curricula courses,  
10 educational materials, or approaches to education relating to real  
11 estate when required, approved, or certified for continuing education  
12 credit. The director may enter into contracts with other persons or  
13 entities, whether publicly or privately owned or operated, to assist in  
14 developing or implementing the real estate education program.

15 (5) The director shall charge a fee, as prescribed by the director  
16 by rule, for the certification of courses of instruction, instructors,  
17 and schools.

18 **Sec. 230.** RCW 18.85.230 and 1999 c 46 s 1 are each amended to read  
19 as follows:

20 (~~The director may, upon his or her own motion, and shall upon~~  
21 ~~verified complaint in writing by any person, investigate the actions~~  
22 ~~of)) In addition to the unprofessional conduct described in section 114  
23 of this act, the director may take disciplinary action against any  
24 person engaged in the business or acting in the capacity of a real  
25 estate broker, associate real estate broker, or real estate  
26 salesperson, regardless of whether the transaction was for his or her  
27 own account or in his or her capacity as broker, associate real estate  
28 broker, or real estate salesperson, and may impose any ((one or more of  
29 the following sanctions: Suspend or revoke, levy a fine not to exceed  
30 one thousand dollars for each offense, require the completion of a  
31 course in a selected area of real estate practice relevant to the  
32 section of this chapter or rule violated, or deny the license)) of the  
33 sanctions specified in section 112 of this act for any holder or  
34 applicant who is guilty of:~~

35 (1) (~~Obtaining a license by means of fraud, misrepresentation,~~  
36 ~~concealment, or through the mistake or inadvertence of the director;~~

37 (2)) Violating any of the provisions of this chapter or any lawful  
38 rules or regulations made by the director pursuant thereto or violating

1 a provision of chapter 64.36, 19.105, or 58.19 RCW or RCW 18.86.030 or  
2 the rules adopted under those chapters or section;

3 ~~((3)) Being convicted in a court of competent jurisdiction of this~~  
4 ~~or any other state, or federal court, of forgery, embezzlement,~~  
5 ~~obtaining money under false pretenses, bribery, larceny, extortion,~~  
6 ~~conspiracy to defraud, or any similar offense or offenses: PROVIDED,~~  
7 ~~That for the purposes of this section being convicted shall include all~~  
8 ~~instances in which a plea of guilty or nolo contendere is the basis for~~  
9 ~~the conviction, and all proceedings in which the sentence has been~~  
10 ~~deferred or suspended;~~

11 ~~(4))~~ (2) Making, printing, publishing, distributing, or causing,  
12 authorizing, or knowingly permitting the making, printing, publication  
13 or distribution of false statements, descriptions or promises of such  
14 character as to reasonably induce any person to act thereon, if the  
15 statements, descriptions, or promises purport to be made or to be  
16 performed by either the licensee or his or her principal and the  
17 licensee then knew or, by the exercise of reasonable care and inquiry,  
18 could have known, of the falsity of the statements, descriptions or  
19 promises;

20 ~~((5))~~ (3) Knowingly committing, or being a party to, any material  
21 fraud, misrepresentation, concealment, conspiracy, collusion, trick,  
22 scheme, or device whereby any other person lawfully relies upon the  
23 word, representation or conduct of the licensee;

24 ~~((6))~~ (4) Accepting the services of, or continuing in a  
25 representative capacity, any associate broker or salesperson who has  
26 not been granted a license, or after his or her license has been  
27 revoked or during a suspension thereof;

28 ~~((7))~~ (5) Conversion of any money, contract, deed, note,  
29 mortgage, or abstract or other evidence of title, to his or her own use  
30 or to the use of his or her principal or of any other person, when  
31 delivered to him or her in trust or on condition, in violation of the  
32 trust or before the happening of the condition; and failure to return  
33 any money or contract, deed, note, mortgage, abstract, or other  
34 evidence of title within thirty days after the owner thereof is  
35 entitled thereto, and makes demand therefor, shall be prima facie  
36 evidence of such conversion;

37 ~~((8))~~ (6) Failing, upon demand, to disclose any information  
38 within his or her knowledge to, or to produce any document, book or

1 record in his or her possession for inspection of the director or his  
2 or her authorized representatives acting by authority of law;

3 ~~((9))~~ (7) Continuing to sell any real estate, or operating  
4 according to a plan of selling, whereby the interests of the public are  
5 endangered, after the director has, by order in writing, stated  
6 objections thereto;

7 ~~((10) Committing any act of fraudulent or dishonest dealing or a~~  
8 ~~crime involving moral turpitude, and a certified copy of the final~~  
9 ~~holding of any court of competent jurisdiction in such matter shall be~~  
10 ~~conclusive evidence in any hearing under this chapter. However, RCW~~  
11 ~~9.96A.020 does not apply to a person who is required to register as a~~  
12 ~~sex offender under RCW 9A.44.130;~~

13 ~~((11))~~ (8) Advertising in any manner without affixing the broker's  
14 name as licensed, and in the case of a salesperson or associate broker,  
15 without affixing the name of the broker as licensed for whom or under  
16 whom the salesperson or associate broker operates, to the  
17 advertisement; except, that a real estate broker, associate real estate  
18 broker, or real estate salesperson advertising their personally owned  
19 real property must only disclose that they hold a real estate license;

20 ~~((12))~~ (9) Accepting other than cash or its equivalent as earnest  
21 money unless that fact is communicated to the owner prior to his or her  
22 acceptance of the offer to purchase, and such fact is shown in the  
23 earnest money receipt;

24 ~~((13))~~ (10) Charging or accepting compensation from more than one  
25 party in any one transaction without first making full disclosure in  
26 writing of all the facts to all the parties interested in the  
27 transaction;

28 ~~((14))~~ (11) Accepting, taking, or charging any undisclosed  
29 commission, rebate, or direct profit on expenditures made for the  
30 principal;

31 ~~((15))~~ (12) Accepting employment or compensation for appraisal of  
32 real property contingent upon reporting a predetermined value;

33 ~~((16))~~ (13) Issuing an appraisal report on any real property in  
34 which the broker, associate broker, or salesperson has an interest  
35 unless his or her interest is clearly stated in the appraisal report;

36 ~~((17))~~ (14) Misrepresentation of his or her membership in any  
37 state or national real estate association;

1        ~~((+18+))~~ (15) Discrimination against any person in hiring or in  
2 sales activity, on the basis of any of the provisions of any state or  
3 federal antidiscrimination law;

4        ~~((+19+))~~ (16) Failing to keep an escrow or trustee account of funds  
5 deposited with him or her relating to a real estate transaction, for a  
6 period of three years, showing to whom paid, and such other pertinent  
7 information as the director may require, such records to be available  
8 to the director, or his or her representatives, on demand, or upon  
9 written notice given to the bank;

10       ~~((+20+))~~ (17) Failing to preserve for three years following its  
11 consummation records relating to any real estate transaction;

12       ~~((+21+))~~ (18) Failing to furnish a copy of any listing, sale, lease  
13 or other contract relevant to a real estate transaction to all  
14 signatories thereof at the time of execution;

15       ~~((+22+))~~ (19) Acceptance by a branch manager, associate broker, or  
16 salesperson of a commission or any valuable consideration for the  
17 performance of any acts specified in this chapter, from any person,  
18 except the licensed real estate broker with whom he or she is licensed;

19       ~~((+23+))~~ (20) To direct any transaction involving his or her  
20 principal, to any lending institution for financing or to any escrow  
21 company, in expectation of receiving a kickback or rebate therefrom,  
22 without first disclosing such expectation to his or her principal;

23       ~~((+24+))~~ (21) Buying, selling, or leasing directly, or through a  
24 third party, any interest in real property without disclosing in  
25 writing that he or she holds a real estate license;

26       ~~((+25+))~~ (22) In the case of a broker licensee, failing to exercise  
27 adequate supervision over the activities of his or her licensed  
28 associate brokers and salespersons within the scope of this chapter;

29       ~~((+26+))~~ (23) Any conduct in a real estate transaction which  
30 demonstrates bad faith, dishonesty, untrustworthiness, or incompetency;

31       ~~((+27+))~~ (24) Acting as a vehicle dealer, as defined in RCW  
32 46.70.011, without having a license to do so; or

33       ~~((+28+))~~ (25) Failing to ~~((assure))~~ ensure that the title is  
34 transferred under chapter 46.12 RCW when engaging in a transaction  
35 involving a mobile home as a broker, associate broker, or  
36 salesperson(~~(; or~~

37       ~~(29) Violation of an order to cease and desist which is issued by~~  
38 ~~the director under this chapter)).~~

1       **Sec. 231.** RCW 18.85.261 and 1987 c 332 s 12 are each amended to  
2 read as follows:

3       (~~(If the licensed person or applicant accused does not appear at~~  
4 ~~the time and place appointed for the hearing in person or by counsel,~~  
5 ~~the hearing officer may proceed and determine the facts of the~~  
6 ~~accusation in his or her absence. The proceedings may be conducted at~~  
7 ~~places within the state convenient to all persons concerned as~~  
8 ~~determined by the director, and may be adjourned from day to day or for~~  
9 ~~longer periods.)) The hearing officer shall cause a transcript of all  
10 such proceedings to be kept by a reporter and shall upon request after  
11 completion thereof, furnish a copy of such transcript to the licensed  
12 person or applicant accused in such proceedings at the expense of the  
13 licensee or applicant. The hearing officer shall certify the  
14 transcript of proceedings to be true and correct. If the director  
15 finds that the statement or accusation is not proved by a fair  
16 preponderance of evidence, the director shall notify the licensee or  
17 applicant and the person making the accusation and shall dismiss the  
18 case.~~

19       **Sec. 232.** RCW 18.85.271 and 1989 c 175 s 66 are each amended to  
20 read as follows:

21       If the director (~~(shall)~~) decides, after such hearing, that the  
22 evidence supports the accusation by a preponderance of evidence, the  
23 director may impose sanctions authorized under RCW 18.85.040. In such  
24 event the director shall enter an order to that effect and shall file  
25 the same in his or her office and immediately mail a copy (~~(thereof)~~)  
26 to the affected party at the address of record with the department.  
27 (~~(Such order shall not be operative for a period of ten days from the~~  
28 ~~date thereof. Any licensee or applicant aggrieved by a final decision~~  
29 ~~by the director in an adjudicative proceeding, whether such decision is~~  
30 ~~affirmative or negative in form, is entitled to a judicial review in~~  
31 ~~the superior court under the provisions of the Administrative Procedure~~  
32 ~~Act, chapter 34.05 RCW.)) Upon instituting appeal in the superior  
33 court, the appellant shall give a cash bond to the state of Washington,  
34 which bond shall be filed with the clerk of the court, in the sum of  
35 five hundred dollars to be approved by the judge of said court,  
36 conditioned to pay all costs that may be awarded against such appellant  
37 in the event of an adverse decision, such bond and notice to be filed  
38 within thirty days from the date of the director's decision.~~

1        NEW SECTION.    **Sec. 233.**    A new section is added to chapter 18.85  
2    RCW to read as follows:

3        The uniform regulation of business and professions act, chapter  
4    18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
5    practice, the issuance and denial of licenses, and the discipline of  
6    licensees under this chapter.

7        **Sec. 234.**    RCW 18.96.060 and 1969 ex.s. c 158 s 6 are each amended  
8    to read as follows:

9        The board shall adopt rules for its own organization and procedure  
10   and such other rules as it may deem necessary to the proper performance  
11   of its duties. Three members of the board shall constitute a quorum  
12   for the conduct of any business of the board.

13       The board may conduct hearings concerning alleged violations of the  
14   provisions of this chapter. ~~((In conducting such hearings the chairman  
15   of the board, or any member of the board acting in his place, may  
16   administer oaths or affirmations to witnesses appearing before the  
17   board, subpoena witnesses and compel their attendance, and require the  
18   production of books, records, papers and documents. If any person  
19   shall refuse to obey any subpoena so issued, or shall refuse to testify  
20   or to produce any books, records, papers or documents so required to be  
21   produced, the board may present its petition to the superior court of  
22   the county in which such person resides, setting forth the facts, and  
23   thereupon the court shall, in any proper case, enter a suitable order  
24   compelling compliance with the provisions of this chapter and imposing  
25   such other terms and conditions as the court may deem equitable.))~~

26       **Sec. 235.**    RCW 18.96.120 and 1997 c 58 s 827 are each amended to  
27   read as follows:

28       (1) ~~((The director may refuse to renew, or may suspend or revoke,  
29   a certificate of registration to use the titles landscape architect,  
30   landscape architecture, or landscape architectural in this state upon  
31   the following grounds))~~ In addition to the conduct, acts, or conditions  
32   set out in section 114 of this act, the following constitute  
33   unprofessional conduct for which the director may impose discipline  
34   upon any license holder or applicant under the jurisdiction of this  
35   chapter:

36       (a) The holder of the certificate of registration is impersonating  
37   a practitioner or former practitioner.

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

4       ~~(c))~~ The holder of the certificate of registration permits his or  
5 her seal to be affixed to any plans, specifications, or drawings that  
6 were not prepared by him or her or under his or her personal  
7 supervision by employees subject to his or her direction and control.

8       ~~((d) The holder of the certificate has committed fraud in applying~~  
9 ~~for or obtaining a certificate.))~~

10       (2) The director shall immediately suspend the certificate of  
11 registration of a landscape architect who has been certified pursuant  
12 to RCW 74.20A.320 by the department of social and health services as a  
13 person who is not in compliance with a support order (~~or a residential~~  
14 ~~or visitation order~~). If the person has continued to meet all other  
15 requirements for certification during the suspension, reissuance of the  
16 certificate of registration shall be automatic upon the director's  
17 receipt of a release issued by the department of social and health  
18 services stating that the person is in compliance with the order.

19       **Sec. 236.** RCW 18.96.140 and 1985 c 7 s 77 are each amended to read  
20 as follows:

21       ~~((Upon the recommendations of the board, the director may restore~~  
22 ~~a license to any person whose license has been suspended or revoked.~~  
23 ~~Application for the reissuance of a license shall be made in such a~~  
24 ~~manner as indicated by the board.))~~

25       A new certificate of registration to replace any certificate lost  
26 or destroyed, or mutilated may be issued by the director, and a charge  
27 determined by the director as provided in RCW 43.24.086 shall be made  
28 for such issuance.

29       NEW SECTION. **Sec. 237.** A new section is added to chapter 18.96  
30 RCW to read as follows:

31       The uniform regulation of business and professions act, chapter  
32 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
33 practice, the issuance and denial of licenses, and the discipline of  
34 licensees under this chapter.

35       **Sec. 238.** RCW 18.140.030 and 2000 c 249 s 2 are each amended to  
36 read as follows:

1 The director shall have the following powers and duties:

2 (1) To adopt rules in accordance with chapter 34.05 RCW necessary  
3 to implement this chapter and chapter 18.--- RCW (sections 101 through  
4 124 of this act), with the advice and approval of the commission;

5 (2) To receive and approve or deny applications for certification  
6 or licensure as a state-certified or state-licensed real estate  
7 appraiser under this chapter; to establish appropriate administrative  
8 procedures for the processing of such applications; to issue  
9 certificates or licenses to qualified applicants pursuant to the  
10 provisions of this chapter; and to maintain a register of the names and  
11 addresses of individuals who are currently certified or licensed under  
12 this chapter;

13 (3) To provide administrative assistance to the members of and to  
14 keep records for the real estate appraiser commission;

15 (4) To solicit bids and enter into contracts with educational  
16 testing services or organizations for the preparation of questions and  
17 answers for certification or licensure examinations;

18 (5) To administer or contract for administration of certification  
19 or licensure examinations at locations and times as may be required to  
20 carry out the responsibilities under this chapter;

21 (6) To enter into contracts for professional services determined to  
22 be necessary for adequate enforcement of this chapter;

23 (7) To consider recommendations by the real estate appraiser  
24 commission relating to the experience, education, and examination  
25 requirements for each classification of state-certified appraiser and  
26 for licensure;

27 (8) To consider recommendations by the real estate appraiser  
28 commission relating to continuing education requirements as a  
29 prerequisite to renewal of certification or licensure;

30 (9) To consider recommendations by the real estate appraiser  
31 commission relating to standards of professional appraisal conduct or  
32 practice in the enforcement of this chapter;

33 ~~(10) ((To investigate all complaints or reports of unprofessional  
34 conduct as defined in this chapter and to hold hearings as provided in  
35 this chapter;~~

36 ~~(11) To establish appropriate administrative procedures for  
37 disciplinary proceedings conducted pursuant to the provisions of this  
38 chapter;~~

1       ~~(12) To compel the attendance of witnesses and production of books,~~  
2 ~~documents, records, and other papers; to administer oaths; and to take~~  
3 ~~testimony and receive evidence concerning all matters within their~~  
4 ~~jurisdiction. These powers may be exercised directly by the director~~  
5 ~~or the director's authorized representatives acting by authority of~~  
6 ~~law;~~

7       ~~(13) To take emergency action ordering summary suspension of a~~  
8 ~~license or certification pending proceedings by the director;~~

9       ~~(14))~~ To employ such professional, clerical, and technical  
10 assistance as may be necessary to properly administer the work of the  
11 director;

12       ~~((15))~~ (11) To establish forms necessary to administer this  
13 chapter;

14       ~~((16))~~ (12) To establish an expert review appraiser roster  
15 comprised of state-certified or licensed real estate appraisers whose  
16 purpose is to assist the director by applying their individual  
17 expertise by reviewing real estate appraisals for compliance with this  
18 chapter. Qualifications to act as an expert review appraiser shall be  
19 established by the director with the advice of the commission. An  
20 application to serve as an expert review appraiser shall be submitted  
21 to the real estate appraiser program, and the roster of accepted expert  
22 review appraisers shall be maintained by the department. An expert  
23 review appraiser may be added to or deleted from that roster by the  
24 director. The expert review appraiser shall be reimbursed for expenses  
25 in the same manner as the department reimburses the commission; and

26       ~~((17))~~ (13) To do all other things necessary to carry out the  
27 provisions of this chapter and minimally meet the requirements of  
28 federal guidelines regarding state certification or licensure of  
29 appraisers that the director determines are appropriate for state-  
30 certified and state-licensed appraisers in this state.

