

2 **E2SSB 5375** - H COMM AMD
3 By Committee on Appropriations

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature recognizes that the current
8 statutory procedures for the collection of child support do not apply
9 to all persons owing child support. In order to further insure that
10 child support obligations are met, this act establishes a program by
11 which certain licenses may be suspended, not issued, or not renewed if
12 a person is one hundred eighty days or more in arrears on child support
13 payments. With this program, it is the intent of the legislature to
14 provide a strong incentive for persons owing support to make timely
15 payments, and to cooperate with the department of social and health
16 services to establish an appropriate schedule for the payment of any
17 arrears. In addition, the legislature finds that disputes over child
18 visitation comprises an often-cited reason why child support is unpaid.
19 It is the intent of the legislature to include custodial parents who
20 deny visitation as persons subject to license suspension, nonrenewal,
21 and denial.

22 In the implementation and management of this program, it is the
23 legislature's intent that the objective of the department of social and
24 health services be to obtain payment in full of arrears, or where that
25 is not possible, to enter into agreements with delinquent obligors to
26 make timely support payments and make reasonable payments towards the
27 arrears. The legislature intends that if the obligor refuses to
28 cooperate in establishing a fair and reasonable payment schedule for
29 arrears, or if such payment schedule would cause a substantial
30 hardship, or refuses to make timely support payments, the department
31 shall proceed with certification to a licensing entity or the
32 department of licensing that the person is not in compliance with a
33 child support order.

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

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

3 (a) "Licensing entity" includes any department, board, commission,
4 or other organization of the state authorized to issue, renew, suspend,
5 or revoke a license authorizing an individual to engage in a business,
6 occupation, profession, industry, or the operation of a motor vehicle,
7 and includes the Washington state supreme court, to the extent that a
8 rule has been adopted by the court to implement suspension of licenses
9 related to the practice of law.

10 (b) "Noncompliance with a child support order" means a responsible
11 parent has:

12 (i) Accumulated arrears totaling more than six months of child
13 support payments;

14 (ii) Failed to make payments pursuant to a written agreement with
15 the department towards a support arrearage in an amount that exceeds
16 six months of payments; or

17 (iii) Failed to make payments required by a superior court order or
18 administrative order towards a support arrearage in an amount that
19 exceeds six months of payments.

20 (c) "License" means a license, certificate, registration, permit,
21 approval, or other similar document issued by a licensing entity
22 evidencing admission to or granting authority to engage in a
23 profession, occupation, business, industry, or the operation of a motor
24 vehicle.

25 (d) "Licensee" means any individual holding a license, certificate,
26 registration, permit, approval, or other similar document issued by a
27 licensing entity evidencing admission to or granting authority to
28 engage in a profession, occupation, business, industry, or the
29 operation of a motor vehicle.

30 (2) The department may serve upon a responsible parent a notice
31 informing the responsible parent of the department's intent to submit
32 the parent's name to the department of licensing and any appropriate
33 licensing entity as a licensee who is not in compliance with a child
34 support order. The department shall attach a copy of the responsible
35 parent's child support order to the notice. Service of the notice must
36 be by certified mail, return receipt requested. If, after seven
37 mailing days, the department does not receive a return receipt, service
38 shall be by personal service.

1 (3) Before issuing a notice of noncompliance with a support order
2 under this section, the department shall employ other support
3 enforcement mechanisms for at least two months and for as long as the
4 department is receiving funds in an amount sufficient to ensure the
5 payment of current support and a reasonable amount towards the support
6 debt.

7 (4) The notice of noncompliance must include the address and
8 telephone number of the department's division of child support office
9 that issues the notice and must inform the responsible parent that:

10 (a) The parent may request an adjudicative proceeding to contest
11 the issue of compliance. The only issues that may be considered at the
12 adjudicative proceeding are whether the parent is required to pay child
13 support under a child support order, whether the parent is in
14 compliance with that order, and whether the responsible parent has
15 shown that suspension or not issuing or not renewing a license would
16 create a substantial hardship to the responsible parent, to the
17 responsible parent's employees, to legal dependents residing in the
18 responsible parent's household, or to persons, businesses, or other
19 entities served by the responsible parent;

20 (b) A request for an adjudicative proceeding shall be in writing
21 and must be received by the department within twenty days of the date
22 of service of the notice;

23 (c) If the parent requests an adjudicative proceeding within twenty
24 days of service, the department will stay action to certify the parent
25 to the department of licensing and any licensing entity for
26 noncompliance with a child support order pending entry of a written
27 decision after the adjudicative proceeding;

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

33 (e) The department will stay action to certify the parent to the
34 department of licensing and any licensing entity for noncompliance if
35 the parent agrees to make timely payments of current support and agrees
36 to a reasonable payment schedule for payment of the arrears. It is the
37 parent's responsibility to contact in person or by mail the
38 department's division of child support office indicated on the notice
39 within twenty days of service of the notice to arrange for a payment

1 schedule. The department may stay certification for up to thirty days
2 after contact from a parent to arrange for a payment schedule;

3 (f) If the department certifies the responsible parent to the
4 department of licensing and a licensing entity for noncompliance with
5 a child support order, the licensing entity will suspend, not renew, or
6 not issue the parent's license and the department of licensing will
7 suspend, not renew, or not issue any driver's license that the parent
8 holds until the parent provides the department of licensing and the
9 licensing entity with a written release from the department stating
10 that the responsible parent is in compliance with the child support
11 order;

