

HB 1301 - S COMM AMD  
By Committee on Labor & Commerce

ADOPTED 04/06/2023

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that, at times,  
4 additional protection by means of the regulation of a profession  
5 through professional licensure may be deemed necessary to ensure that  
6 the public's health, safety, and general welfare is protected.  
7 Furthermore, technological innovation continues to change the  
8 responsibilities and practices surrounding these professions, and by  
9 result, the potential harms associated with them.

10 (2) It is also recognized that requirements, such as educational  
11 requirements, fees, and training hours, which an individual must  
12 fulfill before receiving a license to practice in a profession, can  
13 create barriers to an individual's upward mobility and freedom to  
14 pursue their profession of choice.

15 (3) It is, therefore, the intent of the legislature to establish  
16 a sunset review process for all professional licensing requirements  
17 regulated by the department of licensing, to ensure that the rights  
18 and well-being of current and future practitioners of the profession  
19 be given full protection from unnecessary regulatory burden and that  
20 regulations meant to safeguard public health and safety are still  
21 warranted.

22 NEW SECTION. **Sec. 2.** This chapter may be known and cited as the  
23 professional license review act.

24 NEW SECTION. **Sec. 3.** The definitions in this section apply  
25 throughout this chapter unless the context clearly requires  
26 otherwise.

27 (1) "Department" means the department of licensing.

28 (2) "Director" means the director of licensing.

1        NEW SECTION.    **Sec. 4.**    (1) Beginning in 2024, the department  
2 shall annually review and analyze approximately 10 percent of the  
3 professional licenses regulated by the department and prepare and  
4 submit an annual report electronically to the chief clerk of the  
5 house of representatives, the secretary of the senate, and each  
6 member of the house of representatives and senate by August 31st of  
7 each year as provided in this section. The department shall complete  
8 this process for all professional licenses within its jurisdiction  
9 within 10 years and every 10 years thereafter. Each report shall  
10 include the department's recommendations regarding whether the  
11 professional licenses should be terminated, continued, or modified.

12        (2) The department may require the submission of information by  
13 the affected professional board or commission and other affected or  
14 interested parties. The department shall provide notice to the  
15 relevant professional board or commission and all licensees, not  
16 regulated under a board or commission, prior to commencing the  
17 review.

18        (3) The department's report shall include, but not be limited to,  
19 the following:

20        (a) The title of the professional license and, if applicable, the  
21 name of the professional board or commission responsible for  
22 enforcement of the professional license, if any;

23        (b) The statutory citation or other authorization for the  
24 creation of the professional license and, if applicable, the  
25 professional board or commission;

26        (c) If applicable, the number of members of the professional  
27 board or commission and how the members are appointed;

28        (d) If applicable, the qualifications for membership on the  
29 professional board or commission;

30        (e) If applicable, the number of times the professional board or  
31 commission is required to meet during the year and the number of  
32 times it actually met during the preceding five calendar years;

33        (f) Annual budget information for the five most recently  
34 completed fiscal years;

35        (g) For the immediately preceding five calendar years, or for the  
36 period of time less than five years for which the information is  
37 practically available, the number of government certifications,  
38 professional licenses, and registrations the department, professional  
39 board, or commission has issued, revoked, denied, or assessed  
40 penalties against, listed anonymously and separately per type of

1 credential, and the reasons for such revocations, denials, and other  
2 penalties;

3 (h) A review of the basic assumptions underlying the creation of  
4 the professional license;

5 (i) A comparison of whether and how other states regulate the  
6 profession;

7 (j) A review and analysis of the hours or other amount of  
8 education, training, or experience required to obtain the license or  
9 credential;

10 (k) A summary of any regulatory changes made by the department,  
11 professional board, or commission as a result of the review; and

12 (l) Any recommendations regarding whether the professional  
13 license should be terminated, continued, or modified.

14 (4) After the report in subsection (3) of this section is  
15 submitted, if the relevant legislative committee determines further  
16 analysis is needed it may request the department to conduct further  
17 analysis. Specifically, the extended report shall include:

18 (a) Whether the professional license meets the policies stated  
19 and the following recommended courses of action for meeting such  
20 policies:

21 (i) If the need is to protect consumers against fraud, the  
22 recommended course of action should be to strengthen powers under  
23 chapter 19.86 RCW, or require disclosures that will reduce misleading  
24 attributes of the specific goods or services;

25 (ii) If the need is to protect consumers against unclean  
26 facilities or to promote general health and safety, the recommended  
27 course of action should be to require periodic inspections of such  
28 facilities;

29 (iii) If the need is to protect consumers against potential  
30 damages from failure by providers to complete a contract fully or up  
31 to standards, the recommended course of action should be to require  
32 that providers be bonded;

33 (iv) If the need is to protect a person who is not a party to a  
34 contract between the provider and consumer, the recommended course of  
35 action should be to require that the provider have insurance;

36 (v) If the need is to protect consumers against potential damages  
37 by transient providers, the recommended course of action should be to  
38 require that providers register their businesses with the state;

39 (vi) If the need is to protect consumers against a shortfall or  
40 imbalance of knowledge about the goods or services relative to the

1 providers' knowledge, the recommended course of action should be to  
2 enact government certification; and

3 (vii) If the need is to address a systematic information  
4 shortfall such that a reasonable consumer is unable to distinguish  
5 between the quality of providers, there is an absence of institutions  
6 that provide adequate guidance to the consumer, and the consumer's  
7 inability to distinguish between providers and the lack of adequate  
8 guidance allows for undue risk of present, significant, and  
9 substantiated harms, the recommended course of action should be to  
10 enact a professional license; and

11 (b) If education, training, or experience is a qualification in  
12 the professional license under review, a review and analysis of the  
13 hours or other amount of education, training, or experience required  
14 to ensure such requirements are as least restrictive as necessary to  
15 protect the public's health, safety, and welfare.

16 (5) If a lawful profession is subject to chapter 18.120 RCW, the  
17 analysis under subsection (4)(a) of this section shall be made using  
18 the least restrictive method of regulation as set out in RCW  
19 18.120.010.

20 (6) If the department finds that it is necessary to change  
21 professional licenses, the department shall recommend the least  
22 restrictive regulation consistent with the public interest and the  
23 policies in this section.

24 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act  
25 constitute a new chapter in Title 18 RCW."

**HB 1301** - S COMM AMD  
By Committee on Labor & Commerce

**ADOPTED 04/06/2023**

26 On page 1, line 2 of the title, after "legislature;" strike the  
27 remainder of the title and insert "and adding a new chapter to Title  
28 18 RCW."

EFFECT: Reduces the percentages of licenses to be reviewed  
annually to 10 percent, from 20 percent. Increases the time period to  
complete the license review and continue the review thereafter to 10  
years, from five years. Requires the department of licensing to

provide notice to all licensees, not regulated under a board or commission, prior to commencing the review.

--- END ---