31       **Sec. 239.** RCW 18.140.160 and 2000 c 35 s 1 are each amended to  
32 read as follows:

33       ~~((The director may deny an application for licensure or~~  
34 ~~certification and may impose any one or more of the following sanctions~~  
35 ~~against a state licensed or state certified appraiser: Suspend,~~  
36 ~~revoke, or levy a fine not to exceed one thousand dollars for each~~  
37 ~~offense and/or otherwise discipline in accordance with the provisions~~  
38 ~~of this chapter, for any of the following acts or omissions)) In~~

1 addition to the unprofessional conduct described in section 114 of this  
2 act, the director may take disciplinary action for the following  
3 conduct, acts, or conditions:

4 (1) Failing to meet the minimum qualifications for state licensure  
5 or certification established by or pursuant to this chapter;

6 ~~((Procuring or attempting to procure state licensure or~~  
7 ~~certification under this chapter by knowingly making a false statement,~~  
8 ~~knowingly submitting false information, or knowingly making a material~~  
9 ~~misrepresentation on any application filed with the director;~~

10 ~~(3))~~ Paying money other than the fees provided for by this chapter  
11 to any employee of the director or the ~~((committee))~~ commission to  
12 procure state licensure or certification under this chapter;

13 ~~((4) Obtaining a license or certification through the mistake or~~  
14 ~~inadvertence of the director;~~

15 ~~(5) Conviction of any gross misdemeanor or felony or the commission~~  
16 ~~of any act involving moral turpitude, dishonesty, or corruption whether~~  
17 ~~or not the act constitutes a crime. If the act constitutes a crime,~~  
18 ~~conviction in a criminal proceeding is not a condition precedent to~~  
19 ~~disciplinary action. Upon such a conviction, however, the judgment and~~  
20 ~~sentence is conclusive evidence at the ensuing disciplinary hearing of~~  
21 ~~the guilt of the license or certificate holder or applicant of the~~  
22 ~~crime described in the indictment or information, and of the person's~~  
23 ~~violation of the statute on which it is based. For the purposes of~~  
24 ~~this section, conviction includes all instances in which a plea of~~  
25 ~~guilty or nolo contendere is the basis for the conviction and all~~  
26 ~~proceedings in which the sentence has been deferred or suspended.~~  
27 ~~Nothing in this section abrogates rights guaranteed under chapter 9.96A~~  
28 ~~RCW. However, RCW 9.96A.020 does not apply to a person who is required~~  
29 ~~to register as a sex offender under RCW 9A.44.130;~~

30 ~~(6) Failure or refusal without good cause to exercise reasonable~~  
31 ~~diligence in developing an appraisal, preparing an appraisal report, or~~  
32 ~~communicating an appraisal;~~

33 ~~(7) Negligence or incompetence in developing an appraisal,~~  
34 ~~preparing an appraisal report, or communicating an appraisal;~~

35 ~~(8))~~ (3) Continuing to act as a state-licensed or state-certified  
36 real estate appraiser when his or her license or certificate is on an  
37 expired status;

38 ~~((9) Failing, upon demand, to disclose any information within his~~  
39 ~~or her knowledge to, or to produce any document, book, or record in his~~

1 ~~or her possession for inspection of the director or the director's~~  
2 ~~authorized representatives acting by authority of law;~~

3 ~~(10)) (4) Violating any provision of this chapter or any lawful~~  
4 ~~rule made by the director pursuant thereto;~~

5 ~~((11) Advertising in a false, fraudulent, or misleading manner;~~

6 ~~(12) Suspension, revocation, or restriction of the individual's~~  
7 ~~license or certification to practice the profession by competent~~  
8 ~~authority in any state, federal, or foreign jurisdiction, with a~~  
9 ~~certified copy of the order, stipulation, or agreement being conclusive~~  
10 ~~evidence of the revocation, suspension, or restriction;~~

11 ~~(13) Failing to comply with an order issued by the director;~~

12 ~~(14) Committing any act of fraudulent or dishonest dealing or a~~  
13 ~~crime involving moral turpitude, with a certified copy of the final~~  
14 ~~holding of any court of competent jurisdiction in such matter being~~  
15 ~~conclusive evidence in any hearing under this chapter; and~~

16 ~~(15)) (5) Issuing an appraisal report on any real property in~~  
17 ~~which the appraiser has an interest unless his or her interest is~~  
18 ~~clearly stated in the appraisal report; and~~

19 ~~(6) Being affiliated as an employee or independent contractor with~~  
20 ~~a state-licensed or state-certified real estate appraiser when the~~  
21 ~~appraiser's license or certificate has been revoked due to disciplinary~~  
22 ~~action.~~

23 **Sec. 240.** RCW 18.140.170 and 1996 c 182 s 10 are each amended to  
24 read as follows:

25 The director may investigate the actions of a state-licensed or  
26 state-certified real estate appraiser or an applicant for licensure or  
27 certification or relicensure or recertification. Upon receipt of  
28 information indicating that a state-licensed or state-certified real  
29 estate appraiser under this chapter may have violated this chapter, the  
30 director ~~((shall))~~ may cause one or more of the staff investigators to  
31 make an investigation of the facts to determine whether or not there is  
32 admissible evidence of any such violation. If technical assistance is  
33 required, a staff investigator may consult with one or more of the  
34 members of the ~~((committee))~~ commission.

35 ~~((In any investigation made by the director's investigative staff,~~  
36 ~~the director shall have the power to compel the attendance of witnesses~~  
37 ~~and the production of books, documents, records, and other papers, to~~

1 administer oaths, and to take testimony and receive evidence concerning  
2 all matters within the director's jurisdiction.

3 If the director determines, upon investigation, that a state-  
4 licensed or state-certified real estate appraiser under this chapter  
5 has violated this chapter, a statement of charges shall be prepared and  
6 served upon the state-licensed or state-certified real estate  
7 appraiser. The statement of charges shall be served as follows: The  
8 statement of charges shall be sent by certified or registered mail, and  
9 if no receipt of service is received, two attempts to personally serve  
10 the statement of charges shall be made. This statement of charges  
11 shall require the accused party to file an answer to the statement of  
12 charges within twenty days of the date of service.

13 In responding to a statement of charges, the accused party may  
14 admit to the allegations, deny the allegations, or otherwise plead.  
15 Failure to make a timely response shall be deemed an admission of the  
16 allegations contained in the statement of charges and will result in a  
17 default whereupon the director may enter an order under RCW 34.05.440.  
18 If a hearing is requested, the time of the hearing shall be scheduled  
19 but the hearing shall not be held earlier than thirty days after  
20 service of the charges upon the accused. A notice of hearing shall be  
21 issued at least twenty days prior to the hearing, specifying the time,  
22 date, and place of hearing.))

23 NEW SECTION. **Sec. 241.** A new section is added to chapter 18.140  
24 RCW to read as follows:

25 The real estate appraiser commission account is created in the  
26 state treasury. All fees received by the department for licenses,  
27 registrations, renewals, examinations, and audits must be forwarded to  
28 the state treasurer who must credit the money to the account. All  
29 fines and civil penalties ordered pursuant to RCW 18.140.020,  
30 18.140.160, or section 112 of this act against holders of licenses,  
31 certificates, or registrations issued under the provisions of this  
32 chapter must be paid to the account. All expenses incurred in carrying  
33 out the licensing and registration activities of the department under  
34 this chapter must be paid from the account as authorized by legislative  
35 appropriation. Any residue in the account shall be accumulated and  
36 shall not revert to the general fund at the end of the biennium. All  
37 earnings of investments of balances in the account shall be credited to  
38 the general fund. Any fund balance remaining in the general fund

1 attributable to the real estate appraiser commission account as of July  
2 1, 2003, must be transferred to the real estate appraiser commission  
3 account.

4 NEW SECTION. **Sec. 242.** A new section is added to chapter 18.140  
5 RCW to read as follows:

6 The uniform regulation of business and professions act, chapter  
7 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
8 practice, the issuance and denial of licenses, and the discipline of  
9 licensees under this chapter.

10 **Sec. 243.** RCW 18.145.050 and 1995 c 269 s 502 and 1995 c 27 s 6  
11 are each reenacted and amended to read as follows:

12 In addition to any other authority provided by law, the director  
13 may:

14 (1) Adopt rules in accordance with chapter 34.05 RCW that are  
15 necessary to implement this chapter;

16 (2) Set all renewal, late renewal, duplicate, and verification fees  
17 in accordance with RCW 43.24.086;

18 (3) Establish the forms and procedures necessary to administer this  
19 chapter;

20 (4) Issue a certificate to any applicant who has met the  
21 requirements for certification;

22 (5) Hire clerical(~~(7)~~) and administrative(~~(7, and investigative)~~)  
23 staff as needed to implement and administer this chapter;

24 (~~(6) ((Investigate complaints or reports of unprofessional conduct~~  
25 ~~as defined in this chapter and hold hearings under chapter 34.05 RCW;~~

26 ~~(7) Issue subpoenas for records and attendance of witnesses,~~  
27 ~~statements of charges, statements of intent to deny certificates, and~~  
28 ~~orders; administer oaths; take or cause depositions to be taken; and~~  
29 ~~use other discovery procedures as needed in any investigation, hearing,~~  
30 ~~or proceeding held under this chapter;~~

31 ~~(8))~~ Maintain the official departmental record of all applicants  
32 and certificate holders;

33 (~~(9) Delegate, in writing to a designee, the authority to issue~~  
34 ~~subpoenas, statements of charges, and statements of intent to deny~~  
35 ~~certification;~~

36 ~~(10))~~ (7) Approve the preparation and administration of  
37 examinations for certification;

1       (~~(11)~~) (8) Establish by rule the procedures for an appeal of a  
2 failure of an examination;

3       (~~(12)~~) ~~Conduct a hearing under chapter 34.05 RCW on an appeal of a~~  
4 ~~denial of a certificate based on the applicant's failure to meet~~  
5 ~~minimum qualifications for certification;~~

6       (~~(13)~~) (9) Set the criteria for meeting the standard required for  
7 certification;

8       (~~(14)~~) (10) Establish advisory committees whose membership shall  
9 include representatives of professional court reporting and  
10 stenomasking associations and representatives from accredited schools  
11 offering degrees in court reporting or stenomasking to advise the  
12 director on testing procedures, professional standards, disciplinary  
13 activities, or any other matters deemed necessary;

14       (~~(15)~~) (11) Establish ad hoc advisory committees whose membership  
15 shall include representatives of professional court reporting and  
16 stenomasking associations and representatives from accredited schools  
17 offering degrees in court reporting or stenomasking to advise the  
18 director on testing procedures, professional standards, (~~disciplinary~~  
19 ~~activities,~~) or any other matters deemed necessary.

20       NEW SECTION. Sec. 244. A new section is added to chapter 18.145  
21 RCW to read as follows:

22       The uniform regulation of business and professions act, chapter  
23 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
24 practice, the issuance and denial of licenses, and the discipline of  
25 licensees under this chapter.

26       **Sec. 245.** RCW 18.165.160 and 1997 c 58 s 835 are each amended to  
27 read as follows:

28       In addition to the unprofessional conduct described in section 114  
29 of this act, the director may take disciplinary action for the  
30 following conduct, acts (~~are prohibited and constitute grounds for~~  
31 disciplinary action, assessing administrative penalties, or denial,  
32 suspension, or revocation of any license under this chapter, as deemed  
33 appropriate by the director)), or conditions:

34       (1) (~~Knowingly~~) Violating any of the provisions of this chapter  
35 or the rules adopted under this chapter;

- 1 (2) (~~Knowingly~~) Making a material misstatement or omission in the  
2 application for or renewal of a (~~license or~~) firearms certificate,  
3 including falsifying requested identification information;
- 4 (3) Not meeting the qualifications set forth in RCW 18.165.030,  
5 18.165.040, or 18.165.050;
- 6 (4) Failing to return immediately on demand a firearm issued by an  
7 employer;
- 8 (5) Carrying a firearm in the performance of his or her duties if  
9 not the holder of a valid armed private investigator license, or  
10 carrying a firearm not meeting the provisions of this chapter while in  
11 the performance of his or her duties;
- 12 (6) Failing to return immediately on demand company identification,  
13 badges, or other items issued to the private investigator by an  
14 employer;
- 15 (7) Making any statement that would reasonably cause another person  
16 to believe that the private investigator is a sworn peace officer;
- 17 (8) Divulging confidential information obtained in the course of  
18 any investigation to which he or she was assigned;
- 19 (9) Acceptance of employment that is adverse to a client or former  
20 client and relates to a matter about which a licensee has obtained  
21 confidential information by reason of or in the course of the  
22 licensee's employment by the client;
- 23 (~~(10) ((Conviction of a gross misdemeanor or felony or the~~  
24 ~~commission of any act involving moral turpitude, dishonesty, or~~  
25 ~~corruption whether the act constitutes a crime or not. If the act~~  
26 ~~constitutes a crime, conviction in a criminal proceeding is not a~~  
27 ~~condition precedent to disciplinary action. Upon such a conviction,~~  
28 ~~however, the judgment and sentence is conclusive evidence at the~~  
29 ~~ensuing disciplinary hearing of the guilt of the license holder or~~  
30 ~~applicant of the crime described in the indictment or information, and~~  
31 ~~of the person's violation of the statute on which it is based. For the~~  
32 ~~purposes of this section, conviction includes all instances in which a~~  
33 ~~plea of guilty or nolo contendere is the basis for the conviction and~~  
34 ~~all proceedings in which the sentence has been deferred or suspended;~~
- 35 (~~11) Advertising that is false, fraudulent, or misleading;~~
- 36 (~~12) Incompetence or negligence that results in injury to a person~~  
37 ~~or that creates an unreasonable risk that a person may be harmed;~~
- 38 (~~13) Suspension, revocation, or restriction of the individual's~~  
39 ~~license to practice the profession by competent authority in any state,~~

1 federal, or foreign jurisdiction, a certified copy of the order,  
2 stipulation, or agreement being conclusive evidence of the revocation,  
3 suspension, or restriction;

4       ~~(14) Failure to cooperate with the director by:~~

5           ~~(a) Not furnishing any necessary papers or documents requested by~~  
6 ~~the director for purposes of conducting an investigation for~~  
7 ~~disciplinary action, denial, suspension, or revocation of a license~~  
8 ~~under this chapter;~~

9           ~~(b) Not furnishing in writing a full and complete explanation~~  
10 ~~covering the matter contained in a complaint filed with the department;~~  
11 ~~or~~

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

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

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

18       ~~(17) Misrepresentation or fraud in any aspect of the conduct of the~~  
19 ~~business or profession;~~

20       ~~(18) Failure to adequately supervise employees to the extent that~~  
21 ~~the public health or safety is at risk;~~

22       ~~(19) Interference with an investigation or disciplinary proceeding~~  
23 ~~by willful misrepresentation of facts before the director or the~~  
24 ~~director's authorized representative, or by the use of threats or~~  
25 ~~harassment against any client or witness to prevent them from providing~~  
26 ~~evidence in a disciplinary proceeding or any other legal action;~~

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

29       ~~((21))~~ (11) Assisting a client to locate, trace, or contact a  
30 person when the investigator knows that the client is prohibited by any  
31 court order from harassing or contacting the person whom the  
32 investigator is being asked to locate, trace, or contact, as it  
33 pertains to domestic violence, stalking, or minor children;

34       ~~((22))~~ (12) Failure to maintain bond or insurance;

35       ~~((23))~~ (13) Failure to have a qualifying principal in place; or

36       ~~((24))~~ (14) Being certified as not in compliance with a support  
37 order ~~((or a residential or visitation order))~~ as provided in RCW  
38 74.20A.320.

1       **Sec. 246.** RCW 18.165.170 and 1995 c 277 s 35 are each amended to  
2 read as follows:

3       The director has the following authority in administering this  
4 chapter:

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

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

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

12       ~~(4) To compel attendance of witnesses at hearings;~~

13       ~~(5) In the course of investigating a complaint or report of  
14 unprofessional conduct, to conduct practice reviews;~~

15       ~~(6) To take emergency action ordering summary suspension of a  
16 license, or restriction or limitation of the licensee's practice  
17 pending proceedings by the director;~~

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

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

23       ~~((9))~~ (3) To adopt standards of professional conduct or practice;

24       ~~((10) In the event of a finding of unprofessional conduct by an  
25 applicant or license holder, to impose sanctions against a license  
26 applicant or license holder as provided by this chapter;~~

27       ~~(11))~~ (4) To enter into an assurance of discontinuance in lieu of  
28 issuing a statement of charges or conducting a hearing. The assurance  
29 shall consist of a statement of the law in question and an agreement to  
30 not violate the stated provision. The applicant or license holder  
31 shall not be required to admit to any violation of the law, and the  
32 assurance shall not be construed as such an admission. Violation of an  
33 assurance under this subsection is grounds for disciplinary action; and

34       ~~((12) To designate individuals authorized to sign subpoenas and  
35 statements of charges;~~

36       ~~(13))~~ (5) To employ such ~~((investigative,))~~ administrative~~((,))~~  
37 and clerical staff as necessary for the enforcement of this chapter~~((;~~

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

1       ~~(15) To assess administrative penalties for violations of law,~~  
2 ~~rules, or regulations)).~~

3       **NEW SECTION. Sec. 247.** A new section is added to chapter 18.165  
4 RCW to read as follows:

5       The uniform regulation of business and professions act, chapter  
6 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
7 practice, the issuance and denial of licenses, and the discipline of  
8 licensees under this chapter.

9       **Sec. 248.** RCW 18.170.170 and 1997 c 58 s 837 are each amended to  
10 read as follows:

11       In addition to the ~~((provisions of RCW 18.170.164, the following~~  
12 ~~acts are prohibited and constitute grounds for disciplinary action,~~  
13 ~~assessing administrative penalties, or denial, suspension, or~~  
14 ~~revocation of any license under this chapter, as deemed appropriate by~~  
15 ~~the director:~~

16       ~~(1) Knowingly violating any of the provisions of this chapter or~~  
17 ~~the rules adopted under this chapter;~~

18       ~~(2)) unprofessional conduct described in section 114 of this act,~~  
19 ~~the following conduct, acts, or conditions constitute unprofessional~~  
20 ~~conduct:~~

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

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

25       (3) Knowingly making a material misstatement or omission in the  
26 application for a ~~((license or))~~ firearms certificate;

27       (4) Not meeting the qualifications set forth in RCW 18.170.030,  
28 18.170.040, or 18.170.060;

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

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

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

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

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

6 ~~(10) ((Conviction of a gross misdemeanor or felony or the  
7 commission of any act involving moral turpitude, dishonesty, or  
8 corruption whether the act constitutes a crime or not. If the act  
9 constitutes a crime, conviction in a criminal proceeding is not a  
10 condition precedent to disciplinary action. Upon such a conviction,  
11 however, the judgment and sentence is conclusive evidence at the  
12 ensuing disciplinary hearing of the guilt of the license holder or  
13 applicant of the crime described in the indictment or information, and  
14 of the person's violation of the statute on which it is based. For the  
15 purposes of this section, conviction includes all instances in which a  
16 plea of guilty or nolo contendere is the basis for the conviction and  
17 all proceedings in which the sentence has been deferred or suspended;~~

18 ~~(11) Misrepresentation or concealment of a material fact in  
19 obtaining a license or in reinstatement thereof;~~

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

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

23 ~~(14) 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 ~~(15) 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;~~

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

4       ~~(17) Aiding or abetting an unlicensed person to practice if a~~  
5 ~~license is required;~~

6       ~~(18) Misrepresentation or fraud in any aspect of the conduct of the~~  
7 ~~business or profession;~~

8       ~~(19) Failure to adequately supervise employees to the extent that~~  
9 ~~the public health or safety is at risk;~~

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

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

17       ~~((22))~~ (11) Failure to maintain insurance; and

18       ~~((23))~~ (12) Failure to have a qualifying principal in place.

19       **Sec. 249.** RCW 18.170.180 and 1991 c 334 s 18 are each amended to  
20 read as follows:

21       The director has the following authority in administering this  
22 chapter:

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

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

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

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

31       (5) ~~In the course of investigating a complaint or report of~~  
32 ~~unprofessional conduct, to conduct practice reviews;~~

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

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

1       ~~(8) To enter into contracts for professional services determined to~~  
2 ~~be necessary for adequate enforcement of this chapter;~~  
3       ~~(9)) To adopt standards of professional conduct or practice;~~  
4       ~~((10) In the event of a finding of unprofessional conduct by an~~  
5 ~~applicant or license holder, to impose sanctions against a license~~  
6 ~~applicant or license holder as provided by this chapter;~~  
7       ~~(11)) (3) To enter into an assurance of discontinuance in lieu of~~  
8 ~~issuing a statement of charges or conducting a hearing. The assurance~~  
9 ~~shall consist of a statement of the law in question and an agreement to~~  
10 ~~not violate the stated provision. The applicant or license holder~~  
11 ~~shall not be required to admit to any violation of the law, and the~~  
12 ~~assurance shall not be construed as such an admission. Violation of an~~  
13 ~~assurance under this subsection is grounds for disciplinary action; and~~  
14       ~~((12) To designate individuals authorized to sign subpoenas and~~  
15 ~~statements of charges;~~  
16       ~~(13)) (4) To employ such ((investigative,)) administrative((,))~~  
17 ~~and clerical staff as necessary for the enforcement of this chapter((;~~  
18 ~~and~~  
19       ~~(14) To compel the attendance of witnesses at hearings)).~~

20       NEW SECTION. Sec. 250. A new section is added to chapter 18.170  
21 RCW to read as follows:

22       The uniform regulation of business and professions act, chapter  
23 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
24 practice, the issuance and denial of licenses, and the discipline of  
25 licensees under this chapter.