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

15 (h) If after receiving the notice of noncompliance with a child
16 support order, the responsible parent files a motion to modify support
17 with the court or requests the department to amend a support obligation
18 established by an administrative decision, the department or the court
19 shall, for up to one hundred eighty days, stay action to certify the
20 parent to the department of licensing and any licensing entity for
21 noncompliance with a child support order. If a motion for modification
22 of a court or administrative order for child support is pending prior
23 to service of the notice, any action to certify the parent to a
24 licensing entity for noncompliance with a child support order shall be
25 automatically stayed until entry of a final order or decision in the
26 modification proceedings. The responsible parent has the obligation to
27 notify the department that a modification proceeding is pending and
28 provide a copy of the motion or request for modification; and

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

34 (5) A responsible parent may request an adjudicative proceeding
35 upon service of the notice described in subsection (2) of this section.
36 The request for an adjudicative proceeding must be received by the
37 department within twenty days of service. The request must be in
38 writing and indicate the current mailing address and daytime phone
39 number, if available, of the responsible parent. The proceedings under

1 this subsection shall be conducted in accordance with the requirements
2 of chapter 34.05 RCW. The issues that may be considered at the
3 adjudicative proceeding are limited to whether the responsible parent
4 is required to pay child support under a child support order, whether
5 the responsible parent is in compliance with the order, and whether the
6 responsible parent has shown that suspension or not issuing or not
7 renewing a license would create a significant hardship to the
8 responsible parent, to the responsible parent's employees, to legal
9 dependents residing in the responsible parent's household, or to
10 persons, businesses, or other entities served by the responsible
11 parent.

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

16 (7) If a responsible parent contacts the department's division of
17 child support office indicated on the notice of noncompliance within
18 twenty days of service of the notice and requests arrangement of a
19 payment schedule, the department shall stay the certification of
20 noncompliance during negotiation of the schedule for payment of
21 arrears. In no event shall the stay continue for more than thirty days
22 from the date of contact by the parent. The department shall establish
23 a schedule for payment of arrears that is fair and reasonable, and that
24 considers the financial situation of the responsible parent and whether
25 the schedule for payment would create a significant hardship to the
26 responsible parent, to the responsible parent's employees, to legal
27 dependents residing in the responsible parent's household, or to
28 persons, businesses, or other entities served by the responsible
29 parent. At the end of the thirty days, if no payment schedule has been
30 agreed to in writing, the responsible parent may file an application
31 for an adjudicative hearing to determine a schedule for the payment of
32 arrearages. The presiding officer shall apply the standards specified
33 in this section to determine an appropriate arrearages payment
34 schedule. The responsible parent may petition the superior court for
35 a review of the administrative order establishing the arrearages
36 payment schedule. The judicial review of the administrative hearing
37 shall be de novo and the court shall apply the standards specified in
38 this section in determining the appropriate arrearages payment
39 schedule.

1 (8) If a responsible parent timely requests an adjudicative
2 proceeding to contest the issue of compliance, the department may not
3 certify the name of the parent to the department of licensing or a
4 licensing entity for noncompliance with a child support order unless
5 the adjudicative proceeding results in a finding that the responsible
6 parent is not in compliance with the order.

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

11 (a) The responsible parent does not timely request an adjudicative
12 proceeding upon service of a notice issued under subsection (2) of this
13 section and is not in compliance with a child support order twenty-one
14 days after service of the notice;

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

17 (c) The court enters a judgment on a petition for judicial review
18 that finds the responsible parent is not in compliance with a child
19 support order.

20 The department shall send by certified mail, return receipt
21 requested a copy of any certification of noncompliance filed with the
22 department of licensing or a licensing entity to the responsible parent
23 at the responsible parent's most recent address of record.

24 (10) The department of licensing and a licensing entity shall
25 notify a responsible parent certified by the department under
26 subsection (9) of this section, without undue delay, that the parent's
27 driver's license or other license has been suspended because the
28 parent's name has been certified by the department as a responsible
29 parent who is not in compliance with a child support order.

30 (11) When a responsible parent who is served notice under
31 subsection (2) of this section subsequently complies with the child
32 support order, the department shall promptly provide the parent with a
33 written release stating that the responsible parent is in compliance
34 with the order.

35 (12) The department may adopt rules to implement and enforce the
36 requirements of this section.

37 (13) Nothing in this section prohibits a responsible parent from
38 filing a motion to modify support with the court or from requesting the
39 department to amend a support obligation established by an

1 administrative decision. If there is a reasonable likelihood that the
2 motion or request will significantly change the amount of the child
3 support obligation, the department or the court may, for up to one
4 hundred eighty days, stay action to certify the responsible parent to
5 the department of licensing and any licensing entity for noncompliance
6 with a child support order. If a motion for modification of a court or
7 administrative order for child support is pending prior to service of
8 the notice, any action to certify the parent to a licensing entity for
9 noncompliance with a child support order shall be automatically stayed
10 until entry of a final order or decision in the modification
11 proceedings. The responsible parent has the obligation to notify the
12 department that a modification proceeding is pending and provide a copy
13 of the motion or request for modification.

