
**Consumer Protection & Business
Committee**

HB 1770

Brief Description: Concerning occupational board reform.

Sponsors: Representative Walsh.

Brief Summary of Bill

- Creates a review process for occupational regulations and requires reports made to the legislature.
- Establishes a process for using the least restrictive regulation necessary to protect consumers from undue risk that threatens the health, safety, or welfare of the public.
- Allows individuals with a criminal history to submit a preliminary application to the responsible occupational licensing board for a determination of whether the individual's criminal history will disqualify the individual from obtaining an occupational license.

Hearing Date: 2/20/19

Staff: Robbi Kesler (786-7153).

Background:

The state regulates certain occupations and businesses through licensing, registration, and other enforcement. Requirements for occupational, professional, and business licensing and regulation may include education, training, and examination. Licensing and registration is regulated by a board specifically authorized to administer the business or occupation.

Summary of Bill:

Occupational Board Reform Act.

Creates a state policy to:

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- protect the fundamental rights of an individual to pursue a lawful occupation;
- use the least restrictive regulation necessary to protect consumers from undue risk that threatens the health, safety, or welfare of the public when competition alone is not sufficient, and that is consistent with the public interest;
- enforce occupation regulations against an individual only to the extent that the individual sells goods or services that are included in the statute that govern the occupation;
- construe and apply occupational regulations to increase opportunities, promote competition, and encourage innovation;
- use the least restrictive method of regulation, as set out in RCW 18.120.010 for health professionals, and
- provide ongoing legislative review of occupational licensing.

"Least restrictive regulation" is defined as one of the following types of regulation, listed from least to most restrictive, consistent with the health, safety, and welfare of the public:

1. market competition;
2. third-party or consumer-created ratings and reviews;
3. private certification;
4. specific private civil cause of action to remedy consumer harm;
5. consumer protection actions;
6. mandatory disclosures;
7. regulation of the process of providing the specific goods or services;
8. inspection;
9. bonding or insurance requirement;
10. registration;
11. government certification;
12. occupational license.

An individual with a criminal history may submit a preliminary application to the responsible occupational licensing board, at any time, including before obtaining any required education or paying any fee, for a determination of whether the individual's criminal history will disqualify the individual from obtaining an occupational license. The occupational board may charge a fee not to exceed \$100 for each preliminary application filed. An individual may appeal the determination of the occupational board.

Beginning in 2020, every standing committee of the Legislature must review and analyze the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report to the Chief Clerk of the House of Representatives, the Secretary of the Senate, and each legislator by August 31 of each year. Each committee shall review 20 percent per year, complete a review of all occupations within five years, and every five years thereafter. Report requirements include, but are not limited to:

- the title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations;
- citation of the statutory or other authorization for the creation of the occupational regulations and board;
- the number of members of the occupational board and the process for how members are appointed;
- the qualifications for membership on the occupational board;

- the number of times the occupational board is required to meet annually, and a report of the number of times it actually met;
- annual budget information for the occupational board for the five most recently completed fiscal years;
- the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoked, denied, or assessed penalties against for the past five years;
- a review of why the occupational regulations were created;
- a statement from the occupational board on the effectiveness of the occupational regulations; and
- a comparison of whether and how other states regulate the occupation.

The Legislative committees are required to analyze whether the occupational regulations meet the state's occupational licensing reform policies and recommend a course of action that is directly related to the need, consistent with the health, safety, and welfare of the public. If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the occupational licensing reform policies.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.