26       **Sec. 251.** RCW 18.185.110 and 1993 c 260 s 12 are each amended to  
27 read as follows:

28       ~~((The following acts are prohibited and constitute grounds for~~  
29 ~~disciplinary action or denial, suspension, or revocation of any license~~  
30 ~~under this chapter, as deemed appropriate by the director:~~

31       ~~(1) Knowingly violating any of the provisions of this chapter or~~  
32 ~~the rules adopted under this chapter;~~

33       ~~(2) Knowingly making a material misstatement or omission in the~~  
34 ~~application for or renewal of a license;~~

35       ~~(3)) In addition to the unprofessional conduct described in~~  
36 ~~section 114 of this act, the following conduct, acts, or conditions~~  
37 ~~constitute unprofessional conduct:~~

1        (1) Violating any of the provisions of this chapter or the rules  
2 adopted under this chapter;  
3        (2) Failing to meet the qualifications set forth in RCW 18.185.020  
4 and 18.185.030;  
5        ~~((4) Conviction of a gross misdemeanor or felony or the commission~~  
6 ~~of any act involving moral turpitude, dishonesty, or corruption whether~~  
7 ~~the act constitutes a crime or not. If the act constitutes a crime,~~  
8 ~~conviction in a criminal proceeding is not a condition precedent to~~  
9 ~~disciplinary action. Upon such a conviction, however, the judgment and~~  
10 ~~sentence is conclusive evidence at the ensuing disciplinary hearing of~~  
11 ~~the guilt of the license holder or applicant of the crime described in~~  
12 ~~the indictment or information, and of the person's violation of the~~  
13 ~~statute on which it is based. For the purposes of this section,~~  
14 ~~conviction includes all instances in which a plea of guilty or nolo~~  
15 ~~contendere is the basis for the conviction and all proceedings in which~~  
16 ~~the sentence has been deferred or suspended. Nothing in this section~~  
17 ~~abrogates rights guaranteed under chapter 9.96A RCW;~~  
18        ~~(5) Advertising that is false, fraudulent, or misleading;~~  
19        ~~(6) Incompetence or negligence that results in injury to a person~~  
20 ~~or that creates an unreasonable risk that a person may be harmed;~~  
21        ~~(7) Suspension, revocation, or restriction of the individual's~~  
22 ~~license to practice the profession by competent authority in any state,~~  
23 ~~federal, or foreign jurisdiction, a certified copy of the order,~~  
24 ~~stipulation, or agreement being conclusive evidence of the revocation,~~  
25 ~~suspension, or restriction;~~  
26        ~~(8) Failure to cooperate with the director by not:~~  
27        ~~(a) Furnishing any necessary papers or documents requested by the~~  
28 ~~director for purposes of conducting an investigation for disciplinary~~  
29 ~~action, denial, suspension, or revocation of a license under this~~  
30 ~~chapter;~~  
31        ~~(b) Furnishing in writing a full and complete explanation covering~~  
32 ~~the matter contained in a complaint filed with the department; or~~  
33        ~~(c) Responding to subpoenas issued by the director, whether or not~~  
34 ~~the recipient of the subpoena is the accused in the proceeding;~~  
35        ~~(9) Failure to comply with an order issued by the director or an~~  
36 ~~assurance of discontinuance entered into with the director;~~  
37        ~~(10) Aiding or abetting an unlicensed person to practice if a~~  
38 ~~license is required;~~

1       ~~(11))~~ (3) Knowingly committing, or being a party to, any material  
2 fraud, misrepresentation, concealment, conspiracy, collusion, trick,  
3 scheme, or device whereby any other person lawfully relies upon the  
4 word, representation, or conduct of the licensee;

5       ~~((12) Failure to adequately supervise employees to the extent that  
6 the client funds are at risk;~~

7       ~~(13) 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;~~

12       ~~(14))~~ (4) Assigning or transferring any license issued pursuant to  
13 the provisions of this chapter, except as provided in RCW 18.185.030;

14       ~~((15))~~ (5) Conversion of any money or contract, deed, note,  
15 mortgage, or other evidence of title, to his or her own use or to the  
16 use of his or her principal or of any other person, when delivered to  
17 him or her in trust or on condition, in violation of the trust or  
18 before the happening of the condition; and failure to return any money  
19 or contract, deed, note, mortgage, or other evidence of title within  
20 thirty days after the owner is entitled to possession, and makes demand  
21 for possession, shall be prima facie evidence of conversion;

22       ~~((16))~~ (6) Failing to keep records, maintain a trust account, or  
23 return collateral or security, as required by RCW 18.185.100;

24       ~~((17))~~ (7) Any conduct in a bail bond transaction which  
25 demonstrates bad faith, dishonesty, or untrustworthiness; or

26       ~~((18))~~ (8) Violation of an order to cease and desist that is  
27 issued by the director under this chapter.

28       **Sec. 252.** RCW 18.185.120 and 1993 c 260 s 13 are each amended to  
29 read as follows:

30       In addition to those powers set forth in section 104 of this act,  
31 the director has the ((following)) authority ((in administering this  
32 chapter)):

33       (1) ~~((To adopt, amend, and rescind rules as deemed necessary to  
34 carry out this chapter;~~

35       (2) ~~To issue an order providing for one or any combination of the  
36 following upon violation or violations of this chapter: Denying,  
37 suspending, or revoking a license; assessing monetary penalties;  
38 restricting or limiting practice; complying with conditions of~~

1 probation for a designated period of time; making restitution to the  
2 person harmed by the licensee; or other corrective action;

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

5       (4) To take or cause depositions to be taken and use other  
6 discovery procedures as needed in an investigation, hearing, or  
7 proceeding held under this chapter;

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

9       (6) To establish fees by rule under RCW 43.24.086 and chapter 34.05  
10 RCW;

11       (7) To take emergency action ordering summary suspension of a  
12 license, or restriction or limitation of the licensee's practice  
13 pending proceedings by the director;

14       (8) To use the office of administrative hearings as authorized in  
15 chapter 34.12 RCW to conduct hearings. However, the director or the  
16 director's designee shall make the final decision in the hearing;

17       (9) To enter into contracts for professional services determined to  
18 be necessary for adequate enforcement of this chapter;

19       (10) To adopt standards of professional conduct or practice;

20       (11) In the event of a finding of unprofessional conduct by an  
21 applicant or license holder, to impose sanctions against an applicant  
22 or license holder as provided by this chapter;

23       (12))) To order restitution to the person harmed by the licensee;  
24 or

25       (2) To enter into an assurance of discontinuance in lieu of issuing  
26 a statement of charges or conducting a hearing. The assurance shall  
27 consist of a statement of the law in question and an agreement to not  
28 violate the stated provision. The applicant or license holder shall  
29 not be required to admit to any violation of the law, and the assurance  
30 shall not be construed as such an admission. Violation of an assurance  
31 under this subsection is grounds for disciplinary action((;  
32       (13) To designate individuals authorized to sign subpoenas and  
33 statements of charges; and

34       (14) To employ such investigative, administrative, and clerical  
35 staff as necessary for the enforcement of this chapter)).

36       **Sec. 253.** RCW 18.185.140 and 1993 c 260 s 15 are each amended to  
37 read as follows:

1       (~~(1) If the director determines, upon investigation, that there is~~  
2 ~~reason to believe a violation of this chapter has occurred, a statement~~  
3 ~~of charges shall be prepared and served upon the license holder or~~  
4 ~~applicant and)) When a statement of charges is issued against a license  
5 holder or applicant under section 106 of this act, notice of this  
6 action must be given to the owner or qualified agent of the employing  
7 bail bond agency. ((The statement of charges shall be accompanied by  
8 a notice that the license holder or applicant may request a hearing to  
9 contest the charges. The license holder or applicant must file a  
10 request for hearing with the department within twenty days after being  
11 served the statement of charges. The failure to request a hearing  
12 constitutes a default, whereupon the director may enter an order under  
13 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. 254.** RCW 18.185.170 and 1993 c 260 s 18 are each amended to  
20 read as follows:

21       (1) ~~((The director shall investigate complaints concerning practice~~  
22 ~~by unlicensed persons of a profession or business for which a license~~  
23 ~~is required by this chapter. In the investigation of the complaints,~~  
24 ~~the director has the same authority as provided the director under RCW~~  
25 ~~18.185.140. The director shall issue a cease and desist order to a~~  
26 ~~person after notice and hearing and upon a determination that the~~  
27 ~~person has violated this subsection. If the director makes a written~~  
28 ~~finding of fact that the public interest will be irreparably harmed by~~  
29 ~~delay in issuing an order, the director may issue a temporary cease and~~  
30 ~~desist order. The cease and desist order shall not relieve the person~~  
31 ~~practicing or operating a business without a license from criminal~~  
32 ~~prosecution therefor, but the remedy of a cease and desist order shall~~  
33 ~~be in addition to any criminal liability. The cease and desist order~~  
34 ~~is conclusive proof of unlicensed practice and may be enforced under~~  
35 ~~RCW 7.21.060. This method of enforcement of the cease and desist order~~  
36 ~~may be used in addition to, or as an alternative to, any provisions for~~  
37 ~~enforcement of agency orders.~~

1       ~~(2) The attorney general, a county prosecuting attorney, the~~  
2 ~~director, or any person may, in accordance with the law of this state~~  
3 ~~governing injunctions, maintain an action in the name of this state to~~  
4 ~~enjoin any person practicing a profession or business for which a~~  
5 ~~license is required by this chapter without a license from engaging in~~  
6 ~~such practice or operating such business until the required license is~~  
7 ~~secured. However, the injunction shall not relieve the person~~  
8 ~~practicing or operating a business without a license from criminal~~  
9 ~~prosecution therefor, but the remedy by injunction shall be in addition~~  
10 ~~to any criminal liability.~~

11       ~~(3))~~ After June 30, 1994, any person who performs the functions  
12 and duties of a bail bond agent in this state without being licensed in  
13 accordance with the provisions of this chapter, or any person  
14 presenting or attempting to use as his or her own the license of  
15 another, or any person who gives false or forged evidence of any kind  
16 to the director in obtaining a license, or any person who falsely  
17 impersonates any other licensee, or any person who attempts to use an  
18 expired or revoked license, or any person who violates any of the  
19 provisions of this chapter is guilty of a gross misdemeanor.

20       ~~((4))~~ (2) After January 1, 1994, a person is guilty of a gross  
21 misdemeanor if he or she owns or operates a bail bond agency in this  
22 state without first obtaining a bail bond agency license.

23       ~~((5))~~ (3) After June 30, 1994, the owner or qualified agent of a  
24 bail bond agency is guilty of a gross misdemeanor if he or she employs  
25 any person to perform the duties of a bail bond agent without the  
26 employee having in his or her possession a permanent bail bond agent  
27 license issued by the department.

28       ~~((6) All fees, fines, forfeitures, and penalties collected or~~  
29 ~~assessed by a court because of a violation of this section shall be~~  
30 ~~remitted to the department.))~~

31       NEW SECTION. Sec. 255. A new section is added to chapter 18.185  
32 RCW to read as follows:

33       The uniform regulation of business and professions act, chapter  
34 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
35 practice, the issuance and denial of licenses, and the discipline of  
36 licensees under this chapter.

1       **Sec. 256.** RCW 18.210.020 and 1999 c 263 s 3 are each amended to  
2 read as follows:

3       ~~((1))~~ In addition to the unprofessional conduct described in  
4 section 114 of this act, the following conduct, acts, and conditions  
5 constitute unprofessional conduct ((for any person issued, or applying  
6 for, a practice permit or license under this chapter)):

7       ~~((a) Any act involving moral turpitude, dishonesty, or corruption~~  
8 ~~relating to the practice of on-site wastewater treatment designs or~~  
9 ~~inspections, whether or not the act constitutes a crime;~~

10       ~~(b) Misrepresentation or concealment of a material fact in applying~~  
11 ~~for, obtaining, or reinstating a practice permit or license;~~

12       ~~(c) Any advertising which is false, fraudulent, or misleading;~~

13       ~~(d) Incompetence, gross negligence, or malpractice that results in~~  
14 ~~injury to an individual, damage to property, or adverse impact on the~~  
15 ~~environment;~~

16       ~~(e) As determined by the board, failure to provide to the board in~~  
17 ~~a timely manner any lawfully requested information or documentation~~  
18 ~~regarding a pending application, license renewal application, or~~  
19 ~~administrative proceeding;~~

20       ~~(f) Failure to comply with an order issued or approved by the~~  
21 ~~board;~~

22       ~~(g) Aiding or abetting a person in engaging in practice without a~~  
23 ~~required practice permit or license;~~

24       ~~(h) Practicing beyond the scope of practice as defined by law or~~  
25 ~~rule;~~

26       ~~(i) Misrepresentation or fraud in any aspect of the conduct of the~~  
27 ~~business or profession of designing on-site wastewater treatment~~  
28 ~~systems;~~

29       ~~(j) Failure to adequately supervise auxiliary staff to the extent~~  
30 ~~that the consumer's health or safety is at risk;~~

31       ~~(k) Interference with an investigation or disciplinary proceeding~~  
32 ~~by willful misrepresentation of facts before the board or its~~  
33 ~~authorized representative, or by the use of threats or harassment~~  
34 ~~against any person who may serve as a witness in any adjudicative~~  
35 ~~proceeding before the board;~~

36       ~~(l))~~ (1) Practicing with a practice permit or license issued under  
37 this chapter that is expired, suspended, or revoked;

1       ~~((m))~~ (2) Being willfully untruthful or deceptive in any  
2 document, report, statement, testimony, or plan that pertains to the  
3 design or construction of an on-site wastewater treatment system; and

4       ~~((n))~~ (3) Submission of a design or as-built record to a local  
5 health jurisdiction, to the department of health, or to the department  
6 of ecology, that is knowingly based upon false, incorrect, misleading,  
7 or fabricated information~~(; and~~

8       ~~(o) Any act or omission that is contrary to the standard of  
9 practice for individuals authorized to practice under this chapter.~~

10       ~~(2) If an act constitutes a crime, conviction in a criminal  
11 proceeding is not a condition precedent to disciplinary action. Upon  
12 conviction, however, the judgment and sentence is conclusive evidence,  
13 at the ensuing disciplinary hearing, of guilt of the crime described in  
14 the complaint, indictment, or information, and of 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 in all proceedings in  
18 which the sentence has been deferred or suspended)).~~

19       **Sec. 257.** RCW 18.210.030 and 1999 c 263 s 4 are each amended to  
20 read as follows:

21       ~~((1) The board, upon finding a violation of this chapter, has the  
22 exclusive power to:~~

23       ~~(a) Reprimand an applicant, licensee, or practice permit holder;~~

24       ~~(b) Suspend, revoke, or refuse to renew a license or practice  
25 permit;~~

26       ~~(c) Deny an application for a practice permit or license; and~~

27       ~~(d) Impose any monetary penalty not exceeding one thousand dollars  
28 for each violation upon an applicant, licensee, or permit holder.~~

29       ~~(2) Any person may file with the board a complaint alleging  
30 violation of this chapter. All complaints alleging violation of this  
31 chapter must be in writing and sworn to by the person making the  
32 allegation.~~

33       ~~(3) All procedures related to hearings on any complaint alleging  
34 violations of this chapter must comply with provisions governing  
35 adjudicative proceedings as set forth in chapter 34.05 RCW, the  
36 administrative procedure act.~~

37       ~~(4))~~ The board shall immediately suspend the license or practice  
38 permit of a person who has been certified pursuant to RCW 74.20A.320 by

1 the department of social and health services as a person who is not in  
2 compliance with a support order. If the person has continued to meet  
3 all other requirements for a license under this chapter during the  
4 suspension, reissuance of the license or certificate shall be automatic  
5 upon the department's receipt of a release issued by the department of  
6 social and health services stating that the licensee is in compliance  
7 with the child support order. The procedure in RCW 74.20A.320 is the  
8 exclusive administrative remedy for contesting the establishment of  
9 noncompliance with a child support order, and suspension of a license  
10 under this subsection, and satisfies the requirements of RCW 34.05.422.

11 **Sec. 258.** RCW 18.210.060 and 1999 c 263 s 7 are each amended to  
12 read as follows:

13 (1) The board may:

14 (a) Adopt rules to implement this chapter including, but not  
15 limited to, evaluation of experience, examinations, and scope and  
16 standards of practice;

17 (b) Administer licensing examinations; and

18 (c) Review and approve or deny initial and renewal license  
19 applications(;

20 ~~(d) Conduct investigations of complaints alleging violations of~~  
21 ~~this chapter;~~

22 ~~(e) Conduct adjudicative proceedings in accordance with the~~  
23 ~~administrative procedure act, chapter 34.05 RCW;~~

24 ~~(f) Issue investigative subpoenas to compel the production of~~  
25 ~~records, maps, and other documents, as may be related to the~~  
26 ~~investigation of violations of this chapter; and~~

27 ~~(g) Take disciplinary action as provided for in RCW 18.43.110 and~~  
28 ~~18.43.120)).~~

29 (2) The board shall consider recommendations of the advisory  
30 committee made in accordance with this chapter.

31 **Sec. 259.** RCW 18.210.160 and 1999 c 263 s 17 are each amended to  
32 read as follows:

33 ~~((1))~~ On or after July 1, 2003, it is a gross misdemeanor for any  
34 person, not otherwise exempt from the requirements of this chapter, to:

35 ~~((a))~~ (1) Perform on-site wastewater treatment systems design  
36 services without a license; ~~((b))~~ (2) purport to be qualified to  
37 perform those services without having been issued a standard license

1 under this chapter; ~~((e))~~ (3) attempt to use the license or seal of  
2 another; ~~((d))~~ (4) attempt to use a revoked or suspended license; or  
3 ~~((e))~~ (5) attempt to use false or fraudulent credentials. In  
4 addition, action may be taken under section 116 of this act.

5 ~~((2) The board may exercise its authority under RCW 18.43.120 in~~  
6 ~~dealing with persons described in subsection (1) of this section.)~~

7 NEW SECTION. Sec. 260. A new section is added to chapter 18.210  
8 RCW to read as follows:

9 The uniform regulation of business and professions act, chapter  
10 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
11 practice, the issuance and denial of licenses, and the discipline of  
12 licensees under this chapter.