14 (14) The department of licensing and a licensing entity may issue,
15 renew, reinstate, or otherwise extend a license in accordance with the
16 licensing entity's or the department of licensing's rules after the
17 licensing entity or the department of licensing receives a copy of the
18 written release specified in subsection (11) of this section. The
19 department of licensing and a licensing entity may waive any applicable
20 requirement for reissuance, renewal, or other extension if it
21 determines that the imposition of that requirement places an undue
22 burden on the person and that waiver of the requirement is consistent
23 with the public interest.

24 (15) Consistent with the intent of chapter . . . , Laws of 1996
25 (this act), the department shall develop rules and procedures for
26 implementing the requirements of this section and applying the
27 standards provided in this section. The department shall deliver a
28 copy of these rules and procedures to the appropriate committees of the
29 senate and the house of representatives no later than June 30, 1997.

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

32 (1) The department of social and health services and all of the
33 various licensing entities subject to section 2 of this act shall enter
34 into such agreements as are necessary to carry out the requirements of
35 the license suspension program established in section 2 of this act,
36 but only to the extent the departments and the licensing entities
37 determine it is cost-effective.

1 (2) On or before January 1, 1997, and quarterly thereafter, the
2 department of social and health services and all licensing entities
3 subject to section 2 of this act shall perform a comparison of
4 responsible parents who are not in compliance with a child support
5 order, as defined in section 2 of this act, with all licensees subject
6 to chapter . . ., Laws of 1996 (this act). The comparison may be
7 conducted electronically, or by any other means that is jointly
8 agreeable between the department and the particular licensing entity.
9 The data shared shall be limited to those items necessary to
10 implementation of chapter . . ., Laws of 1996 (this act). The purpose
11 of the comparison shall be to identify current licensees who are not in
12 compliance with a child support order, and to provide to the department
13 of social and health services the following information regarding those
14 licensees:

- 15 (a) Name;
- 16 (b) Date of birth;
- 17 (c) Address of record;
- 18 (d) Federal employer identification number or social security
19 number;
- 20 (e) Type of license;
- 21 (f) Effective date of license or renewal;
- 22 (g) Expiration date of license; and
- 23 (h) Active or inactive status.

24 NEW SECTION. Sec. 4. A new section is added to chapter 74.20A RCW
25 to read as follows:

26 In furtherance of the public policy of increasing collection of
27 child support and to assist in evaluation of the program established in
28 section 2 of this act, the department shall report the following to the
29 legislature and the governor on December 1, 1997, and annually
30 thereafter:

- 31 (1) The number of responsible parents identified as licensees
32 subject to section 2 of this act;
- 33 (2) The number of responsible parents identified by the department
34 as not in compliance with a child support order;
- 35 (3) The number of notices of noncompliance served upon responsible
36 parents by the department;
- 37 (4) The number of responsible parents served a notice of
38 noncompliance who request an adjudicative proceeding;

1 (5) The number of adjudicative proceedings held, and the results of
2 the adjudicative proceedings;

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

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

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

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

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

16 **Sec. 5.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to read
17 as follows:

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

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

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

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

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

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

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

1 (7) Has been certified by the department of social and health
2 services as a person who is not in compliance with a child support
3 order as provided in section 2 of this act, or is certified by a court
4 as a person who is not in compliance with a residential or visitation
5 order as provided in section 107 of this act.

6 **Sec. 6.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to read
7 as follows:

8 (1) The department shall not suspend a driver's license or
9 privilege to drive a motor vehicle on the public highways for a fixed
10 period of more than one year, except as specifically permitted under
11 RCW 46.20.342 or other provision of law. Except for a suspension under
12 RCW 46.20.289 and 46.20.291(5), whenever the license or driving
13 privilege of any person is suspended by reason of a conviction, a
14 finding that a traffic infraction has been committed, pursuant to
15 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
16 suspension shall remain in effect until the person gives and thereafter
17 maintains proof of financial responsibility for the future as provided
18 in chapter 46.29 RCW. If the suspension is the result of a violation
19 of RCW 46.61.502 or 46.61.504, the department shall determine the
20 person's eligibility for licensing based upon the reports provided by
21 the alcoholism agency or probation department designated under RCW
22 46.61.5056 and shall deny reinstatement until enrollment and
23 participation in an approved program has been established and the
24 person is otherwise qualified. Whenever the license or driving
25 privilege of any person is suspended as a result of certification of
26 noncompliance with a child support order under chapter 74.20A RCW or a
27 residential or visitation order as provided in section 107 of this act,
28 the suspension shall remain in effect until the person provides a
29 written release issued by the department of social and health services
30 or a court stating that the person is in compliance with the order.
31 The department shall not issue to the person a new, duplicate, or
32 renewal license until the person pays a reissue fee of twenty dollars.
33 If the suspension is the result of a violation of RCW 46.61.502 or
34 46.61.504, or is the result of administrative action under RCW
35 46.20.308, the reissue fee shall be fifty dollars.