13 **Sec. 261.** RCW 18.220.040 and 2000 c 253 s 5 are each amended to  
14 read as follows:

15 The director has the following authority in administering this  
16 chapter:

17 (1) To adopt, amend, and rescind rules approved by the board as  
18 deemed necessary to carry out this chapter;

19 (2) To adopt fees as provided in RCW 43.24.086;

20 (3) To administer licensing examinations approved by the board and  
21 to adopt or recognize examinations prepared by other organizations as  
22 approved by the board;

23 (4) ~~((To issue subpoenas and administer oaths in connection with an~~  
24 ~~investigation, hearing, or proceeding held under this chapter;~~

25 (5) ~~To take or cause depositions to be taken and use other~~  
26 ~~discovery procedures as needed in an investigation, hearing, or~~  
27 ~~proceeding held under this chapter;~~

28 (6) ~~To compel attendance of witnesses at hearings;~~

29 (7) ~~In the course of investigating a complaint or report of~~  
30 ~~unprofessional conduct, to direct the board to conduct practice reviews~~  
31 ~~and disciplinary hearings;~~

32 (8) ~~To take emergency action ordering summary suspension of a~~  
33 ~~license, or restrict or limit a licensee's practice pending further~~  
34 ~~proceedings by the director;~~

35 (9) ~~To use the board or, at the request of the board, the office of~~  
36 ~~administrative hearings, as authorized in chapter 34.12 RCW, to conduct~~

1 ~~hearings. However, the director or the director's designee shall make~~  
2 ~~the final decision as to disposition of the charges;~~

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

5 ~~((11))) To adopt standards of professional conduct and practice as~~  
6 ~~approved by the board; and~~

7 ~~((12) 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 ~~((13))) (5) 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. Violation of an assurance under this~~  
14 ~~subsection is grounds for disciplinary action(;~~

15 ~~(14) To designate individuals authorized to sign subpoenas and~~  
16 ~~statement of charges; and~~

17 ~~(15) To employ investigative, administrative, and clerical staff as~~  
18 ~~necessary for the enforcement of this chapter)).~~

19 **Sec. 262.** RCW 18.220.050 and 2000 c 253 s 6 are each amended to  
20 read as follows:

21 The board has the following authority in administering this  
22 chapter:

23 (1) To establish rules, including board organization and assignment  
24 of terms, and meeting frequency and timing, for adoption by the  
25 director;

26 (2) To establish the minimum qualifications for applicants for  
27 licensure as provided by this chapter;

28 (3) To approve the method of administration for examinations  
29 required by this chapter or by rule as established by the director. To  
30 approve the adoption or recognition of examinations prepared by other  
31 organizations for adoption by the director. To set the time and place  
32 of examinations with the approval of the director;

33 (4) To establish and review standards of professional conduct and  
34 practice for adoption by the director. Rules of professional conduct  
35 will be consistent with those outlined for engineers and land  
36 surveyors; and

37 (5) To designate specialties of geology to be licensed under this  
38 chapter(;

1       ~~(6) To conduct disciplinary hearings; and~~  
2       ~~(7) To conduct practice reviews)).~~

3       **Sec. 263.** RCW 18.220.130 and 2000 c 253 s 14 are each amended to  
4 read as follows:

5       In addition to the unprofessional conduct described in section 114  
6 of this act, the following conduct, acts ((are prohibited and)), and  
7 conditions constitute ((grounds for disciplinary action or denial,  
8 suspension, or revocation of any license under this chapter))  
9 unprofessional conduct:

10       (1) ~~((Knowingly))~~ Violating any of the provisions of this chapter  
11 or the rules adopted under this chapter;

12       (2) ~~((Knowingly making a material misstatement or omission in the~~  
13 ~~application for or renewal of a license;~~

14       ~~(3))~~ Not meeting the qualifications for licensing set forth by  
15 this chapter;

16       ~~((4) Incompetency, misconduct, fraud, gross negligence, or~~  
17 ~~repeated incidents of negligence in or related to the practice of~~  
18 ~~geology;~~

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

32       (6) ~~Advertising that is false, fraudulent, or misleading;~~

33       (7) ~~Suspension, revocation, or restriction of the individual's~~  
34 ~~license to practice the profession by competent authority in any state,~~  
35 ~~federal, or foreign jurisdiction, a certified copy of the order,~~  
36 ~~stipulation, or agreement being conclusive evidence of the revocation,~~  
37 ~~suspension, or restriction;~~

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

3       ~~(9) Failure to adequately supervise subordinates to the extent that~~  
4 ~~the public health or safety is at risk;~~

5       ~~(10) Failure to cooperate with the director by:~~

6       ~~(a) Not furnishing any necessary papers or documents requested by~~  
7 ~~the director for purposes of conducting an investigation for~~  
8 ~~disciplinary action, denial, suspension, or revocation of a license~~  
9 ~~under this chapter;~~

10       ~~(b) Not furnishing in writing a full and complete explanation~~  
11 ~~covering the matter contained in a complaint filed with the department;~~  
12 ~~or~~

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

15       ~~((11)))~~ (3) Failure to comply with an ~~((order issued by the director~~  
16 ~~or an))~~ assurance of discontinuance entered into with the director;

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

22       ~~((13)))~~ (4) Committing any other act, or failing to act, which act  
23 or failure are customarily regarded as being contrary to the accepted  
24 professional conduct or standard generally expected of those practicing  
25 geology.

26       **Sec. 264.** RCW 18.220.150 and 2000 c 253 s 16 are each amended to  
27 read as follows:

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

1 complaint. (~~The director, individuals acting on the director's~~  
2 ~~behalf, and members of the board are immune from suit in any action,~~  
3 ~~civil or criminal, based on disciplinary proceedings or other official~~  
4 ~~acts performed in the course of their duties in the administration and~~  
5 ~~enforcement of this chapter.))~~

6 NEW SECTION. Sec. 265. A new section is added to chapter 18.220  
7 RCW to read as follows:

8 The uniform regulation of business and professions act, chapter  
9 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
10 practice, the issuance and denial of licenses, and the discipline of  
11 licensees under this chapter.

12 **Sec. 266.** RCW 19.16.120 and 1997 c 58 s 847 are each amended to  
13 read as follows:

14 In addition to other provisions of this chapter, (~~any license~~  
15 ~~issued pursuant to this chapter or any application therefor may be~~  
16 ~~denied, not renewed, revoked, or suspended, or in lieu of or in~~  
17 ~~addition to suspension a licensee may be assessed a civil, monetary~~  
18 ~~penalty in an amount not to exceed one thousand dollars)) and the  
19 unprofessional conduct described in section 114 of this act, the  
20 following conduct, acts, or conditions constitute unprofessional  
21 conduct:~~

22 (1) If an individual applicant or licensee is less than eighteen  
23 years of age or is not a resident of this state.

24 (2) If an applicant or licensee is not authorized to do business in  
25 this state.

26 (3) If the application or renewal forms required by this chapter  
27 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if  
28 applicable, have not been paid, and the surety bond or cash deposit or  
29 other negotiable security acceptable to the director required by RCW  
30 19.16.190, if applicable, has not been filed or renewed or is canceled.

31 (4) If any individual applicant, owner, officer, director, or  
32 managing employee of a nonindividual applicant or licensee:

33 (a) (~~Shall have knowingly made a false statement of a material~~  
34 ~~fact in any application for a collection agency license or an out-of-~~  
35 ~~state collection agency license or renewal thereof, or in any data~~  
36 ~~attached thereto and two years have not elapsed since the date of such~~  
37 ~~statement;~~

1       ~~(b) Shall have had a license to engage in the business of a~~  
2 ~~collection agency or out-of-state collection agency denied, not~~  
3 ~~renewed, suspended, or revoked by this state, any other state, or~~  
4 ~~foreign country, for any reason other than the nonpayment of licensing~~  
5 ~~fees or failure to meet bonding requirements: PROVIDED, That the terms~~  
6 ~~of this subsection shall not apply if:~~

7       ~~(i) Two years have elapsed since the time of any such denial,~~  
8 ~~nonrenewal, or revocation; or~~

9       ~~(ii) The terms of any such suspension have been fulfilled;~~

10       ~~(c) Has been convicted in any court of any felony involving~~  
11 ~~forgery, embezzlement, obtaining money under false pretenses, larceny,~~  
12 ~~extortion, or conspiracy to defraud and is incarcerated for that~~  
13 ~~offense or five years have not elapsed since the date of such~~  
14 ~~conviction;~~

15       ~~(d))~~ Has had any judgment entered against him or her in any civil  
16 action involving forgery, embezzlement, obtaining money under false  
17 pretenses, larceny, extortion, or conspiracy to defraud and five years  
18 have not elapsed since the date of the entry of the final judgment in  
19 said action: PROVIDED, That in no event shall a license be issued  
20 unless the judgment debt has been discharged;

21       ~~((e))~~ (b) Has had his or her license to practice law suspended or  
22 revoked and two years have not elapsed since the date of such  
23 suspension or revocation, unless he or she has been relicensed to  
24 practice law in this state;

25       ~~((f))~~ (c) Has had any judgment entered against ~~((him or it))~~ such  
26 a person under the provisions of RCW 19.86.080 or 19.86.090 involving  
27 a violation or violations of RCW 19.86.020 and two years have not  
28 elapsed since the entry of the final judgment: PROVIDED, That in no  
29 event shall a license be issued unless the terms of such judgment, if  
30 any, have been fully complied with: PROVIDED FURTHER, That said  
31 judgment shall not be grounds for denial, suspension, nonrenewal, or  
32 revocation of a license unless the judgment arises out of and is based  
33 on acts of the applicant, owner, officer, director, managing employee,  
34 or licensee while acting for or as a collection agency or an out-of-  
35 state collection agency;

36       ~~((g))~~ (d) Has petitioned for bankruptcy, and two years have not  
37 elapsed since the filing of ~~((said))~~ the petition;

38       ~~((h) Shall be)~~ (e) Is insolvent in the sense that ~~((his or its))~~  
39 the person's liabilities exceed ~~((his or its))~~ the person's assets or

1 in the sense that ~~((he or it))~~ the person cannot meet ~~((his or its))~~  
2 obligations as they mature;

3 ~~((i))~~ (f) Has failed to pay any civil, monetary penalty assessed  
4 in accordance with RCW 19.16.351 ~~((or 19.16.360))~~ within ten days after  
5 the assessment becomes final;

6 ~~((j))~~ (g) Has ~~((knowingly))~~ failed to comply with, or violated  
7 any provisions of this chapter or any rule or regulation issued  
8 pursuant to this chapter, and two years have not elapsed since the  
9 occurrence of said noncompliance or violation; or

10 ~~((k))~~ (h) Has been found by a court of competent jurisdiction to  
11 have violated the federal fair debt collection practices act, 15 U.S.C.  
12 Sec. 1692 et seq., or the Washington state consumer protection act,  
13 chapter 19.86 RCW, and two years have not elapsed since that finding.

14 Except as otherwise provided in this section, any person who is  
15 engaged in the collection agency business as of January 1, 1972, shall,  
16 upon filing the application, paying the fees, and filing the surety  
17 bond or cash deposit or other negotiable security in lieu of bond  
18 required by this chapter, be issued a license under this chapter.

19 The director shall immediately suspend the license or certificate  
20 of a person who has been certified pursuant to RCW 74.20A.320 by the  
21 department of social and health services as a person who is not in  
22 compliance with a support order ~~((or a residential or visitation  
23 order))~~. If the person has continued to meet all other requirements  
24 for reinstatement during the suspension, reissuance of the license or  
25 certificate shall be automatic upon the director's receipt of a release  
26 issued by the department of social and health services stating that the  
27 licensee is in compliance with the order.

28 **Sec. 267.** RCW 19.16.351 and 1977 ex.s. c 194 s 2 are each amended  
29 to read as follows:

30 The board, in addition to any other powers and duties granted under  
31 this chapter and section 104 of this act:

32 (1) May adopt, amend, and rescind ~~((such))~~ rules ~~((and  
33 regulations))~~ for its own organization and procedure and ~~((such))~~ other  
34 rules ~~((and regulations))~~ as it may deem necessary in order to perform  
35 its duties ~~((hereunder))~~ under this chapter.

36 (2) ~~((When an applicant or licensee has requested a hearing as  
37 provided in RCW 19.16.360 the board shall meet and after notice and  
38 hearing may deny any application for a license hereunder, and may fail~~

1 to renew, suspend, or revoke any license issued hereunder, if the  
2 applicant or licensee has failed to comply with or violated any  
3 provision of this chapter or any rule or regulation issued pursuant to  
4 this chapter. In its discretion, the board may assess a civil,  
5 monetary penalty against a licensee in an amount not to exceed one  
6 thousand dollars in lieu of or in addition to suspension. It shall be  
7 the duty of the board within thirty days after the last day of hearing  
8 to notify the appellant of its decision.

9       ~~((3))~~) May inquire into the needs of the collection agency business,  
10 the needs of the director, and the matter of the policy of the director  
11 in administering this chapter, and make such recommendations with  
12 respect thereto as, after consideration, may be deemed important and  
13 necessary for the welfare of the state, the welfare of the public, and  
14 the welfare and progress of the collection agency business.

15       ~~((4))~~) (3) Upon request of the director, confer and advise in  
16 matters relating to the administering of this chapter.

17       ~~((5))~~) (4) May consider and make appropriate recommendations to  
18 the director in all matters referred to the board.

19       ~~((6))~~) (5) Upon ~~((his))~~) request of the director, confer with and  
20 advise the director in the preparation of any rules ~~((and regulations))~~)  
21 to be adopted, amended, or repealed.

22       ~~((7))~~) (6) May assist the director in the collection of such  
23 information and data as the director may deem necessary to the proper  
24 administration of this chapter.

25       NEW SECTION.   **Sec. 268.** A new section is added to chapter 19.16  
26 RCW to read as follows:

27       The uniform regulation of business and professions act, chapter  
28 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
29 practice, the issuance and denial of licenses, and the discipline of  
30 licensees under this chapter.

31       **Sec. 269.** RCW 19.31.070 and 1969 ex.s. c 228 s 7 are each amended  
32 to read as follows:

33       (1) The director shall administer the provisions of this chapter  
34 and shall issue from time to time reasonable rules and regulations for  
35 enforcing and carrying out the provisions and purposes of this chapter.

36       (2) ~~((The director shall have power to compel the attendance of  
37 witnesses by the issuance of subpoenas, to administer oaths, and to~~

1 ~~take testimony and proofs concerning all matters pertaining to the~~  
2 ~~administration of this chapter.~~

3       ~~(3))~~ The director shall have supervisory and investigative  
4 authority over all employment agencies. Upon receiving a complaint  
5 against any employment agency, the director shall have the right to  
6 examine all books, documents, or records in its possession. In  
7 addition, the director may examine the office or offices where business  
8 is or shall be conducted by such agency.

9       **Sec. 270.** RCW 19.31.130 and 1997 c 58 s 848 are each amended to  
10 read as follows:

11       (1) In accordance with the provisions of chapter 34.05 RCW (~~as now~~  
12 ~~or as hereafter amended~~), the director may by order (~~deny, suspend or~~  
13 ~~revoke~~) sanction the license of any employment agency under section  
14 112 of this act, if (~~he~~) the director finds that the applicant or  
15 licensee(~~:~~

16       ~~(a) Was previously the holder of a license issued under this~~  
17 ~~chapter, which was revoked for cause and never reissued by the~~  
18 ~~director, or which license was suspended for cause and the terms of the~~  
19 ~~suspension have not been fulfilled;~~

20       ~~(b) Has been found guilty of any felony within the past five years~~  
21 ~~involving moral turpitude, or for any misdemeanor concerning fraud or~~  
22 ~~conversion, or suffering any judgment in any civil action involving~~  
23 ~~wilful fraud, misrepresentation or conversion;~~

24       ~~(c) Has made a false statement of a material fact in his~~  
25 ~~application or in any data attached thereto;~~

26       ~~(d))~~ has violated any provisions of this chapter, or failed to  
27 comply with any rule or regulation issued by the director pursuant to  
28 this chapter.

29       (2) The director shall immediately suspend the license or  
30 certificate of a person who has been certified pursuant to RCW  
31 74.20A.320 by the department of social and health services as a person  
32 who is not in compliance with a support order (~~or a residential or~~  
33 ~~visitation order~~). If the person has continued to meet all other  
34 requirements for reinstatement during the suspension, reissuance of the  
35 license or certificate shall be automatic upon the director's receipt  
36 of a release issued by the department of social and health services  
37 stating that the licensee is in compliance with the order.

1        NEW SECTION.    **Sec. 271.**    A new section is added to chapter 19.31  
2    RCW to read as follows:

3        The uniform regulation of business and professions act, chapter  
4    18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
5    practice, the issuance and denial of licenses, and the discipline of  
6    licensees under this chapter.

7        **Sec. 272.**    RCW 19.105.350 and 1988 c 159 s 10 are each amended to  
8    read as follows:

9        (1) If the purchaser will own or acquire title to specified real  
10    property or improvements to be acquired by the camping resort, the  
11    director may by order require to the extent necessary to protect the  
12    interests of the purchasers or owners of camping resort contracts, that  
13    an appropriate portion of the proceeds paid under those camping resort  
14    contracts be placed in a separate reserve fund to be set aside and  
15    applied toward the purchase price of the real property, improvements,  
16    or facilities.

17        (2) The director may (~~deny or suspend~~) take any of the actions  
18    authorized in section 112 of this act against a registration in which  
19    the registrant is advertising or offering annual or periodic dues or  
20    assessments by members that the director finds would result in the  
21    registrant's future inability to fund operating costs.

22        **Sec. 273.**    RCW 19.105.380 and 1997 c 58 s 850 are each amended to  
23    read as follows:

24        (1) (~~(A registration or an application for registration of camping~~  
25    ~~resort contracts or renewals thereof may by order be denied, suspended,~~  
26    ~~or revoked if the director finds that)) In addition to the  
27    unprofessional conduct in section 114 of this act, the director may  
28    take disciplinary action for the following conduct, acts, or  
29    conditions:~~

30        (a) (~~The advertising, sales techniques, or trade practices of the~~  
31    ~~applicant, registrant, or its affiliate or agent have been or are~~  
32    ~~deceptive, false, or misleading;~~

33        (~~b~~)) The applicant (~~or~~), registrant, or affiliate has failed to  
34    file copies of the camping resort contract form under RCW 19.105.360;

35        (~~c~~)) (b) The applicant, registrant, or affiliate has failed to  
36    comply with any provision of this chapter (~~, the rules adopted or the~~  
37    ~~conditions of a permit granted under this chapter, or a stipulation or~~

1 ~~final order previously entered into by the operator or issued by the~~  
2 ~~department under this chapter~~));

3 ~~((d))~~ (c) The applicant's, registrant's, or affiliate's offering  
4 of camping resort contracts has worked or would work a fraud upon  
5 purchasers or owners of camping resort contracts;

6 ~~((e))~~ (d) The camping resort operator or any officer, director,  
7 or affiliate of the camping resort operator has been ~~((within the last~~  
8 ~~five years convicted of or pleaded nolo contendere to any misdemeanor or~~  
9 ~~felony involving conversion, embezzlement, theft, fraud, or dishonesty,~~  
10 ~~has been))~~ enjoined from or had any civil penalty assessed for a  
11 finding of dishonest dealing or fraud in a civil suit, or been found to  
12 have engaged in any violation of any act designed to protect consumers,  
13 or has been engaged in dishonest practices in any industry involving  
14 sales to consumers;

15 ~~((f))~~ (e) The applicant or registrant has represented or is  
16 representing to purchasers in connection with the offer or sale of a  
17 camping resort contract that a camping resort property, facility,  
18 amenity camp site, or other development is planned, promised, or  
19 required, and the applicant or registrant has not provided the director  
20 with a security or assurance of performance as required by this  
21 chapter;

22 ~~((g))~~ (f) The applicant or registrant has not provided or is no  
23 longer providing the director with the necessary security arrangements  
24 to ~~((assure))~~ ensure future availability of titles or properties as  
25 required by this chapter or agreed to in the permit to market;

26 ~~((h))~~ (g) The applicant or registrant is or has been employing  
27 unregistered salespersons or offering or proposing a membership  
28 referral program not in compliance with this chapter;

29 ~~((i))~~ (h) The applicant or registrant has breached any escrow,  
30 impound, reserve account, or trust arrangement or the conditions of an  
31 order or permit to market required by this chapter;

32 ~~((j))~~ ~~The applicant or registrant has breached any stipulation or~~  
33 ~~order entered into in settlement of the department's filing of a~~  
34 ~~previous administrative action;~~

35 (k)) (i) The applicant or registrant has filed or caused to be  
36 filed with the director any document or affidavit, or made any  
37 statement during the course of a registration or exemption procedure  
38 with the director, that is materially untrue or misleading;

1       ~~((l))~~ (j) The applicant or registrant has engaged in a practice  
2 of failing to provide the written disclosures to purchasers or  
3 prospective purchasers as required under this chapter;

4       ~~((m))~~ (k) The applicant, registrant, or any of its officers,  
5 directors, or employees, if the operator is other than a natural  
6 person, have willfully done, or permitted any of their salespersons or  
7 agents to do, any of the following:

8       (i) Engage in a pattern or practice of making untrue or misleading  
9 statements of a material fact, or omitting to state a material fact;

10       (ii) Employ any device, scheme, or artifice to defraud purchasers  
11 or members;

12       (iii) Engage in a pattern or practice of failing to provide the  
13 written disclosures to purchasers or prospective purchasers as required  
14 under this chapter;

15       ~~((n))~~ (l) The applicant or registrant has failed to provide a  
16 bond, letter of credit, or other arrangement to ~~((assure))~~ ensure  
17 delivery of promised gifts, prizes, awards, or other items of  
18 consideration, as required under this chapter, breached such a security  
19 arrangement, or failed to maintain such a security arrangement in  
20 effect because of a resignation or loss of a trustee, impound, or  
21 escrow agent;

22       ~~((o))~~ (m) The applicant or registrant has engaged in a practice  
23 of selling contracts using material amendments or codicils that have  
24 not been filed or are the consequences of breaches or alterations in  
25 previously filed contracts;

26       ~~((p))~~ (n) The applicant or registrant has engaged in a practice  
27 of selling or proposing to sell contracts in a ratio of contracts to  
28 sites available in excess of that filed in the affidavit required by  
29 this chapter;

30       ~~((q))~~ (o) The camping resort operator has withdrawn, has the  
31 right to withdraw, or is proposing to withdraw from use all or any  
32 portion of any camping resort property devoted to the camping resort  
33 program, unless:

34       (i) Adequate provision has been made to provide within a reasonable  
35 time thereafter a substitute property in the same general area that is  
36 at least as desirable for the purpose of camping and outdoor  
37 recreation;

38       (ii) The property is withdrawn because, despite good faith efforts  
39 by the camping resort operator, a nonaffiliate of the camping resort

1 has exercised a right of withdrawal from use by the camping resort  
2 (such as withdrawal following expiration of a lease of the property to  
3 the camping resort) and the terms of the withdrawal right have been  
4 disclosed in writing to all purchasers at or prior to the time of any  
5 sales of camping resort contracts after the camping resort has  
6 represented to purchasers that the property is or will be available for  
7 camping or recreation purposes;

8 (iii) The specific date upon which the withdrawal becomes effective  
9 has been disclosed in writing to all purchasers and members prior to  
10 the time of any sales of camping resort contracts after the camping  
11 resort has represented to purchasers that the property is or will be  
12 available for camping or recreation purposes;

13 (iv) The rights of members and owners of the camping resort  
14 contracts under the express terms of the camping resort contract have  
15 expired, or have been specifically limited, upon the lapse of a stated  
16 or determinable period of time, and the director by order has found  
17 that the withdrawal is not otherwise inconsistent with the protection  
18 of purchasers or the desire of the majority of the owners of camping  
19 resort contracts, as expressed in their previously obtained vote of  
20 approval;

21 ~~((r))~~ (p) The format, form, or content of the written disclosures  
22 provided therein is not complete, full, or materially accurate, or  
23 statements made therein are materially false, misleading, or deceptive;

24 ~~((s) The applicant or registrant has failed or declined to respond  
25 to any subpoena lawfully issued and served by the department under this  
26 chapter;~~

27 ~~(t))~~ (q) The applicant or registrant has failed to file an  
28 amendment for a material change in the manner or at the time required  
29 under this chapter or its implementing rules;

30 ~~((u))~~ (r) The applicant or registrant has filed voluntarily or  
31 been placed involuntarily into a federal bankruptcy or is proposing to  
32 do so; or

33 ~~((v))~~ (s) A camping resort operator's rights or interest in a  
34 campground has been terminated by foreclosure or the operations in a  
35 camping resort have been terminated in a manner contrary to contract  
36 provisions.