36 (2) Any person whose license or privilege to drive a motor vehicle
37 on the public highways has been revoked, unless the revocation was for
38 a cause which has been removed, is not entitled to have the license or

1 privilege renewed or restored until: (a) After the expiration of one
2 year from the date the license or privilege to drive was revoked; (b)
3 after the expiration of the applicable revocation period provided by
4 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
5 persons convicted of vehicular homicide; or (d) after the expiration of
6 the applicable revocation period provided by RCW 46.20.265. After the
7 expiration of the appropriate period, the person may make application
8 for a new license as provided by law together with a reissue fee in the
9 amount of twenty dollars, but if the revocation is the result of a
10 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
11 shall be fifty dollars. If the revocation is the result of a violation
12 of RCW 46.61.502 or 46.61.504, the department shall determine the
13 person's eligibility for licensing based upon the reports provided by
14 the alcoholism agency or probation department designated under RCW
15 46.61.5056 and shall deny reissuance of a license, permit, or privilege
16 to drive until enrollment and participation in an approved program has
17 been established and the person is otherwise qualified. Except for a
18 revocation under RCW 46.20.265, the department shall not then issue a
19 new license unless it is satisfied after investigation of the driving
20 ability of the person that it will be safe to grant the privilege of
21 driving a motor vehicle on the public highways, and until the person
22 gives and thereafter maintains proof of financial responsibility for
23 the future as provided in chapter 46.29 RCW. For a revocation under
24 RCW 46.20.265, the department shall not issue a new license unless it
25 is satisfied after investigation of the driving ability of the person
26 that it will be safe to grant that person the privilege of driving a
27 motor vehicle on the public highways.

28 (3) Whenever the driver's license of any person is suspended
29 pursuant to Article IV of the nonresident violators compact or RCW
30 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
31 to the person any new or renewal license until the person pays a
32 reissue fee of twenty dollars. If the suspension is the result of a
33 violation of the laws of this or any other state, province, or other
34 jurisdiction involving (a) the operation or physical control of a motor
35 vehicle upon the public highways while under the influence of
36 intoxicating liquor or drugs, or (b) the refusal to submit to a
37 chemical test of the driver's blood alcohol content, the reissue fee
38 shall be fifty dollars.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 48.22 RCW
2 to read as follows:

3 A motor vehicle liability insurance policy that contains any
4 provision excluding insurance coverage for an unlicensed driver shall
5 not apply for ninety days from the date of suspension in the event that
6 the department of licensing suspends a driver's license solely for the
7 nonpayment of child support as provided in chapter 74.20A RCW or for
8 noncompliance with a residential or visitation order as provided in
9 chapter 26.09 RCW.

10 NEW SECTION. **Sec. 8.** ATTORNEYS. The legislature intends that the
11 license suspension program established in chapter 74.20A RCW be
12 implemented fairly to ensure that child support obligations are met.
13 However, being mindful of the separations of powers and
14 responsibilities among the branches of government, the legislature
15 strongly encourages the state supreme court to adopt rules providing
16 for suspension and denial of licenses related to the practice of law to
17 those individuals who are in noncompliance with a support order.

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

20 ATTORNEYS. The Washington state supreme court may provide by rule
21 that no person who has been certified by the department of social and
22 health services as a person who is in noncompliance with a support
23 order as provided in section 2 of this act, or is certified by a court
24 as a person who is not in compliance with a residential or visitation
25 order as provided in section 107 of this act may be admitted to the
26 practice of law in this state, and that any member of the Washington
27 state bar association who has been certified by the department of
28 social and health services as a person who is in noncompliance with a
29 support order as provided in section 2 of this act or by a court as in
30 noncompliance with a residential or visitation order under section 107
31 of this act shall be immediately suspended from membership. The
32 court's rules may provide for review of an application for admission or
33 reinstatement of membership after the department of social and health
34 services or a court has issued a written release stating that the
35 person is in compliance with the order.

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

3 (1) No person who has been certified by the department of social
4 and health services as a person who is not in compliance with a support
5 order as provided in section 2 of this act, or is certified by a court
6 as a person who is not in compliance with a residential or visitation
7 order as provided in section 107 of this act may be issued a
8 certificate of "certified public accountant." The application of a
9 person so certified by the department of social and health services or
10 by a court may be reviewed for issuance of a certificate under this
11 chapter after the person provides the board a written release issued by
12 the department of social and health services or a court stating that
13 the person is in compliance with the order.

14 (2) The board shall immediately suspend the certificate or license
15 of a person who either (a) has been certified pursuant to section 2 of
16 this act by the department of social and health services as a person
17 who is not in compliance with a support order, or (b) has been
18 certified pursuant to section 107 of this act by a court as a person
19 who is not in compliance with a residential or visitation order. If
20 the person has continued to meet all other requirements for
21 reinstatement during the suspension, reissuance of the license or
22 certificate shall be automatic upon the board's receipt of a written
23 release issued by the department of social and health services or a
24 court stating that the licensee is in compliance with the order.

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

27 (1) Upon application in writing and after hearing pursuant to
28 notice, the board may:

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

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

35 (2) In the case of suspension for failure to comply with a support
36 order under chapter 74.20A RCW, or a residential or visitation order as
37 provided in section 107 of this act if the person has continued to meet
38 all other requirements for reinstatement during the suspension,

1 reissuance of a certificate or license shall be automatic upon the
2 board's receipt of a written release issued by the department of social
3 and health services or a court stating that the individual is in
4 compliance with the order.

5 **Sec. 12.** RCW 18.08.350 and 1993 c 475 s 1 are each amended to read
6 as follows:

7 (1) Except as provided in section 14 of this act, a certificate of
8 registration shall be granted by the director to all qualified
9 applicants who are certified by the board as having passed the required
10 examination and as having given satisfactory proof of completion of the
11 required experience.

12 (2) Applications for examination shall be filed as the board
13 prescribes by rule. The application and examination fees shall be
14 determined by the director under RCW 43.24.086.

15 (3) An applicant for registration as an architect shall be of a
16 good moral character, at least eighteen years of age, and shall possess
17 any of the following qualifications:

18 (a) Have an accredited architectural degree and three years'
19 practical architectural work experience approved by the board, which
20 may include designing buildings as a principal activity. At least two
21 years' work experience must be supervised by an architect with detailed
22 professional knowledge of the work of the applicant;

23 (b) Have eight years' practical architectural work experience
24 approved by the board. Each year spent in an accredited architectural
25 program approved by the board shall be considered one year of practical
26 experience. At least four years' practical work experience shall be
27 under the direct supervision of an architect; or

28 (c) Be a person who has been designing buildings as a principal
29 activity for eight years, or has an equivalent combination of education
30 and experience, but who was not registered under chapter 323, Laws of
31 1959, as amended, as it existed before July 28, 1992, provided that
32 application is made within four years after July 28, 1992. Nothing in
33 this chapter prevents such a person from designing buildings for four
34 years after July 28, 1992, or the five-year period allowed for
35 completion of the examination process, after that person has applied
36 for registration. A person who has been designing buildings and is
37 qualified under this subsection shall, upon application to the board of

1 registration for architects, be allowed to take the examination for
2 architect registration on an equal basis with other applicants.

3 **Sec. 13.** RCW 18.08.350 and 1993 c 475 s 2 are each amended to read
4 as follows:

5 (1) Except as provided in section 14 of this act, a certificate of
6 registration shall be granted by the director to all qualified
7 applicants who are certified by the board as having passed the required
8 examination and as having given satisfactory proof of completion of the
9 required experience.

10 (2) Applications for examination shall be filed as the board
11 prescribes by rule. The application and examination fees shall be
12 determined by the director under RCW 43.24.086.

13 (3) An applicant for registration as an architect shall be of a
14 good moral character, at least eighteen years of age, and shall possess
15 any of the following qualifications:

16 (a) Have an accredited architectural degree and three years'
17 practical architectural work experience approved by the board, which
18 may include designing buildings as a principal activity. At least two
19 years' work experience must be supervised by an architect with detailed
20 professional knowledge of the work of the applicant; or

21 (b) Have eight years' practical architectural work experience
22 approved by the board. Each year spent in an accredited architectural
23 program approved by the board shall be considered one year of practical
24 experience. At least four years' practical work experience shall be
25 under the direct supervision of an architect.

26 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.08 RCW
27 to read as follows:

28 (1) No person who has been certified by the department of social
29 and health services as a person who is not in compliance with a support
30 order as provided in section 2 of this act, or is certified by a court
31 as a person who is not in compliance with a residential or visitation
32 order as provided in section 107 of this act may be issued a
33 certificate of registration under this chapter. The application of a
34 person so certified by the department of social and health services or
35 by a court may be reviewed for issuance of a certificate of
36 registration under this chapter after the person provides the board a

1 written release issued by the department of social and health services
2 or a court stating that the person is in compliance with the order.

3 (2) The board shall immediately suspend the certificate of
4 registration or certificate of authorization to practice architecture
5 of a person who either (a) has been certified pursuant to section 2 of
6 this act by the department of social and health services as a person
7 who is not in compliance with a support order, or (b) has been
8 certified pursuant to section 107 of this act by a court as a person
9 who is not in compliance with a residential or visitation order. If
10 the person has continued to meet other requirements for reinstatement
11 during the suspension, reissuance of the certificate shall be automatic
12 upon the board's receipt of a written release issued by the department
13 of social and health services or a court stating that the individual is
14 in compliance with the order.

15 **Sec. 15.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
16 read as follows:

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

25 (2) No license may be issued by the department to any person who
26 has been certified by the department of social and health services as
27 a person who is not in compliance with a support order as provided in
28 section 2 of this act, or is certified by a court as a person who is
29 not in compliance with a residential or visitation order as provided in
30 section 107 of this act. The application of a person so certified by
31 the department of social and health services or by a court may be
32 reviewed for issuance of a license under this chapter after the person
33 provides the board a written release issued by the department of social
34 and health services or a court stating that the person is in compliance
35 with the order.

36 (3) The following shall be grounds for denial, suspension, or
37 revocation of a license, or imposition of an administrative fine by the
38 department:

1 (a) Misrepresentation or concealment of material facts in obtaining
2 a license;

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

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

7 (d) Misleading or false advertising;

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

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

12 (g) Nonpayment of an administrative fine prior to renewal of a
13 license;

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

16 (i) Any other violations of this chapter.

17 (4) The department shall immediately suspend the license of a
18 person who either (a) has been certified pursuant to section 2 of this
19 act by the department of social and health services as a person who is
20 not in compliance with a support order, or (b) has been certified
21 pursuant to section 107 of this act by a court as a person who is not
22 in compliance with a residential or visitation order. If the person
23 has continued to meet all other requirements for reinstatement during
24 the suspension, reissuance of the license shall be automatic upon the
25 department's receipt of a written release issued by the department of
26 social and health services or a court stating that the licensee is in
27 compliance with the order.