37 (2) ~~((Any applicant or registrant who has violated subsection  
38 (1)(a), (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section  
39 may be fined by the director in an amount not to exceed one thousand~~

1 dollars for each such violation. Proceedings seeking such fines shall  
2 be held in accordance with chapter 34.05 RCW and may be filed either  
3 separately or in conjunction with other administrative proceedings to  
4 deny, suspend, or revoke registrations authorized under this chapter.  
5 Fines collected from such proceedings shall be deposited in the state  
6 general fund.

7 (3)) An operator, registrant, or applicant against whom  
8 administrative or legal proceedings have been filed shall be  
9 responsible for and shall reimburse the state, by payment into the  
10 general fund, for all administrative and legal costs actually incurred  
11 by the department in issuing, processing, and conducting any such  
12 administrative or legal proceeding authorized under this chapter that  
13 results in a final legal or administrative determination of any type or  
14 degree in favor of the department.

15 ((4) No order may be entered under this section without  
16 appropriate prior notice to the applicant or registrant of opportunity  
17 for a hearing and written findings of fact and conclusions of law,  
18 except that the director may by order summarily deny an application for  
19 registration or renewal under any of the above subsections and may  
20 summarily suspend or revoke a registration under subsection (1)(d),  
21 (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine  
22 may be imposed by summary order.

23 (5) The proceedings to deny an application or renewal, suspend or  
24 revoke a registration or permit, whether summarily or otherwise, or  
25 impose a fine shall be held in accordance with chapter 34.05 RCW.

26 (6)) (3) The director may enter into assurances of discontinuance  
27 in lieu of issuing a statement of charges or a cease and desist order  
28 or conducting a hearing under this chapter. The assurances shall  
29 consist of a statement of the law in question and an agreement not to  
30 violate the stated provision. The applicant or registrant shall not be  
31 required to admit to any violation of the law, nor shall the assurance  
32 be construed as such an admission. Violating or breaching an assurance  
33 under this subsection is grounds for suspension or revocation of  
34 registration or imposition of a fine.

35 ((7)) (4) The director shall immediately suspend the license or  
36 certificate of a person who has been certified pursuant to RCW  
37 74.20A.320 by the department of social and health services as a person  
38 who is not in compliance with a support order ((or a residential or  
39 visitation order)). If the person has continued to meet all other

1 requirements for reinstatement during the suspension, reissuance of the  
2 license or certificate shall be automatic upon the director's receipt  
3 of a release issued by the department of social and health services  
4 stating that the licensee is in compliance with the order.

5 **Sec. 274.** RCW 19.105.440 and 1997 c 58 s 851 are each amended to  
6 read as follows:

7 (1) A salesperson may apply for registration by filing in a  
8 complete and readable form with the director an application form  
9 provided by the director (~~((which))~~) that includes the following:

10 (a) A statement whether or not the applicant (~~((within the past five~~  
11 ~~years has been convicted of, pleaded nolo contendere to, or been ordered~~  
12 ~~to serve probation for a period of a year or more for any misdemeanor~~  
13 ~~or felony involving conversion, embezzlement, theft, fraud, or~~  
14 ~~dishonesty or the applicant has been enjoined from, had any civil~~  
15 ~~penalty assessed for, or))~~ has been found to have engaged in any  
16 violation of any act designed to protect consumers and whether the  
17 applicant is qualified for licensure under section 114 of this act;

18 (b) A statement fully describing the applicant's employment history  
19 for the past five years and whether or not any termination of  
20 employment (~~((during the last five years))~~) was the result of any theft,  
21 fraud, or act of dishonesty;

22 (c) A consent to service comparable to that required of operators  
23 under this chapter; and

24 (d) Required filing fees.

25 (2) (~~((The director may by order deny, suspend, or revoke a camping~~  
26 ~~resort salesperson's registration or application for registration under~~  
27 ~~this chapter or the person's license or application under chapter 18.85~~  
28 ~~RCW, or impose a fine on such persons not exceeding two hundred dollars~~  
29 ~~per violation, if the director finds that the order is necessary for~~  
30 ~~the protection of purchasers or owners of camping resort contracts and~~  
31 ~~the applicant or registrant is guilty of))~~ In addition to the  
32 unprofessional conduct specified in section 114 of this act, the  
33 director may take disciplinary action against a camping resort  
34 salesperson's registration or application for registration under this  
35 chapter or the person's license or application under chapter 18.85 RCW  
36 for any of the following conduct, acts, or conditions:

37 (a) (~~((Obtaining registration by means of fraud, misrepresentation,~~  
38 ~~or concealment, or through the mistake or inadvertence of the director;~~

1        ~~(b))~~ Violating any of the provisions of this chapter or any lawful  
2 rules adopted by the director pursuant thereto;

3        ~~((c) Being convicted in a court of competent jurisdiction of this~~  
4 ~~or any other state, or federal court, of forgery, embezzlement,~~  
5 ~~obtaining money under false pretenses, bribery, larceny, extortion,~~  
6 ~~conspiracy to defraud, or any similar offense or offenses. For the~~  
7 ~~purposes of this section, "being convicted" includes all instances in~~  
8 ~~which a plea of guilty or nolo contendere is the basis for the~~  
9 ~~conviction, and all proceedings in which the sentence has been deferred~~  
10 ~~or suspended;~~

11        ~~(d))~~ (b) Making, printing, publishing, distributing, or causing,  
12 authorizing, or knowingly permitting the making, printing, publication,  
13 or distribution of false statements, descriptions, or promises of such  
14 character as to reasonably induce any person to act thereon, if the  
15 statements, descriptions, or promises purport to be made or to be  
16 performed by either the applicant or registrant and the applicant or  
17 registrant then knew or, by the exercise of reasonable care and  
18 inquiry, could have known, of the falsity of the statements,  
19 descriptions, or promises;

20        ~~((e))~~ (c) Knowingly committing, or being a party to, any material  
21 fraud, misrepresentation, concealment, conspiracy, collusion, trick,  
22 scheme, or device whereby any other person lawfully relies upon the  
23 work, representation, or conduct of the applicant or registrant;

24        ~~((f) Failing, upon demand, to disclose to the director or the~~  
25 ~~director's authorized representatives acting by authority of law any~~  
26 ~~information within his or her knowledge or to produce for inspection~~  
27 ~~any document, book or record in his or her possession, which is~~  
28 ~~material to the salesperson's registration or application for~~  
29 ~~registration;~~

30        ~~(g))~~ (d) Continuing to sell camping resort contracts in a manner  
31 whereby the interests of the public are endangered, if the director  
32 has, by order in writing, stated objections thereto;

33        ~~((h) Committing any act of fraudulent or dishonest dealing or a~~  
34 ~~crime involving moral turpitude, and a certified copy of the final~~  
35 ~~holding of any court of competent jurisdiction in such matter shall be~~  
36 ~~conclusive evidence in any hearing under this chapter;~~

37        ~~(i))~~ (e) Misrepresentation of membership in any state or national  
38 association; or

1       (~~(j)~~) (f) Discrimination against any person in hiring or in sales  
2 activity on the basis of race, color, creed, or national origin, or  
3 violating any state or federal antidiscrimination law.

4       (3) (~~No order may be entered under this section without~~  
5 ~~appropriate prior notice to the applicant or registrant of opportunity~~  
6 ~~for a hearing and written findings of fact and conclusions of law,~~  
7 ~~except that the director may by order summarily deny an application for~~  
8 ~~registration under this section.~~

9       (4) ~~The proceedings to deny an application or renewal, suspend or~~  
10 ~~revoke a registration or permit, whether summarily or otherwise, or~~  
11 ~~impose a fine shall be held in accordance with chapter 34.05 RCW.~~

12       (5)) The director, subsequent to any complaint filed against a  
13 salesperson or pursuant to an investigation to determine violations,  
14 may enter into stipulated assurances of discontinuances in lieu of  
15 issuing a statement of charges or a cease and desist order or  
16 conducting a hearing. The assurance shall consist of a statement of  
17 the law in question and an agreement not to violate the stated  
18 provision. The salesperson shall not be required to admit to any  
19 violation of the law, nor shall the assurance be construed as such an  
20 admission. Violation of an assurance under this subsection is grounds  
21 for ((a)) disciplinary action(~~, a suspension of registration, or a~~  
22 ~~fine not to exceed one thousand dollars)).~~

23       (~~(6)~~) (4) The director may by rule require such further  
24 information or conditions for registration as a camping resort  
25 salesperson, including qualifying examinations and fingerprint cards  
26 prepared by authorized law enforcement agencies, as the director deems  
27 necessary to protect the interests of purchasers.

28       (~~(7)~~) (5) Registration as a camping resort salesperson shall be  
29 effective for a period of one year unless the director specifies  
30 otherwise or the salesperson transfers employment to a different  
31 registrant. Registration as a camping resort salesperson shall be  
32 renewed annually, or at the time of transferring employment, whichever  
33 occurs first, by the filing of a form prescribed by the director for  
34 that purpose.

35       (~~(8)~~) (6) It is unlawful for a registrant of camping resort  
36 contracts to employ or a person to act as a camping resort salesperson  
37 covered under this section unless the salesperson has in effect with  
38 the department and displays a valid registration in a conspicuous  
39 location at each of the sales offices at which the salesperson is

1 employed. It is the responsibility of both the operator and the  
2 salesperson to notify the department when and where a salesperson is  
3 employed, his or her responsibilities and duties, and when the  
4 salesperson's employment or reported duties are changed or terminated.

5 ~~((9))~~ (7) The director shall immediately suspend the license or  
6 certificate of a person who has been certified pursuant to RCW  
7 74.20A.320 by the department of social and health services as a person  
8 who is not in compliance with a support order ~~((or a residential or  
9 visitation order))~~. If the person has continued to meet all other  
10 requirements for reinstatement during the suspension, reissuance of the  
11 license or certificate shall be automatic upon the director's receipt  
12 of a release issued by the department of social and health services  
13 stating that the licensee is in compliance with the order.

14 **Sec. 275.** RCW 19.105.470 and 2000 c 171 s 69 are each amended to  
15 read as follows:

16 (1) Whenever it appears to the director that any person has engaged  
17 or is about to engage in any act or practice constituting a violation  
18 of any provision of this chapter, any withdrawal of a camping resort  
19 property in violation of RCW 19.105.380(1)~~((9))~~ (o), or any rule,  
20 order, or permit issued under this chapter, the director may in his or  
21 her discretion issue an order directing the person to cease and desist  
22 from continuing the act or practice. ~~((Reasonable notice of and  
23 opportunity for a hearing shall be given.))~~ The procedures in section  
24 116 of this act apply to these cease and desist orders. However, the  
25 director may issue a temporary order pending the hearing which shall be  
26 effective immediately upon delivery to the person affected and which  
27 shall remain in effect until ten days after the hearing is held and  
28 which shall become final if the person to whom notice is addressed does  
29 not request a hearing ~~((within fifteen days after receipt of notice))~~.

30 (2) If it appears necessary in order to protect the interests of  
31 members and purchasers, whether or not the director has issued a cease  
32 and desist order, the attorney general in the name of the state, the  
33 director, the proper prosecuting attorney, an affiliated members'  
34 common-interest association, or a group of members as a class, may  
35 bring an action in any court of competent jurisdiction to enjoin any  
36 such acts or practices and to enforce compliance with this chapter or  
37 any rule, order, or permit under this chapter. Upon a proper showing,  
38 a permanent or temporary injunction, restraining order, or writ of

1 mandamus shall be granted and a receiver or conservator may be  
2 appointed for the defendant, for the defendant's assets, or to protect  
3 the interests or assets of a members' common-interest association or  
4 the members of a camping resort as a class. The state, the director,  
5 a members' common-interest association, or members as a class shall not  
6 be required to post a bond in such proceedings.

7 NEW SECTION. **Sec. 276.** A new section is added to chapter 19.105  
8 RCW to read as follows:

9 The uniform regulation of business and professions act, chapter  
10 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
11 practice, the issuance and denial of licenses, and the discipline of  
12 licensees under this chapter.

13 **Sec. 277.** RCW 19.138.120 and 1999 c 238 s 4 are each amended to  
14 read as follows:

15 (1) Each seller of travel shall renew its registration on or before  
16 July 1<sup>st</sup> of every year or as otherwise determined by the director.

17 (2) Renewal of a registration is subject to the same provisions  
18 covering (~~issuance, suspension, and revocation of~~) disciplinary  
19 action as a registration originally issued.

20 (3) The director may refuse to renew a registration for any of the  
21 grounds set out under RCW 19.138.130 and section 114 of this act, and  
22 where the past conduct of the applicant affords reasonable grounds for  
23 belief that the applicant will not carry out the applicant's duties in  
24 accordance with law and with integrity and honesty. The director shall  
25 promptly notify the applicant in writing by certified mail of its  
26 intent to refuse to renew the registration. The registrant may(~~(~~  
27 ~~within twenty one days after receipt of that notice or intent,~~)  
28 request a hearing on the refusal as provided in section 106 of this  
29 act. The director may permit the registrant to honor commitments  
30 already made to its customers, but no new commitments may be incurred,  
31 unless the director is satisfied that all new commitments are  
32 completely bonded or secured to (~~insure~~) ensure that the general  
33 public is protected from loss of money paid to the registrant. (~~It is~~  
34 ~~the responsibility of the registrant to contest the decision regarding~~  
35 ~~conditions imposed or registration denied through the process~~  
36 ~~established by the administrative procedure act, chapter 34.05 RCW.))~~

1       **Sec. 278.** RCW 19.138.130 and 1999 c 238 s 5 are each amended to  
2 read as follows:

3       ~~(1) ((The director may deny, suspend, or revoke the registration of~~  
4 ~~a seller of travel if the director finds that the applicant))~~ In  
5 addition to the unprofessional conduct described in section 114 of this  
6 act, the director may take disciplinary action based on the following  
7 conduct, acts, or conditions if the applicant or registrant:

8       (a) Was previously the holder of a registration issued under this  
9 chapter, and the registration was revoked for cause and never reissued  
10 by the director, or the registration was suspended for cause and the  
11 terms of the suspension have not been fulfilled;

12       ~~(b) ((Has been found guilty of a felony within the past ten years~~  
13 ~~involving moral turpitude, or of a misdemeanor concerning fraud or~~  
14 ~~conversion, or))~~ Suffers a judgment in a civil action involving willful  
15 fraud, misrepresentation, or conversion;

16       ~~(c) ((Has made a false statement of a material fact in an~~  
17 ~~application under this chapter or in data attached to it;~~

18       ~~(d))~~ Has violated this chapter or failed to comply with a rule  
19 adopted by the director under this chapter; or

20       ~~((e))~~ (d) Has failed to display the registration as provided in  
21 this chapter(;

22       ~~(f) Has published or circulated a statement with the intent to~~  
23 ~~deceive, misrepresent, or mislead the public; or~~

24       ~~(g) Has committed a fraud or fraudulent practice in the operation~~  
25 ~~and conduct of a travel agency business, including, but not limited to,~~  
26 ~~intentionally misleading advertising)).~~

27       (2) If the seller of travel is found in violation of this chapter  
28 or in violation of the consumer protection act, chapter 19.86 RCW, by  
29 the entry of a judgment or by settlement of a claim, the director may  
30 revoke the registration of the seller of travel, and the director may  
31 reinstate the registration at the director's discretion.

32       (3) The director shall immediately suspend the license or  
33 certificate of a person who has been certified pursuant to RCW  
34 74.20A.320 by the department of social and health services as a person  
35 who is not in compliance with a support order ~~((or a residential or~~  
36 ~~visitation order)).~~ If the person has continued to meet all other  
37 requirements for reinstatement during the suspension, reissuance of the  
38 license or certificate shall be automatic upon the director's receipt

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

3 **Sec. 279.** RCW 19.138.170 and 1999 c 238 s 7 are each amended to  
4 read as follows:

5 The director has the following powers and duties:

6 (1) To adopt, amend, and repeal rules to carry out the purposes of  
7 this chapter;

8 ~~(2) ((To issue and renew registrations under this chapter and to  
9 deny or refuse to renew for failure to comply with this chapter;~~

10 ~~(3) To suspend or revoke a registration for a violation of this  
11 chapter;~~

12 ~~(4))~~ To establish fees;

13 ~~((+5))~~ (3) Upon receipt of a complaint, to inspect and audit the  
14 books and records of a seller of travel. The seller of travel shall  
15 immediately make available to the director those books and records as  
16 may be requested at the seller of travel's place of business or at a  
17 location designated by the director. For that purpose, the director  
18 shall have full and free access to the office and places of business of  
19 the seller of travel during regular business hours. When ten or more  
20 complaints have been received by either the department or the attorney  
21 general on a seller of travel within a period of ninety days, the  
22 department shall inspect and audit books and records of the seller of  
23 travel; and

24 ~~((+6))~~ (4) To do all things necessary to carry out the functions,  
25 powers, and duties set forth in this chapter.

26 **Sec. 280.** RCW 19.138.180 and 1994 c 237 s 15 are each amended to  
27 read as follows:

28 The director, in the director's discretion, may:

29 (1) Annually, or more frequently, make public or private  
30 investigations within or without this state as the director deems  
31 necessary to determine whether a registration should be ~~((granted,  
32 denied, revoked, or suspended))~~ subject to disciplinary action, or  
33 whether a person has violated or is about to violate this chapter or a  
34 rule adopted or order issued under this chapter, or to aid in the  
35 enforcement of this chapter or in the prescribing of rules and forms of  
36 this chapter;

- 1 (2) Publish information concerning a violation of this chapter or  
2 a rule adopted or order issued under this chapter; and  
3 (3) Investigate complaints concerning practices by sellers of  
4 travel for which registration is required by this chapter.

5 **Sec. 281.** RCW 19.138.200 and 1994 c 237 s 20 are each amended to  
6 read as follows:

7 The director or individuals acting on the director's behalf are  
8 immune from suit in any action, civil or criminal, based on  
9 (~~disciplinary proceedings or other official~~) acts performed in the  
10 course of their duties in the administration and enforcement of this  
11 chapter.