28 **Sec. 16.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to read
29 as follows:

30 (1) Upon payment of the proper fee, except as provided in section
31 17 of this act the director shall issue the appropriate license to any
32 person who:

33 (a) Is at least seventeen years of age or older;

34 (b) Has completed and graduated from a course approved by the
35 director of sixteen hundred hours of training in cosmetology, one
36 thousand hours of training in barbering, five hundred hours of training
37 in manicuring, five hundred hours of training in esthetics, and/or five
38 hundred hours of training as an instructor-trainee; and

1 (c) Has received a passing grade on the appropriate licensing
2 examination approved or administered by the director.

3 (2) A person currently licensed under this chapter may qualify for
4 examination and licensure, after the required examination is passed, in
5 another category if he or she has completed the crossover training
6 course approved by the director.

7 (3) Upon payment of the proper fee, the director shall issue a
8 salon/shop license to the operator of a salon/shop if the salon/shop
9 meets the other requirements of this chapter as demonstrated by
10 information submitted by the operator.

11 (4) The director may consult with the state board of health and the
12 department of labor and industries in establishing training and
13 examination requirements.

14 NEW SECTION. **Sec. 17.** A new section is added to chapter 18.16 RCW
15 to read as follows:

16 (1) No person who has been certified by the department of social
17 and health services as a person who is not in compliance with a support
18 order as provided in section 2 of this act, or is certified by a court
19 as a person who is not in compliance with a residential or visitation
20 order as provided in section 107 of this act may be issued a license
21 under this chapter. The application of a person so certified by the
22 department of social and health services or by a court may be reviewed
23 for issuance of a license under this chapter after the person provides
24 the department a written release issued by the department of social and
25 health services or a court stating that the person is in compliance
26 with the order.

27 (2) The department shall immediately suspend the license of a
28 person who either (a) has been certified pursuant to section 2 of this
29 act by the department of social and health services as a person who is
30 not in compliance with a support order, or (b) has been certified
31 pursuant to section 107 of this act by a court as a person who is not
32 in compliance with a residential or visitation order. If the person
33 has continued to meet all other requirements for reinstatement during
34 the suspension, reissuance of the license shall be automatic upon the
35 department's receipt of a written release issued by the department of
36 social and health services or a court stating that the licensee is in
37 compliance with the order.

1 NEW SECTION. **Sec. 18.** A new section is added to chapter 18.20 RCW
2 to read as follows:

3 (1) No person who has been certified by the department of social
4 and health services as a person who is not in compliance with a support
5 order as provided in section 2 of this act, or is certified by a court
6 as a person who is not in compliance with a residential or visitation
7 order as provided in section 107 of this act may be issued a license
8 under this chapter. The application of a person so certified by the
9 department of social and health services or by a court may be reviewed
10 for issuance of a license under this chapter after the person provides
11 the department a written release issued by the department of social and
12 health services or a court stating that the person is in compliance
13 with the order.

14 (2) The department shall immediately suspend the license of a
15 person who either (a) has been certified pursuant to section 2 of this
16 act by the department of social and health services as a person who is
17 not in compliance with a support order, or (b) has been certified
18 pursuant to section 107 of this act by a court as a person who is not
19 in compliance with a residential or visitation order. If the person
20 has continued to meet all other requirements for reinstatement during
21 the suspension, reissuance of the license shall be automatic upon the
22 department's receipt of a written release issued by the department of
23 social and health services or a court stating that the licensee is in
24 compliance with the order.

25 **Sec. 19.** RCW 18.27.030 and 1992 c 217 s 1 are each amended to read
26 as follows:

27 (1) An applicant for registration as a contractor shall submit an
28 application under oath upon a form to be prescribed by the director and
29 which shall include the following information pertaining to the
30 applicant:

31 (a) Employer social security number.

32 (b) As applicable: (i) The industrial insurance account number
33 covering employees domiciled in Washington; and (ii) evidence of
34 workers' compensation coverage in the applicant's state of domicile for
35 the applicant's employees working in Washington who are not domiciled
36 in Washington.

37 (c) Employment security department number.

38 (d) State excise tax registration number.

1 (e) Unified business identifier (UBI) account number may be
2 substituted for the information required by (b), (c), and (d) of this
3 subsection.

4 (f) Type of contracting activity, whether a general or a specialty
5 contractor and if the latter, the type of specialty.

6 (g) The name and address of each partner if the applicant be a firm
7 or partnership, or the name and address of the owner if the applicant
8 be an individual proprietorship, or the name and address of the
9 corporate officers and statutory agent, if any, if the applicant be a
10 corporation. The information contained in such application shall be a
11 matter of public record and open to public inspection.

12 (2) The department may verify the workers' compensation coverage
13 information provided by the applicant under subsection (1)(b) of this
14 section, including but not limited to information regarding the
15 coverage of an individual employee of the applicant. If coverage is
16 provided under the laws of another state, the department may notify the
17 other state that the applicant is employing employees in Washington.

18 (3) Registration shall be denied if the applicant has been
19 previously registered as a sole proprietor, partnership or corporation,
20 and was a principal or officer of the corporation, and if the applicant
21 has an unsatisfied final judgment in an action based on RCW 18.27.040
22 that incurred during a previous registration under this chapter.