12 **Sec. 282.** RCW 19.138.240 and 1994 c 237 s 21 are each amended to  
13 read as follows:

14 (~~(1) (The director may assess against a person or organization that  
15 violates this chapter, or a rule adopted under this chapter, a civil  
16 penalty of not more than one thousand dollars for each violation.~~)

17 (~~(2) The person or organization shall be afforded the opportunity  
18 for a hearing, upon request made to the director within thirty days  
19 after the date of issuance of the notice of assessment. The hearing  
20 shall be conducted in accordance with chapter 34.05 RCW.~~)

21 (~~(3))~~) A civil penalty shall be imposed by the court for each  
22 violation of this chapter in an amount not less than five hundred  
23 dollars nor more than two thousand dollars per violation.

24 (~~((4))~~) (2) If a person fails to pay an assessment after it has  
25 become a final and unappealable order, or after the court has entered  
26 final judgment in favor of the state, the director may recover the  
27 amount assessed by action in the appropriate superior court. In the  
28 action, the validity and appropriateness of the final order imposing  
29 the penalty shall not be subject to review.

30 NEW SECTION. **Sec. 283.** A new section is added to chapter 19.138  
31 RCW to read as follows:

32 The uniform regulation of business and professions act, chapter  
33 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
34 practice, the issuance and denial of licenses, and the discipline of  
35 licensees under this chapter.

1       **Sec. 284.** RCW 19.158.040 and 1989 c 20 s 4 are each amended to  
2 read as follows:

3       In addition to the unprofessional conduct described in section 114  
4 of this act, the director of the department of licensing may take  
5 disciplinary action for any of the following conduct, acts, or  
6 conditions:

7       (1) It shall be unlawful for any person to engage in unfair or  
8 deceptive commercial telephone solicitation.

9       (2) A commercial telephone solicitor shall not place calls to any  
10 residence which will be received before 8:00 a.m. or after 9:00 p.m. at  
11 the purchaser's local time.

12       (3) A commercial telephone solicitor may not engage in any conduct  
13 the natural consequence of which is to harass, intimidate, or torment  
14 any person in connection with the telephone call.

15       **Sec. 285.** RCW 19.158.050 and 1997 c 58 s 853 are each amended to  
16 read as follows:

17       (1) In order to maintain or defend a lawsuit or do any business in  
18 this state, a commercial telephone solicitor must be registered with  
19 the department of licensing. Prior to doing business in this state, a  
20 commercial telephone solicitor shall register with the department of  
21 licensing. Doing business in this state includes both commercial  
22 telephone solicitation from a location in Washington and solicitation  
23 of purchasers located in Washington.

24       (2) The department of licensing, in registering commercial  
25 telephone solicitors, shall have the authority to require the  
26 submission of information necessary to assist in identifying and  
27 locating a commercial telephone solicitor, including past business  
28 history, prior judgments, and such other information as may be useful  
29 to purchasers.

30       (3) The department of licensing shall issue a registration number  
31 to the commercial telephone solicitor.

32       (~~(It is a violation of this chapter for a commercial telephone~~  
33 ~~solicitor to:)~~) In addition to the unprofessional conduct described in  
34 section 114 of this act, the director of the department of licensing  
35 may take disciplinary action for any of the following conduct, acts, or  
36 conditions:

37       (a) Failing to maintain a valid registration;

1 (b) (~~Advertise~~) Advertising that one is registered as a  
2 commercial telephone solicitor or (~~to~~) representing that such  
3 registration constitutes approval or endorsement by any government or  
4 governmental office or agency;

5 (c) (~~Provide inaccurate or incomplete information to the~~  
6 ~~department of licensing when making a registration application; or~~

7 ~~(d))~~ Representing that a person is registered or that such person  
8 has a valid registration number when such person does not.

9 (5) An annual registration fee shall be assessed by the department  
10 of licensing, the amount of which shall be determined at the discretion  
11 of the director of the department of licensing, and which shall be  
12 reasonably related to the cost of administering the provisions of this  
13 chapter.

14 (6) The department shall immediately suspend the license or  
15 certificate of a person who has been certified pursuant to RCW  
16 74.20A.320 by the department of social and health services as a person  
17 who is not in compliance with a support order (~~or a residential or~~  
18 ~~visitation order~~). If the person has continued to meet all other  
19 requirements for reinstatement during the suspension, reissuance of the  
20 license or certificate shall be automatic upon the department's receipt  
21 of a release issued by the department of social and health services  
22 stating that the licensee is in compliance with the order.

23 NEW SECTION. Sec. 286. A new section is added to chapter 19.158  
24 RCW to read as follows:

25 The uniform regulation of business and professions act, chapter  
26 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
27 practice, the issuance and denial of licenses, and the discipline of  
28 licensees under this chapter.

29 **Sec. 287.** RCW 42.44.030 and 1985 c 156 s 3 are each amended to  
30 read as follows:

31 In addition to the unprofessional conduct specified in section 114  
32 of this act, the director may deny appointment as a notary public to  
33 any person (~~who~~) based on the following conduct, acts, or conditions:

34 (1) (~~Has been convicted of a serious crime;~~

35 ~~(2))~~ Has had (~~a notary appointment or other~~) disciplinary action  
36 taken against any professional license (~~revoked, suspended, or~~  
37 restricted)) in this or any other state; or

1       ~~((3))~~ (2) Has engaged in official misconduct as defined in  
2       ~~((section 17(1) of this act))~~ RCW 42.44.160(1), whether or not criminal  
3 penalties resulted(~~(or~~

4       ~~(4) Has performed a notarial act or acts in a manner found by the~~  
5 ~~director to constitute gross negligence, a course of negligent conduct,~~  
6 ~~or reckless disregard of his or her responsibility as a notary~~  
7 ~~public)).~~

8       The director shall deliver a certificate evidencing the appointment  
9 to each person appointed as a notary public. The certificate may be  
10 signed in facsimile by the governor, the secretary of state, and the  
11 director or the director's designee. The certificate must bear a  
12 printed seal of the state of Washington.

13       **Sec. 288.** RCW 42.44.060 and 1985 c 156 s 6 are each amended to  
14 read as follows:

15       A person appointed as a notary public by the director may perform  
16 notarial acts in this state for a term of four years, unless:

17       (1) Disciplinary action has been taken against the notarial  
18 appointment ((has been revoked under RCW 42.44.130 or 42.44.140)),  
19 including a shorter term, suspension, or revocation; or

20       (2) The notarial appointment has been resigned.

21       **Sec. 289.** RCW 42.44.160 and 1985 c 156 s 16 are each amended to  
22 read as follows:

23       (1) A notary public commits official misconduct when he or she  
24 signs a certificate evidencing a notarial act, knowing that the  
25 contents of the certificate are false. Official misconduct also  
26 constitutes unprofessional conduct for which disciplinary action may be  
27 taken.

28       (2) A notary public who commits an act of official misconduct shall  
29 be guilty of a gross misdemeanor.

30       (3) Any person not appointed as a notary public who acts as or  
31 otherwise impersonates a notary public shall be guilty of a gross  
32 misdemeanor.

33       **Sec. 290.** RCW 42.44.170 and 1985 c 156 s 17 are each amended to  
34 read as follows:

35       (1) ~~((The director may revoke the appointment of any notary public~~  
36 ~~for any reason for which appointment may be denied under RCW 42.44.030.~~

1       ~~(2))~~ The director shall revoke the appointment of a notary public  
2 upon a judicial finding of incompetency of the notary public. If a  
3 notary public is found to be incompetent, his or her guardian or  
4 conservator shall within thirty days of such finding mail or deliver to  
5 the director a letter of resignation on behalf of the notary public.

6       ~~((3))~~ (2) A notary public may voluntarily resign by mailing or  
7 delivering to the director a letter of resignation.

8       **Sec. 291.** RCW 42.44.190 and 1985 c 156 s 20 are each amended to  
9 read as follows:

10       ~~((On or before January 1, 1986,))~~ The director ~~((shall))~~ may adopt  
11 rules ~~((to carry out))~~ consistent with this chapter. Such rules shall  
12 include but shall not be limited to rules concerning applications for  
13 appointment, application and renewal fees, fees chargeable for notarial  
14 services, the replacement of lost or stolen seals or stamps, changes of  
15 names or addresses of notaries, resignations of notaries, ~~((appeals of  
16 denials and revocations of appointments,))~~ and issuance of evidences of  
17 authenticity of notarial seals and signatures.

18       **NEW SECTION. Sec. 292.** A new section is added to chapter 42.44  
19 RCW to read as follows:

20       The uniform regulation of business and professions act, chapter  
21 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
22 practice, the issuance and denial of licenses, and the discipline of  
23 licensees under this chapter.

24       **Sec. 293.** RCW 46.72.100 and 1983 c 164 s 8 are each amended to  
25 read as follows:

26       In addition to the unprofessional conduct specified in section 114  
27 of this act, the director may ~~((refuse to issue a permit or  
28 certificate, or he may suspend or revoke a permit or certificate))~~ take  
29 disciplinary action if he or she has good reason to believe that one of  
30 the following is true of the operator or the applicant for a permit or  
31 certificate: (1) ~~((He has been convicted of an offense of such a  
32 nature as to indicate that he is unfit to hold a certificate or permit;~~  
33 ~~(2))~~ He or she is guilty of committing two or more offenses for which  
34 mandatory revocation of driver's license is provided by law; ~~((3))~~  
35 (2) he or she has been convicted of vehicular homicide or vehicular

1 assault; ~~((4))~~ (3) he or she is intemperate or addicted to the use of  
2 narcotics.

3 ~~((Notice of the director to refuse, suspend, or revoke the permit  
4 or certificate shall be given by certified mail to the holder or  
5 applicant for the permit or certificate and shall designate a time and  
6 place for a hearing before the director, which shall not be less than  
7 ten days from the date of the notice. If the director, after the  
8 hearing, decides that a permit shall be canceled or revoked, he shall  
9 notify the holder or applicant to that effect by certified mail. The  
10 applicant or permit holder may within thirty days from the date of the  
11 decision appeal to the superior court of Thurston county for a review  
12 of the decision by filing a copy of the notice with the clerk of the  
13 superior court and a copy of the notice in the office of the director.  
14 The court shall set the matter down for hearing with the least possible  
15 delay.))~~

16 Any for hire operator who operates a for hire vehicle without first  
17 having filed a bond or insurance policy and having received a for hire  
18 permit and a for hire certificate as required by this chapter is guilty  
19 of a gross misdemeanor, and upon conviction shall be punished by  
20 imprisonment in jail for a period not exceeding ninety days or a fine  
21 of not exceeding five hundred dollars, or both fine and imprisonment.

22 NEW SECTION. Sec. 294. A new section is added to chapter 46.72  
23 RCW to read as follows:

24 The uniform regulation of business and professions act, chapter  
25 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
26 practice, the issuance and denial of licenses, and the discipline of  
27 licensees under this chapter.

28 **Sec. 295.** RCW 46.72A.100 and 1996 c 87 s 13 are each amended to  
29 read as follows:

30 The ~~((department may suspend, revoke, or refuse to issue a license  
31 if it has good reason to believe that))~~ director may impose any of the  
32 sanctions specified in section 112 of this act for unprofessional  
33 conduct as described in section 114 of this act or if one of the  
34 following is true of a chauffeur hired to drive a limousine including  
35 where such a chauffeur is also the carrier: (1) The person has been  
36 convicted of an offense of such a nature as to indicate that he or she  
37 is unfit to qualify as a chauffeur; (2) the person is guilty of

1 committing two or more offenses for which mandatory revocation of a  
2 driver's license is provided by law; (3) the person has been convicted  
3 of vehicular homicide or vehicular assault; (4) the person is  
4 intemperate or addicted to narcotics.

5 NEW SECTION. **Sec. 296.** A new section is added to chapter 46.72A  
6 RCW to read as follows:

7 The uniform regulation of business and professions act, chapter  
8 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
9 practice, the issuance and denial of licenses, and the discipline of  
10 licensees under this chapter.

11 **Sec. 297.** RCW 64.36.040 and 1983 1st ex.s. c 22 s 5 are each  
12 amended to read as follows:

13 If no stop order is in effect and no proceeding is pending under  
14 RCW 64.36.100, a complete registration application becomes effective at  
15 3:00 p.m. Pacific Standard Time on the afternoon of the thirtieth  
16 calendar day after the filing of the application or the last amendment  
17 or at such earlier time as the director determines.

18 **Sec. 298.** RCW 64.36.090 and 1987 c 370 s 9 are each amended to  
19 read as follows:

20 The director may (~~by order deny, suspend, or revoke~~) take  
21 disciplinary action against a timeshare salesperson's registration or  
22 application for registration or a salesperson's license under chapter  
23 18.85 RCW who is selling under this chapter, if the director finds that  
24 the (~~order is in the public interest and the~~) applicant or registrant  
25 has committed unprofessional conduct as described in section 114 of  
26 this act. In addition, the director may take disciplinary action if  
27 the applicant or registrant:

28 (1) Has filed an application for registration as a timeshare  
29 salesperson or as a licensee under chapter 18.85 RCW which, as of its  
30 effective date, is incomplete in any material respect (~~or contains any~~  
31 ~~statement which is, in the light of the circumstances under which it~~  
32 ~~was made, false or misleading with respect to any material fact));~~

33 (2) Has violated or failed to comply with any provision of this  
34 chapter or a predecessor act or any rule or order issued under this  
35 chapter or a predecessor act;

1       ~~((Has been convicted within the past five years of any~~  
2 ~~misdemeanor or felony involving theft, fraud, or any consumer~~  
3 ~~protection statute, or any felony involving moral turpitude;~~

4       ~~(4))~~ Is permanently or temporarily enjoined by any court or  
5 administrative order from engaging in or continuing any conduct or  
6 practice involving any aspect of the timeshare business;

7       ~~((5))~~ (4) Has engaged in dishonest or unethical practices in the  
8 timeshare, real estate, or camp resort business;

9       ~~((6))~~ (5) Is insolvent either in the sense that the individual's  
10 liabilities exceed his or her assets or in the sense that the  
11 individual cannot meet his or her obligations as they mature; or

12       ~~((7))~~ (6) Has not complied with any condition imposed by the  
13 director or is not qualified on the basis of such factors as training,  
14 experience, or knowledge of the timeshare business or this chapter.

15       ~~((The director may by order summarily postpone or suspend~~  
16 ~~registration of the salesperson pending final determination of any~~  
17 ~~proceeding under RCW 64.36.180.))~~

18       **Sec. 299.** RCW 64.36.100 and 1987 c 370 s 10 are each amended to  
19 read as follows:

20       ~~((1))~~ The director may ~~((issue an order denying, suspending, or~~  
21 ~~revoking))~~ deny or take disciplinary action against any timeshare  
22 application or registration if the director finds that the ~~((order is~~  
23 ~~in the public interest and that))~~ applicant or registrant has engaged  
24 in unprofessional conduct as described in section 114 of this act. In  
25 addition, the director may deny or take disciplinary action based on  
26 the following conduct, acts, or conditions:

27       ~~((a))~~ (1) The application, written disclosure, or registration is  
28 incomplete ~~((or contains any statement which is false or misleading~~  
29 ~~with respect to any material fact))~~;

30       ~~((b) Any provision of this chapter, the permit to market, or any~~  
31 ~~rule or order lawfully issued under this chapter has been violated by~~  
32 ~~the promoter, its affiliates, or any natural person whose signature is~~  
33 ~~required under this chapter;~~

34       ~~(c))~~ (2) The activities of the promoter include, or would include,  
35 activities which are unlawful or in violation of a law, rule, or  
36 ordinance in this state or another jurisdiction;

1       ~~((d))~~ (3) The timeshare offering has worked or tended to work a  
2 fraud on purchasers, or would likely be adverse to the interests or the  
3 economic or physical welfare of purchasers;

4       ~~((e))~~ (4) The protections and security arrangements to ~~((assure))~~  
5 ensure future quiet enjoyment required under RCW 64.36.130 have not  
6 been provided as required by the director for the protection of  
7 purchasers~~((+))~~; or

8       ~~((f))~~ (5) The operating budget proposed by the promoter or  
9 promoter-controlled association appears inadequate to meet operating  
10 costs or funding of reserve accounts or fees for a consultant to  
11 determine adequacy have not been paid by the promoter.

12       ~~((2) The director shall promptly notify the applicant or~~  
13 ~~registrant of any order denying, suspending, or revoking registration~~  
14 ~~and of the applicant's or registrant's right to request a hearing~~  
15 ~~within fifteen days of notification. If the applicant or registrant~~  
16 ~~does not request a hearing, the order remains in effect until the~~  
17 ~~director modifies or vacates it.))~~

18       **Sec. 300.** RCW 64.36.195 and 1987 c 370 s 7 are each amended to  
19 read as follows:

20       The director or persons to whom the director delegates such powers  
21 may enter into assurances of discontinuance in lieu of issuing a  
22 statement of charges or a cease and desist order or conducting a  
23 hearing under this chapter. The assurances shall consist of a  
24 statement of the law in question and an agreement to not violate the  
25 stated provision. The applicant or registrant shall not be required to  
26 admit to any violation of the law, nor shall the assurance be construed  
27 as such an admission. Violation or breaching of an assurance under  
28 this section shall ~~((be grounds for a suspension, revocation of~~  
29 ~~registration, or imposition of a fine))~~ constitute unprofessional  
30 conduct for which disciplinary action may be taken under sections 112  
31 and 114 of this act.

32       **Sec. 301.** RCW 64.36.200 and 1983 1st ex.s. c 22 s 19 are each  
33 amended to read as follows:

34       (1) The director may order any person to cease and desist from an  
35 act or practice if it appears that the person is violating or is about  
36 to violate any provision of this chapter or any rule or order issued  
37 under this chapter.

1 (2) Upon the entry of the temporary order to cease and desist, the  
2 director shall promptly notify the recipient of the order that it has  
3 been entered and the reasons therefor and that if requested in writing  
4 by such person within fifteen days after ~~((receipt))~~ service of the  
5 director's notification, the matter will be scheduled for hearing which  
6 shall be held within a reasonable time and in accordance with chapter  
7 34.05 RCW. The temporary order shall remain in effect until ten days  
8 after the hearing is held.

9 (3) If a person does not request a hearing ~~((within fifteen days  
10 after receipt of notice of opportunity for hearing))~~, the order shall  
11 become final.

12 (4) Unlicensed timeshare activity is subject to section 116 of this  
13 act.

14 **Sec. 302.** RCW 64.36.220 and 1983 1st ex.s. c 22 s 21 are each  
15 amended to read as follows:

16 (1) The attorney general, in the name of the state or the director,  
17 may bring an action to enjoin any person from violating any provision  
18 of this chapter. Upon a proper showing, the superior court shall grant  
19 a permanent or temporary injunction, restraining order, or writ of  
20 mandamus. The court may make any additional orders or judgments which  
21 may be necessary to restore to any person any interest in any money or  
22 property, real or personal, which may have been acquired by means of  
23 any act prohibited or declared to be unlawful under this chapter. The  
24 prevailing party may recover costs of the action, including a  
25 reasonable attorney's fee.

26 (2) The superior court issuing an injunction shall retain  
27 jurisdiction. Any person who violates the terms of an injunction shall  
28 pay a civil penalty of not more than twenty-five thousand dollars.

29 (3) The attorney general, in the name of the state or the director,  
30 may apply to the superior court to appoint a receiver or conservator  
31 for any person, or the assets of any person, who is subject to a cease  
32 and desist order, permanent or temporary injunction, restraining order,  
33 or writ of mandamus.

34 ~~((Any person who violates any provision of this chapter is  
35 subject to a civil penalty not to exceed two thousand dollars for each  
36 violation. Civil penalties authorized by this subsection shall be  
37 imposed in a civil action brought by the attorney general and shall be  
38 deposited in the general fund of the state treasury. Any action for~~

1 ~~recovery of a civil penalty shall be commenced within five years of the~~  
2 ~~date of the alleged violation))~~ Proceedings for injunctions for  
3 unlicensed timeshare activity must be conducted under the provisions of  
4 section 116 of this act.