23 (4) Registration shall be denied if the applicant has been
24 certified by the department of social and health services as a person
25 who is not in compliance with a support order as provided in section 2
26 of this act, or is certified by a court as a person who is not in
27 compliance with a residential or visitation order as provided in
28 section 107 of this act. The application of a person so certified by
29 the department of social and health services or by a court may be
30 reviewed and the person may be registered under this chapter if the
31 person provides the department a written release issued by the
32 department of social and health services or a court stating that the
33 person is in compliance with the order.

34 **Sec. 20.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
35 amended to read as follows:

36 (1) A certificate of registration shall be valid for one year and
37 shall be renewed on or before the expiration date. The department

1 shall issue to the applicant a certificate of registration upon
2 compliance with the registration requirements of this chapter.

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

6 (a) One year;

7 (b) Until the bond expires; or

8 (c) Until the insurance expires, whichever comes first. The
9 department shall place the expiration date on the certificate.

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

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

18 (5) The department shall immediately suspend the certificate of
19 registration of a contractor who has been certified by the department
20 of social and health services as a person who either (a) is not in
21 compliance with a support order as provided in section 2 of this act,
22 or (b) has been certified pursuant to section 107 of this act by a
23 court as a person who is not in compliance with a residential or
24 visitation order. The certificate of registration shall not be
25 reissued or renewed unless the person provides to the department a
26 written release from the department of social and health services or a
27 court stating that he or she is in compliance with the order and the
28 person has continued to meet all other requirements for certification
29 during the suspension.

30 **Sec. 21.** RCW 18.28.060 and 1979 c 156 s 3 are each amended to read
31 as follows:

32 Except as provided in section 22 of this act, the director shall
33 issue a license to an applicant if the following requirements are met:

34 (1) The application is complete and the applicant has complied with
35 RCW 18.28.030.

36 (2) Neither an individual applicant, nor any of the applicant's
37 members if the applicant is a partnership or association, nor any of
38 the applicant's officers or directors if the applicant is a

1 corporation: (a) Has ever been convicted of forgery, embezzlement,
2 obtaining money under false pretenses, larceny, extortion, conspiracy
3 to defraud or any other like offense, or has been disbarred from the
4 practice of law; (b) has participated in a violation of this chapter or
5 of any valid rules, orders or decisions of the director promulgated
6 under this chapter; (c) has had a license to engage in the business of
7 debt adjusting revoked or removed for any reason other than for failure
8 to pay licensing fees in this or any other state; or (d) is an employee
9 or owner of a collection agency, or process serving business.

10 (3) An individual applicant is at least eighteen years of age.

11 (4) An applicant which is a partnership, corporation, or
12 association is authorized to do business in this state.

13 (5) An individual applicant for an original license as a debt
14 adjuster has passed an examination administered by the director, which
15 examination may be oral or written, or partly oral and partly written,
16 and shall be practical in nature and sufficiently thorough to ascertain
17 the applicant's fitness. Questions on bookkeeping, credit adjusting,
18 business ethics, agency, contracts, debtor and creditor relationships,
19 trust funds and the provisions of this chapter shall be included in the
20 examination. No applicant may use any books or other similar aids
21 while taking the examination, and no applicant may take the examination
22 more than three times in any twelve month period.

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

25 (1) No person who has been certified by the department of social
26 and health services as a person who is not in compliance with a support
27 order as provided in section 2 of this act, or is certified by a court
28 as a person who is not in compliance with a residential or visitation
29 order as provided in section 107 of this act may be issued a license
30 under this chapter. The application of a person so certified by the
31 department of social and health services or by a court may be reviewed
32 for issuance of a license under this chapter after the person provides
33 the director a written release issued by the department of social and
34 health services or a court stating that the person is in compliance
35 with the order.

36 (2) The department shall immediately suspend the license of a
37 person who either (a) has been certified pursuant to section 2 of this
38 act by the department of social and health services as a person who is

1 not in compliance with a support order, or (b) has been certified
2 pursuant to section 107 of this act by a court as a person who is not
3 in compliance with a residential or visitation order. If the person
4 has continued to meet all other requirements for reinstatement during
5 the suspension, reissuance of the license shall be automatic upon the
6 department's receipt of a written release issued by the department of
7 social and health services or a court stating that the licensee is in
8 compliance with the order.

9 **Sec. 23.** RCW 18.39.181 and 1986 c 259 s 65 are each amended to
10 read as follows:

11 The director shall have the following powers and duties:

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

13 (2) To annually renew licenses under this chapter;

14 (3) To collect all fees prescribed and required under this chapter;

15 (~~and~~)

16 (4) To deny issuing or immediately suspend the license of a person
17 who has been certified pursuant to section 2 of this act by the
18 department of social and health services as a person who is not in
19 compliance with a support order, or (b) has been certified pursuant to
20 section 107 of this act by a court as a person who is not in compliance
21 with a residential or visitation order; and

22 (5) To keep general books of record of all official acts,
23 proceedings, and transactions of the department of licensing while
24 acting under this chapter.