5 **Sec. 303.** RCW 64.36.230 and 1983 1st ex.s. c 22 s 22 are each  
6 amended to read as follows:

7 ~~((1))~~ Any person who violates RCW 64.36.020 is guilty of a gross  
8 misdemeanor punishable under chapter 9A.20 RCW. Any person who  
9 knowingly violates RCW 64.36.020 or 64.36.210 is guilty of a class C  
10 felony punishable under chapter 9A.20 RCW. No indictment or  
11 information for a felony may be returned under this chapter more than  
12 five years after the alleged violation.

13 ~~((2) The director may refer evidence concerning violations of this~~  
14 ~~chapter to the attorney general or the proper prosecuting attorney who~~  
15 ~~may, with or without this reference, institute appropriate criminal~~  
16 ~~proceedings.))~~

17 NEW SECTION. **Sec. 304.** A new section is added to chapter 64.36  
18 RCW to read as follows:

19 The uniform regulation of business and professions act, chapter  
20 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
21 practice, the issuance and denial of licenses, and the discipline of  
22 licensees under this chapter.

23 **Sec. 305.** RCW 67.08.010 and 1997 c 205 s 2 are each amended to  
24 read as follows:

25 ~~((1))~~ The department shall have power to issue and ~~((for cause to~~  
26 ~~revoke, suspend, or deny))~~ take disciplinary action as provided in  
27 section 114 of this act against a license to conduct, hold, or promote  
28 boxing, martial arts, or wrestling events or closed circuit telecasts  
29 of these events as provided in this chapter and chapter 18.--- RCW  
30 (sections 101 through 124 of this act) under such terms and conditions  
31 and at such times and places as the department may determine.

32 ~~((2) In case the department revokes, suspends, or denies any~~  
33 ~~license or issues a fine, such applicant, or license shall be entitled,~~  
34 ~~upon application, to a hearing to be held under chapter 34.05 RCW, the~~  
35 ~~administrative procedure act.))~~

1       **Sec. 306.** RCW 67.08.015 and 2000 c 151 s 2 are each amended to  
2 read as follows:

3       (1) In the interest of ensuring the safety and welfare of the  
4 participants, the department shall have power and it shall be its duty  
5 to direct, supervise, and control all boxing, martial arts, and  
6 wrestling events conducted within this state and an event may not be  
7 held in this state except in accordance with the provisions of this  
8 chapter. The department may, in its discretion, issue and for cause,  
9 which includes concern for the safety and welfare of the participants,  
10 ~~((deny, revoke, or suspend))~~ take any of the actions specified in  
11 section 112 of this act against a license to promote, conduct, or hold  
12 boxing, kickboxing, martial arts, or wrestling events where an  
13 admission fee is charged by any person, club, corporation,  
14 organization, association, or fraternal society.

15       (2) All boxing, kickboxing, martial arts, or wrestling events that:

16       (a) Are conducted by any common school, college, or university,  
17 whether public or private, or by the official student association  
18 thereof, whether on or off the school, college, or university grounds,  
19 where all the participating contestants are bona fide students enrolled  
20 in any common school, college, or university, within or without this  
21 state; or

22       (b) Are entirely amateur events promoted on a nonprofit basis or  
23 for charitable purposes;

24 are not subject to the licensing provisions of this chapter. A boxing,  
25 martial arts, kickboxing, or wrestling event may not be conducted  
26 within the state except under a license issued in accordance with this  
27 chapter and the rules of the department except as provided in this  
28 section.

29       (3) The director shall prohibit events unless all of the  
30 contestants are either licensed under this chapter or trained by an  
31 amateur or professional sanctioning body recognized by the department.

32       **Sec. 307.** RCW 67.08.017 and 1997 c 205 s 4 are each amended to  
33 read as follows:

34       In addition to the powers described in sections 104 and 105 of this  
35 act, the director or the director's designee has the following  
36 authority in administering this chapter:

37       (1) Adopt, amend, and rescind rules as deemed necessary to carry  
38 out this chapter;

1       ~~(2) ((Issue subpoenas and administer oaths in connection with an~~  
2 ~~investigation, hearing, or proceeding held under this chapter;~~

3       ~~(3) Take or cause depositions to be taken and use other discovery~~  
4 ~~procedures as needed in an investigation, hearing, or proceeding held~~  
5 ~~under this chapter;~~

6       ~~(4) Compel attendance of witnesses at hearings;~~

7       ~~(5) In the course of investigating a complaint or report of~~  
8 ~~unprofessional conduct, conduct practice reviews;~~

9       ~~(6) Take emergency action ordering summary suspension of a license,~~  
10 ~~or restriction or limitation of the licensee's practice pending~~  
11 ~~proceedings by the director;~~

12       ~~(7) Use the office of administrative hearings as authorized in~~  
13 ~~chapter 34.12 RCW to conduct hearings. However, the director or the~~  
14 ~~director's designee shall make the final decision in the hearing;~~

15       ~~(8) Enter into contracts for professional services determined to be~~  
16 ~~necessary for adequate enforcement of this chapter;~~

17       ~~(9))~~ Adopt standards of professional conduct or practice;

18       ~~((10) In the event of a finding of unprofessional conduct by an~~  
19 ~~applicant or license holder, impose sanctions against a license~~  
20 ~~applicant or license holder as provided by this chapter;~~

21       ~~(11))~~ (3) Enter into an assurance of discontinuance in lieu of  
22 issuing a statement of charges or conducting a hearing. The assurance  
23 shall consist of a statement of the law in question and an agreement  
24 not to violate the stated provision. The applicant or license holder  
25 shall not be required to admit to any violation of the law, and the  
26 assurance shall not be construed as such an admission. Violation of an  
27 assurance under this subsection is grounds for disciplinary action; and

28       ~~((12) Designate individuals authorized to sign subpoenas and~~  
29 ~~statements of charges;~~

30       ~~(13) Employ the investigative, administrative, and clerical staff~~  
31 ~~necessary for the enforcement of this chapter;~~

32       ~~(14) Compel the attendance of witnesses at hearings; and~~

33       ~~(15))~~ (4) Establish and assess fines for violations of this  
34 chapter that may be subject to payment from a contestant's purse.

35       **Sec. 308.** RCW 67.08.090 and 1999 c 282 s 6 are each amended to  
36 read as follows:

37       (1) Each contestant for boxing, kickboxing, or martial arts events  
38 shall be examined within twenty-four hours before the contest by an

1 event physician licensed by the department. The event physician shall  
2 report in writing and over his or her signature before the event the  
3 physical condition of each and every contestant to the inspector  
4 present at such contest. No contestant whose physical condition is not  
5 approved by the event physician shall be permitted to participate in  
6 any event. Blank forms for event physicians' reports shall be provided  
7 by the department and all questions upon such blanks shall be answered  
8 in full. The event physician shall be paid a fee and travel expenses  
9 by the promoter.

10 (2) The department may require that an event physician be present  
11 at a wrestling event. The promoter shall pay the event physician  
12 present at a wrestling event. A boxing, kickboxing, or martial arts  
13 event may not be held unless an event physician licensed by the  
14 department is present throughout the event.

15 (3) Any physician licensed under RCW 67.08.100 may be selected by  
16 the department as the event physician. The event physician present at  
17 any contest shall have authority to stop any event when in the event  
18 physician's opinion it would be dangerous to a contestant to continue,  
19 and in such event it shall be the event physician's duty to stop the  
20 event.

21 (4) The department may have a participant in a wrestling event  
22 examined by an event physician licensed by the department prior to the  
23 event. A participant in a wrestling event whose condition is not  
24 approved by the event physician shall not be permitted to participate  
25 in the event.

26 (5) Each contestant for boxing, kickboxing, martial arts, or  
27 wrestling events may be subject to a random urinalysis or chemical test  
28 within twenty-four hours before or after a contest. In addition to the  
29 unprofessional conduct specified in section 114 of this act, an  
30 applicant or licensee who refuses or fails to submit to the urinalysis  
31 or chemical test is subject to disciplinary action under ((RCW  
32 67.08.240)) section 112 of this act. If the urinalysis or chemical  
33 test is positive for substances prohibited by rules adopted by the  
34 director, the applicant or licensee has engaged in unprofessional  
35 conduct and disciplinary action ((shall)) may be taken under ((RCW  
36 67.08.240)) section 112 of this act.

37 **Sec. 309.** RCW 67.08.100 and 2001 c 246 s 1 are each amended to  
38 read as follows:

1 (1) The department upon receipt of a properly completed application  
2 and payment of a nonrefundable fee, may grant an annual license to an  
3 applicant for the following: (a) Promoter; (b) manager; (c) boxer; (d)  
4 second; (e) wrestling participant; (f) inspector; (g) judge; (h)  
5 timekeeper; (i) announcer; (j) event physician; (k) referee; (l)  
6 matchmaker; (m) kickboxer; and (n) martial arts participant.

7 (2) The application for the following types of licenses shall  
8 include a physical performed by a physician, as defined in RCW  
9 67.08.002, which was performed by the physician with a time period  
10 preceding the application as specified by rule: (a) Boxer; (b)  
11 wrestling participant; (c) kickboxer; (d) martial arts participant; and  
12 (e) referee.

13 (3) An applicant for the following types of licenses for the sports  
14 of boxing, kickboxing, and martial arts shall provide annual proof of  
15 certification as having adequate experience, skill, and training from  
16 an organization approved by the department, including, but not limited  
17 to, the association of boxing commissions, the international boxing  
18 federation, the international boxing organization, the Washington state  
19 association of professional ring officials, the world boxing  
20 association, the world boxing council, or the world boxing organization  
21 for boxing officials, and the united full contact federation for  
22 kickboxing and martial arts officials: (a) Judge; (b) referee; (c)  
23 inspector; (d) timekeeper; or (e) other officials deemed necessary by  
24 the department.

25 ~~(4) ((Any license may be revoked, suspended, or denied by the~~  
26 ~~director for a violation of this chapter or a rule adopted by the~~  
27 ~~director.~~

28 ~~(5))~~ No person shall participate or serve in any of the above  
29 capacities unless licensed as provided in this chapter.

30 ~~((6))~~ (5) The referees, judges, timekeepers, event physicians,  
31 and inspectors for any boxing event shall be designated by the  
32 department from among licensed officials.

33 ~~((7))~~ (6) The referee for any wrestling event shall be provided  
34 by the promoter and shall be licensed as a wrestling participant.

35 ~~((8))~~ (7) The department shall immediately suspend the license or  
36 certificate of a person who has been certified pursuant to RCW  
37 74.20A.320 by the department of social and health services as a person  
38 who is not in compliance with a support order. If the person has  
39 continued to meet all other requirements for reinstatement during the

1 suspension, reissuance of the license or certificate shall be automatic  
2 upon the department's receipt of a release issued by the department of  
3 social and health services stating that the licensee is in compliance  
4 with the order.

5 ~~((+9))~~ (8) A person may not be issued a license if the person has  
6 an unpaid fine outstanding to the department.

7 ~~((+10))~~ (9) A person may not be issued a license unless they are  
8 at least eighteen years of age.

9 ~~((+11))~~ (10) This section shall not apply to contestants or  
10 participants in events at which only amateurs are engaged in contests  
11 and/or fraternal organizations and/or veterans' organizations chartered  
12 by congress or the defense department or any recognized amateur  
13 sanctioning body recognized by the department, holding and promoting  
14 athletic events and where all funds are used primarily for the benefit  
15 of their members. Upon request of the department, a promoter,  
16 contestant, or participant shall provide sufficient information to  
17 reasonably determine whether this chapter applies.

18 **Sec. 310.** RCW 67.08.110 and 1999 c 282 s 8 are each amended to  
19 read as follows:

20 (1) Any person or any member of any group of persons or corporation  
21 promoting boxing events who shall participate directly or indirectly in  
22 the purse or fee of any manager of any boxers or any boxer and any  
23 licensee who shall conduct or participate in any sham or fake boxing  
24 event ~~((shall be subject to license suspension, revocation, or fine and  
25 such revoked, suspended, or fined licensee shall not be entitled to  
26 receive any license issued under this chapter))~~ has engaged in  
27 unprofessional conduct and is subject to the sanctions specified in  
28 section 112 of this act.

29 (2) A manager of any boxer, kickboxer, or martial arts participant  
30 who allows any person or any group of persons or corporation promoting  
31 boxing, kickboxing, or martial arts events to participate directly or  
32 indirectly in the purse or fee, or any boxer, kickboxer, or martial  
33 arts participant or other licensee who conducts or participates in any  
34 sham or fake boxing, kickboxing, or martial arts event has engaged in  
35 unprofessional conduct and is subject to ~~((disciplinary action under  
36 RCW 67.08.240))~~ the sanctions specified in section 112 of this act.

1       **Sec. 311.** RCW 67.08.130 and 1997 c 205 s 13 are each amended to  
2 read as follows:

3       Whenever any licensee shall fail to make a report of any event  
4 within the time prescribed by this chapter or when such report is  
5 unsatisfactory to the department, the director may examine the books  
6 and records of such licensee; he or she may subpoena and examine under  
7 oath any officer of such licensee and such other person or persons as  
8 he or she may deem necessary to a determination of the total gross  
9 receipts from any event and the amount of tax thereon. If, upon the  
10 completion of such examination it shall be determined that an  
11 additional tax is due, notice thereof shall be served upon the  
12 licensee, ~~((and if such licensee shall fail))~~ providing the licensee  
13 with an opportunity to request a hearing under chapter 34.05 RCW. The  
14 failure to request a hearing within twenty days of service of the  
15 notice constitutes a default, whereupon the director will enter a  
16 decision on the facts available. Failure to pay such additional tax  
17 within twenty days after service of ((such notice such delinquent)) a  
18 final order constitutes unprofessional conduct and the licensee  
19 ~~((shall))~~ may be subject to ((revocation of)) disciplinary action  
20 against its license and shall be disqualified from receiving any new  
21 license. ((In addition, such licensee shall be liable to this state in  
22 the penal sum of one thousand dollars to be collected by the attorney  
23 general by civil action in the name of the state in the manner provided  
24 by law.))

25       **Sec. 312.** RCW 67.08.140 and 1997 c 205 s 14 are each amended to  
26 read as follows:

27       Any person, club, corporation, organization, association, fraternal  
28 society, participant, or promoter conducting or participating in boxing  
29 or wrestling events within this state without having first obtained a  
30 license therefor in the manner provided by this chapter is in violation  
31 of this chapter and shall be guilty of a misdemeanor excepting the  
32 events excluded from the operation of this chapter by RCW 67.08.015.  
33 ~~((The attorney general, each prosecuting attorney, the department, or~~  
34 ~~any citizen of any county where any person, club, corporation,~~  
35 ~~organization, association, fraternal society, promoter, or participant~~  
36 ~~shall threaten to hold, or appears likely to hold or participate in~~  
37 ~~athletic events in violation of this chapter, may in accordance with~~  
38 ~~the laws of this state governing injunctions, enjoin such person, club,~~

1 corporation, organization, association, fraternal society, promoter, or  
2 participant from holding or participating in the event.))

3 **Sec. 313.** RCW 67.08.180 and 1997 c 205 s 16 are each amended to  
4 read as follows:

5 In addition to the unprofessional conduct specified in section 114  
6 of this act, the following conduct, acts, or conditions constitute  
7 unprofessional conduct for which disciplinary action may be taken:

8 (1) ~~((It is a violation of this chapter for any promoter or person~~  
9 ~~associated with or employed by any promoter to destroy))~~ Destruction of  
10 any ticket or ticket stub, whether sold or unsold, within three months  
11 after the date of any event, by any promoter or person associated with  
12 or employed by any promoter.

13 (2) ~~((It is a violation of this chapter for a wrestling participant~~  
14 ~~to deliberately cut himself or herself or otherwise mutilate himself or~~  
15 ~~herself))~~ The deliberate cutting of himself or herself or other self  
16 mutilation by a wrestling participant while participating in a  
17 wrestling event.

18 (3) ~~((The department shall revoke the license of a licensee~~  
19 ~~convicted))~~ A conviction under chapter 69.50 RCW.

20 (4) ~~((The director shall revoke the license of a licensee))~~ Testing  
21 positive for illegal use of a controlled substance as defined in RCW  
22 69.50.101~~((, and shall deny the application of an applicant testing~~  
23 ~~positive for a controlled substance as defined in RCW 69.50.101)).~~

24 (5) The striking of any person that is not a licensed participant  
25 at a wrestling event ~~((constitutes grounds for suspension, fine,~~  
26 ~~revocation, or any combination thereof)).~~

27 **Sec. 314.** RCW 67.08.300 and 1997 c 205 s 24 are each amended to  
28 read as follows:

29 The director or individuals acting on the director's behalf are  
30 immune from suit in an action, civil or criminal, based on  
31 ~~((disciplinary proceedings or other))~~ official acts performed in the  
32 course of their duties in the administration and enforcement of this  
33 chapter.

34 NEW SECTION. **Sec. 315.** A new section is added to chapter 67.08  
35 RCW to read as follows:

1 The uniform regulation of business and professions act, chapter  
2 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
3 practice, the issuance and denial of licenses, and the discipline of  
4 licensees under this chapter.

5 **Sec. 316.** RCW 68.05.105 and 1987 c 331 s 10 are each amended to  
6 read as follows:

7 In addition to the authority in section 104 of this act, the board  
8 has the following authority:

9 (1) To adopt, amend, and rescind such rules as are deemed necessary  
10 to carry out this title; and

11 ~~(2) ((To investigate all complaints or reports of unprofessional~~  
12 ~~conduct as defined in this chapter and to hold hearings;~~

13 ~~(3) To issue subpoenas and administer oaths in connection with any~~  
14 ~~investigation, hearing, or proceeding held under this title;~~

15 ~~(4) To take or cause depositions to be taken and use other~~  
16 ~~discovery procedures as needed in any investigation, hearing, or~~  
17 ~~proceeding held under this title;~~

18 ~~(5) To compel attendance of witnesses at hearings;~~

19 ~~(6) In the course of investigating a complaint, to conduct practice~~  
20 ~~reviews;~~

21 ~~(7) To take emergency action pending proceedings by the board;~~

22 ~~(8) To use the office of administrative hearings as authorized in~~  
23 ~~chapter 34.12 RCW to conduct hearings. However, the board shall make~~  
24 ~~the final decision;~~

25 ~~(9) To use consultants or individual members of the board to assist~~  
26 ~~in the direction of investigations and issuance of statements of~~  
27 ~~charges. However, those board members shall not subsequently~~  
28 ~~participate in the hearing of the case;~~

29 ~~(10) To enter into contracts for professional services determined~~  
30 ~~to be necessary for adequate enforcement of this title;~~

31 ~~(11) To contract with persons or organizations to provide services~~  
32 ~~necessary for the monitoring and supervision of licensees, or~~  
33 ~~authorities who are for any authorized purpose subject to monitoring by~~  
34 ~~the board;~~

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

36 ~~(13) To grant or deny authorities or license applications, and in~~  
37 ~~the event of a finding of unprofessional conduct by an applicant,~~

1 authority, or license holder, to impose any sanction against a license  
2 applicant, authority, or license holder provided by this title;

3 (14) To enter into an assurance of discontinuance in lieu of  
4 issuing a statement of charges or conducting a hearing. The assurance  
5 shall consist of a statement of the law in question and an agreement to  
6 not violate the stated provision. The applicant, holder of an  
7 authority to operate, or license holder shall not be required to admit  
8 to any violation of the law, nor shall the assurance be construed as  
9 such an admission. Violation of an assurance under this subsection is  
10 grounds for disciplinary action;

11 (15) To revoke the license or authority;

12 (16) To suspend the license or authority for a fixed or indefinite  
13 term;

14 (17) To restrict or limit the license or authority;

15 (18) To censure or reprimand;

16 (19) To cause compliance with conditions of probation for a  
17 designated period of time;

18 (20) To fine for each violation of this title, not to exceed one  
19 thousand dollars per violation. Funds received shall be placed in the  
20 cemetery account;

21 (21) To order corrective action.

22 Any of the actions under this section may be totally or partly  
23 stayed by the board. In determining what action is appropriate, the  
24 board must first consider what sanctions are necessary to protect or  
25 compensate the public. All costs associated with compliance with  
26 orders issued under this section are the obligation of the license or  
27 authority holder or applicant)).

28 **Sec. 317.** RCW 68.05.170 and 1987 c 331 s 23 are each amended to  
29 read as follows:

30 (1) Whenever the board finds, after notice and hearing, that any  
31 endowment care funds have been invested in violation of this title, it  
32 ((shall)) may by written order mailed to the person or body in charge  
33 of the fund require the reinvestment of the funds in conformity with  
34 this title within the period specified by it which shall be not more  
35 than six months. Such period may be extended by the board in its  
36 discretion.

37 (2) The board may bring actions for the preservation and protection  
38 of endowment care funds in the superior court of the county in which

1 the cemetery is located and the court shall appoint substitute trustees  
2 and make any other order which may be necessary for the preservation,  
3 protection, and recovery of endowment care funds, whenever a cemetery  
4 authority or the trustees of its fund have:

5 (a) Transferred or attempted to transfer any property to, or made  
6 any loan from, the endowment care funds for the benefit of the cemetery  
7 authority or any director, officer, agent or employee of the cemetery  
8 authority or trustee of any endowment care funds; or,

9 (b) Failed to reinvest endowment care funds in accordance with a  
10 board order issued under subsection (~~(one)~~) (1) of this section; or,

11 (c) Invested endowment care funds in violation of this title; or,

12 (d) Taken action or failed to take action to preserve and protect  
13 the endowment care funds, evidencing a lack of concern therefor; or,

14 (e) Become financially irresponsible or transferred control of the  
15 cemetery authority to any person who, or business entity which, is  
16 financially irresponsible; or,

17 (f) Is in danger of becoming insolvent or has gone into bankruptcy  
18 or receivership; or,

19 (g) Taken any action in violation of Title 68 RCW or failed to take  
20 action required by Title 68 RCW or has failed to comply with lawful  
21 rules(~~(, regulations)~~) and orders of the board.

22 (3) Whenever the board or its representative has reason to believe  
23 that endowment care funds or prearrangement trust funds are in danger  
24 of being lost or dissipated during the time required for notice and  
25 hearing, it may immediately impound or seize documents, financial  
26 instruments, or other trust fund assets, or take other actions deemed  
27 necessary under the circumstances for the preservation and protection  
28 of endowment care funds or prearrangement trust funds, including, but  
29 not limited to, immediate substitutions of trustees.

30 **Sec. 318.** RCW 68.05.235 and 1987 c 331 s 19 are each amended to  
31 read as follows:

32 (1) Each authorized cemetery authority shall within ninety days  
33 after the close of its accounting year file with the board upon the  
34 board's request a true and accurate statement of its financial  
35 condition, transactions, and affairs for the preceding year. The  
36 statement shall be on such forms and shall contain such information as  
37 required by this chapter and by the board.

1       (2) The failure to file a statement as required under subsection  
2 (1) of this section constitutes unprofessional conduct for which the  
3 board ((shall suspend or revoke)) may take disciplinary action against  
4 the prearrangement sales license of ((any)) the cemetery authority  
5 ((which fails to comply with the request)). In addition, the board may  
6 take disciplinary action against any other license held by the cemetery  
7 authority.

8       **Sec. 319.** RCW 68.05.259 and 1987 c 331 s 22 are each amended to  
9 read as follows:

10       If any cemetery authority refuses to pay any examination expenses  
11 within thirty days of completion of the examination or refuses to pay  
12 certain examination expenses in advance as required by the department  
13 for cause, the board (~~shall revoke~~) may take disciplinary action  
14 against any existing certificate of authority. Examination expenses  
15 incurred in conjunction with a transfer of ownership of a cemetery  
16 shall be paid by the selling entity. All examination expense moneys  
17 collected by the department shall be paid to the (~~department~~) program  
18 account.

19       **Sec. 320.** RCW 68.05.300 and 1987 c 331 s 25 are each amended to  
20 read as follows:

21       (~~The board may revoke, suspend, or terminate a certificate of~~  
22 ~~authority or prearrangement sales license if a~~) In addition to the  
23 unprofessional conduct described in section 114 of this act, the board  
24 may take disciplinary action if the cemetery authority:

25       (1) Fails to comply with any provision of this chapter or any  
26 proper order or regulation of the board;

27       (2) Is found by the board to be in such condition that further  
28 execution of prearrangement contracts would be hazardous to purchasers  
29 or beneficiaries and the people of this state; or

30       (3) (~~Refuses to be examined, or refuses to submit to examination~~  
31 ~~or to produce its accounts, records, and files for examination by the~~  
32 ~~board when required;~~

33       (4)) Is found by the board after investigation or receipt of  
34 reliable information to be managed by persons who are incompetent or  
35 untrustworthy or so lacking in managerial experience as to make the  
36 proposed or continued operation hazardous to purchasers, beneficiaries,  
37 or the public(~~or~~

1       ~~(5) Is found by the board to use false, misleading, or deceptive~~  
2 ~~advertisements or sales methods)).~~

3       **Sec. 321.** RCW 68.05.310 and 1989 c 175 s 124 are each amended to  
4 read as follows:

5       ~~((The board or its authorized representative shall give a cemetery~~  
6 ~~authority notice of its intention to suspend, revoke, or refuse to~~  
7 ~~renew a certificate of authority or a prearrangement sales license, and~~  
8 ~~shall grant the cemetery authority a hearing, in the manner required~~  
9 ~~for adjudicative proceedings under chapter 34.05 RCW, the~~  
10 ~~Administrative Procedure Act, before the order of suspension,~~  
11 ~~revocation, or refusal may become effective.))~~

12       No cemetery authority whose prearrangement sales license has been  
13 ~~((suspended, revoked, or refused))~~ the subject of disciplinary action  
14 shall be authorized to enter into prearrangement contracts unless  
15 specifically authorized by the board and only upon full compliance with  
16 the conditions required by the board. Any prearrangement sale by an  
17 unlicensed cemetery authority shall be voidable by the purchaser who  
18 shall be entitled to a full refund.

19       **Sec. 322.** RCW 68.05.320 and 1979 c 21 s 32 are each amended to  
20 read as follows:

21       (1) The board or its authorized representative may issue and serve  
22 upon a cemetery authority a notice of charges if in the opinion of the  
23 board or its authorized representative the cemetery authority:

24       (a) Is engaging in or has engaged in practices likely to endanger  
25 the future delivery of cemetery merchandise or services, unconstructed  
26 crypts or niches, or undeveloped graves;

27       (b) Is violating or has violated any statute of the state of  
28 Washington or any rule of the board; or

29       (c) Is about to do an act prohibited in ~~((+1))~~(a) or ~~((+1))~~(b) of  
30 this subsection when the opinion is based upon reasonable cause.

31       (2) The notice shall contain a statement of the facts constituting  
32 the alleged violation or practice and shall fix a time and place at  
33 which a hearing will be held to determine whether an order to cease and  
34 desist should issue against the cemetery authority. The hearing shall  
35 be set not earlier than ten nor later than thirty days after service of  
36 the notice unless a later date is set by the board or its authorized  
37 representative at the request of the cemetery authority.

1 Unless the cemetery authority appears at the hearing by a duly  
2 authorized representative it shall be deemed to have consented to the  
3 issuance of a cease and desist order. In the event of this consent or  
4 if upon the record made at the hearing the board finds that any  
5 violation or practice specified in the notice of charges has been  
6 established, the board may issue and serve upon the cemetery authority  
7 an order to cease and desist from the violation or practice. The order  
8 may require the cemetery authority and its directors, officers,  
9 employees, and agents to cease and desist from the violation or  
10 practice and may require the cemetery authority to take affirmative  
11 action to correct the conditions resulting from the violation or  
12 practice.

13 (3) A cease and desist order shall become effective at the  
14 expiration of ten days after service of the order upon the cemetery  
15 authority except that a cease and desist order issued upon consent  
16 shall become effective as provided in the order unless it is stayed,  
17 modified, terminated, or set aside by action of the board or a  
18 reviewing court.

19 (4) The powers of the board under this section are in addition to  
20 the power of the board to (~~refuse to renew or to revoke or suspend~~)  
21 take disciplinary action against a cemetery authority's prearrangement  
22 sales license.

23 **Sec. 323.** RCW 68.05.330 and 1987 c 331 s 27 are each amended to  
24 read as follows:

25 Unless specified otherwise in this title, any person who violates  
26 or aids or abets any person in the violation of any of the provisions  
27 of this title shall be guilty of a class C felony punishable under  
28 chapter 9A.20 RCW. A violation shall constitute an unfair practice  
29 under chapter 19.86 RCW and shall be grounds for (~~revocation of~~)  
30 disciplinary action against the certificate of authority under this  
31 chapter and chapter 18.--- RCW (sections 101 through 124 of this act)  
32 or (~~revocation of~~) disciplinary action against the prearrangement  
33 sales license under this chapter and chapter 18.--- RCW (sections 101  
34 through 124 of this act). Retail installment transactions under this  
35 chapter shall be governed by chapter 63.14 RCW. The provisions of this  
36 chapter shall be cumulative and nonexclusive and shall not affect any  
37 other remedy available at law.

1       **Sec. 324.** RCW 68.05.340 and 1987 c 331 s 28 are each amended to  
2 read as follows:

3       Whenever the board or its authorized representative determines that  
4 a cemetery authority is in violation of this title, other than engaging  
5 in unlicensed activity, or that the continuation of acts or practices  
6 of the cemetery authority is likely to cause insolvency or substantial  
7 dissipation of assets or earnings of the cemetery authority's endowment  
8 care or prearrangement trust fund or to otherwise seriously prejudice  
9 the interests of the purchasers or beneficiaries of prearrangement  
10 contracts, the board, or its authorized representative, may issue a  
11 temporary order requiring the cemetery authority to cease and desist  
12 from the violation or practice. The order shall become effective upon  
13 service on the cemetery authority and shall remain effective unless set  
14 aside, limited, or suspended by a court in proceedings under RCW  
15 68.05.350 or until the board dismisses the charges specified in the  
16 notice under RCW 68.05.320 or until the effective date of a cease and  
17 desist order issued against the cemetery authority under RCW 68.05.320.  
18 Actions for unlicensed activity must be conducted under section 116 of  
19 this act.

20       **Sec. 325.** RCW 68.05.350 and 1987 c 331 s 29 are each amended to  
21 read as follows:

22       Within ten days after a cemetery authority has been served with a  
23 temporary cease and desist order issued under RCW 68.05.320, the  
24 cemetery authority may apply to the superior court in the county of its  
25 principal place of business for an injunction setting aside, limiting,  
26 or suspending the order pending completion of the administrative  
27 proceedings under RCW 68.05.320.

28       NEW SECTION. **Sec. 326.** A new section is added to chapter 68.05  
29 RCW to read as follows:

30       The uniform regulation of business and professions act, chapter  
31 18.--- RCW (sections 101 through 124 of this act), governs unlicensed  
32 practice, the issuance and denial of licenses, and the discipline of  
33 licensees under this chapter.

34       **Sec. 327.** RCW 79A.60.480 and 2000 c 11 s 109 are each amended to  
35 read as follows:

1 (1) The department of licensing (~~shall~~) may issue a whitewater  
2 river outfitter's license to an applicant who submits a completed  
3 application, pays the required fee, and complies with the requirements  
4 of this section.

5 (2) An applicant for a whitewater river outfitter's license shall  
6 make application upon a form provided by the department of licensing.  
7 The form must be submitted annually and include the following  
8 information:

9 (a) The name, residence address, and residence telephone number,  
10 and the business name, address, and telephone number of the applicant;

11 (b) Certification that all employees, subcontractors, or  
12 independent contractors hired as guides meet training standards under  
13 RCW 79A.60.430 before carrying any passengers for hire;

14 (c) Proof that the applicant has liability insurance for a minimum  
15 of three hundred thousand dollars per claim for occurrences by the  
16 applicant and the applicant's employees that result in bodily injury or  
17 property damage. All guides must be covered by the applicant's  
18 insurance policy;

19 (d) Certification that the applicant will maintain the insurance  
20 for a period of not less than one year from the date of issuance of the  
21 license; and

22 (e) Certification by the applicant that for a period of not less  
23 than twenty-four months immediately preceding the application the  
24 applicant:

25 (i) Has not had a license, permit, or certificate to carry  
26 passengers for hire on a river revoked by another state or by an agency  
27 of the government of the United States due to a conviction for a  
28 violation of safety or insurance coverage requirements no more  
29 stringent than the requirements of this chapter; and

30 (ii) Has not been denied the right to apply for a license, permit,  
31 or certificate to carry passengers for hire on a river by another  
32 state.

33 (3) The department of licensing shall charge a fee for each  
34 application, to be set in accordance with RCW 43.24.086.

35 (4) Any person advertising or representing himself or herself as a  
36 whitewater river outfitter who is not currently licensed is guilty of  
37 a gross misdemeanor.

1 (5) The department of licensing shall submit annually a list of  
2 licensed persons and companies to the department of community, trade,  
3 and economic development, tourism promotion division.

4 (6) If an insurance company cancels or refuses to renew insurance  
5 for a licensee, the insurance company shall notify the department of  
6 licensing in writing of the termination of coverage and its effective  
7 date not less than thirty days before the effective date of  
8 termination.

9 (a) Upon receipt of an insurance company termination notice, the  
10 department of licensing shall send written notice to the licensee that  
11 on the effective date of termination the department of licensing will  
12 suspend the license unless proof of insurance as required by this  
13 section is filed with the department of licensing before the effective  
14 date of the termination.

15 (b) If an insurance company fails to give notice of coverage  
16 termination, this failure shall not have the effect of continuing the  
17 coverage.

18 (c) The department of licensing may (~~suspend a license under this~~  
19 ~~section~~) sanction a license under section 112 of this act if the  
20 licensee fails to maintain in full force and effect the insurance  
21 required by this section.

22 (7) The state of Washington shall be immune from any civil action  
23 arising from the issuance of a license under this section.

24 **Sec. 328.** RCW 79A.60.490 and 2000 c 11 s 111 are each amended to  
25 read as follows:

26 Within five days after conviction for any of the provisions of RCW  
27 79A.60.430 through 79A.60.480, the court shall forward a copy of the  
28 judgment to the department of licensing. After receiving proof of  
29 conviction, the department of licensing may (~~suspend~~) sanction the  
30 license of any whitewater river outfitter (~~for a period not to exceed~~  
31 ~~one year or until~~) under section 112 of this act. Proof of compliance  
32 with all licensing requirements and correction of the violation under  
33 which the whitewater river outfitter was convicted may be considered by  
34 the department as mitigating factors when taking disciplinary action.

35 NEW SECTION. **Sec. 329.** A new section is added to chapter 79A.60  
36 RCW to read as follows:



1 (16) RCW 18.85.360 (Witnesses--Depositions--Fees--Subpoenas) and  
2 1997 c 322 s 25 & 1957 c 52 s 49;

3 (17) RCW 18.96.130 (Charges against registrants--Hearings--  
4 Findings--Penalties) and 1985 c 18 s 4 & 1969 ex.s. c 158 s 13;

5 (18) RCW 18.140.180 (Hearings--Orders--Judicial review) and 1993 c  
6 30 s 20 & 1989 c 414 s 22;

7 (19) RCW 18.165.190 (Violations--Statement of charges--Hearings)  
8 and 1995 c 277 s 37 & 1991 c 328 s 19;

9 (20) RCW 18.165.200 (Application of administrative procedure act to  
10 hearings) and 1991 c 328 s 20;

11 (21) RCW 18.165.240 (Unlicensed practice--Complaints--Director's  
12 authority--Injunctions--Penalty) and 1995 c 277 s 39 & 1991 c 328 s 24;

13 (22) RCW 18.165.250 (Violation of injunction--Penalty) and 1991 c  
14 328 s 25;

15 (23) RCW 18.165.260 (Immunity) and 1991 c 328 s 26;

16 (24) RCW 18.170.190 (Complaints--Investigation--Immunity) and 1995  
17 c 277 s 14 & 1991 c 334 s 19;

18 (25) RCW 18.170.200 (Violations--Statement of charges--Hearings)  
19 and 1991 c 334 s 20;

20 (26) RCW 18.170.240 (Enforcement of orders for payment of fines)  
21 and 1991 c 334 s 24;

22 (27) RCW 18.170.250 (Unlicensed practice--Complaints--Director's  
23 authority--Injunctions--Penalty) and 1995 c 277 s 16 & 1991 c 334 s 25;

24 (28) RCW 18.170.260 (Violation of injunction--Penalty) and 1991 c  
25 334 s 26;

26 (29) RCW 18.170.270 (Immunity) and 1991 c 334 s 27;

27 (30) RCW 18.185.150 (Hearing procedures) and 1993 c 260 s 16;

28 (31) RCW 18.185.160 (Enforcement of monetary penalty) and 1993 c  
29 260 s 17;

30 (32) RCW 18.185.180 (Civil penalties) and 1993 c 260 s 19;

31 (33) RCW 18.185.190 (Official immunity) and 1993 c 260 s 20;

32 (34) RCW 19.16.360 (Licenses--Denial, suspension, revocation or  
33 refusal to renew--Civil penalty--Hearing) and 1977 ex.s. c 194 s 3,  
34 1973 1st ex.s. c 20 s 4, & 1971 ex.s. c 253 s 27;

35 (35) RCW 19.16.380 (Administrative procedure act--Application) and  
36 1971 ex.s. c 253 s 29;

37 (36) RCW 19.16.400 (Investigations or proceedings--Powers of  
38 director or designees--Contempt) and 1973 1st ex.s. c 20 s 5 & 1971  
39 ex.s. c 253 s 31;

1 (37) RCW 19.105.460 (Investigations--Powers relating to--  
2 Proceedings for contempt) and 1982 c 69 s 17;  
3 (38) RCW 19.138.190 (Investigations--Powers of director, officer)  
4 and 1994 c 237 s 16;  
5 (39) RCW 19.138.210 (Violations--Cease and desist order--Notice--  
6 Hearing) and 1994 c 237 s 17;  
7 (40) RCW 19.138.220 (Enjoining unregistered person--Additional to  
8 criminal liability) and 2001 c 44 s 3 & 1994 c 237 s 18;  
9 (41) RCW 19.138.230 (Violation of injunction--Penalties--  
10 Jurisdiction) and 1994 c 237 s 19;  
11 (42) RCW 19.138.300 (Administrative procedure act governs) and 1994  
12 c 237 s 25;  
13 (43) RCW 19.158.060 (Failure to register--Penalty) and 1989 c 20 s  
14 6;  
15 (44) RCW 64.36.180 (Entry of order--Summary order--Notice--Hearing)  
16 and 1983 1st ex.s. c 22 s 17;  
17 (45) RCW 64.36.190 (Director's powers--Application to superior  
18 court to compel compliance) and 1983 1st ex.s. c 22 s 18;  
19 (46) RCW 64.36.280 (Administration of chapter--Delegation of  
20 powers) and 1983 1st ex.s. c 22 s 27;  
21 (47) RCW 64.36.300 (Application of chapter 34.05 RCW) and 1983 1st  
22 ex.s. c 22 s 30;  
23 (48) RCW 67.08.120 (Violation of rules--Penalties) and 1999 c 282  
24 s 9, 1997 c 205 s 12, 1993 c 278 s 22, 1989 c 127 s 12, & 1933 c 184 s  
25 18;  
26 (49) RCW 67.08.210 (Unprofessional conduct--Investigation--Notice  
27 of charge--Request for hearing--Time of hearing--Notice) and 1997 c 205  
28 s 18;  
29 (50) RCW 67.08.230 (Fine--Order for payment--Enforcement--Proof of  
30 validity) and 1997 c 205 s 20;  
31 (51) RCW 67.08.250 (Unlicensed practice or conduct violating  
32 chapter--Investigation--Cease and desist orders--Injunction in name of  
33 state--Criminal liability not precluded--Penalty) and 1997 c 205 s 22;  
34 and  
35 (52) RCW 67.08.260 (Violation of injunction--Penalties--  
36 Jurisdiction) and 1997 c 205 s 23.

37 NEW SECTION. **Sec. 402.** Part headings used in this act are not any  
38 part of the law.

1        NEW SECTION.    **Sec. 403.**    (1) Sections 201 through 240 and 242  
2 through 401 of this act take effect January 1, 2003.

3        (2) Section 241 of this act takes effect July 1, 2003.

4        NEW SECTION.    **Sec. 404.**    If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 remainder of the act or the application of the provision to other  
7 persons or circumstances is not affected.

--- END ---