25 NEW SECTION. **Sec. 24.** A new section is added to chapter 18.39 RCW
26 to read as follows:

27 (1) In the case of a person who has been denied the issuance of a
28 license under this chapter because the person was certified either (a)
29 by the department of social and health services as a person who is not
30 in compliance with section 2 of this act or (b) by a court as a person
31 who is not in compliance with a residential or visitation order as
32 provided in section 107 of this act, the application of that person may
33 be reviewed by the director for issuance of a license after the person
34 provides the director a written release issued by the department of
35 social and health services or a court stating that the person is in
36 compliance with the order.

1 (2) In the case of suspension for failure to comply with a support
2 order under chapter 74.20A RCW or a residential or visitation order
3 under chapter 26.09 RCW, if the person has continued to meet all other
4 requirements for reinstatement during the suspension, reissuance of a
5 license shall be automatic upon the director's receipt of a written
6 release issued by the department of social and health services or a
7 court stating that the individual is in compliance with the order.

8 NEW SECTION. **Sec. 25.** A new section is added to chapter 18.43 RCW
9 to read as follows:

10 (1) No person who has been certified by the department of social
11 and health services as a person who is not in compliance with a support
12 order as provided in section 2 of this act, or is certified by a court
13 as a person who is not in compliance with a residential or visitation
14 order as provided in section 107 of this act may be issued a
15 certificate of registration under this chapter. The application of a
16 person so certified by the department of social and health services or
17 by a court may be reviewed for issuance of a certificate of
18 registration under this chapter after the person provides the board a
19 written release issued by the department of social and health services
20 or a court stating that the person is in compliance with the order.

21 (2) The board shall immediately suspend the registration of a
22 person who either (a) has been certified pursuant to section 2 of this
23 act by the department of social and health services as a person who is
24 not in compliance with a support order, or (b) has been certified
25 pursuant to section 107 of this act by a court as a person who is not
26 in compliance with a residential or visitation order. If the person
27 has continued to meet all other requirements for membership during the
28 suspension, reissuance of the certificate of registration shall be
29 automatic upon the board's receipt of a written release issued by the
30 department of social and health services or a court stating that the
31 person is in compliance with the order.

32 NEW SECTION. **Sec. 26.** A new section is added to chapter 18.44 RCW
33 to read as follows:

34 (1) No person who has been certified by the department of social
35 and health services as a person who is not in compliance with a support
36 order as provided in section 2 of this act, or is certified by a court
37 as a person who is not in compliance with a residential or visitation

1 order as provided in section 107 of this act may be issued a
2 certificate of registration under this chapter. The application of a
3 person so certified by the department of social and health services or
4 by a court may be reviewed for issuance of a certificate of
5 registration under this chapter after the person provides the
6 department a written release issued by the department of social and
7 health services or a court stating that the person is in compliance
8 with the order.

9 (2) The department shall immediately suspend the certificate of
10 registration of a person who either (a) has been certified pursuant to
11 section 2 of this act by the department of social and health services
12 as a person who is not in compliance with a support order, or (b) has
13 been certified pursuant to section 107 of this act by a court as a
14 person who is not in compliance with a residential or visitation order.
15 If the person has continued to meet all other requirements for
16 certification during the suspension, reissuance of the certificate
17 shall be automatic upon the department's receipt of a written release
18 issued by the department of social and health services or a court
19 stating that the person is in compliance with the order.

20 **Sec. 27.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to read
21 as follows:

22 (1) The department may deny, suspend, or revoke a license in any
23 case in which it finds that there has been failure or refusal to comply
24 with the requirements established under this chapter or the rules
25 adopted under it.

26 (2) The department shall deny a license in any case where the
27 applicant has been certified under section 2 of this act by the
28 department of social and health services as a person who is not in
29 compliance with a support order, or is certified by a court as a person
30 who is not in compliance with a residential or visitation order as
31 provided in section 107 of this act. The application of a person so
32 certified by the department of social and health services or by a court
33 may be reviewed for issuance of a license under this chapter after the
34 person provides the department a written release issued by the
35 department of social and health services or a court stating that the
36 person is in compliance with the order.

37 (3) The department shall immediately suspend the license of a
38 person who either (a) has been certified pursuant to section 2 of this

1 act by the department of social and health services as a person who is
2 not in compliance with a support order, or (b) has been certified
3 pursuant to section 107 of this act by a court as a person who is not
4 in compliance with a residential or visitation order. If the person
5 has continued to meet all other requirements for reinstatement during
6 the suspension, reissuance of the license shall be automatic upon the
7 department's receipt of a written release issued by the department of
8 social and health services or a court stating that the person is in
9 compliance with the order.

10 RCW 43.70.115 governs notice of a license denial, revocation,
11 suspension, or modification and provides the right to an adjudicative
12 proceeding.

13 **Sec. 28.** RCW 18.51.054 and 1989 c 372 s 7 are each amended to read
14 as follows:

15 The department may deny a license to any applicant if the
16 department finds that the applicant or any partner, officer, director,
17 managerial employee, or owner of five percent or more of the applicant:

18 (1) Operated a nursing home without a license or under a revoked or
19 suspended license; or

20 (2) Knowingly or with reason to know made a false statement of a
21 material fact (a) in an application for license or any data attached
22 thereto, or (b) in any matter under investigation by the department; or

23 (3) Refused to allow representatives or agents of the department to
24 inspect (a) all books, records, and files required to be maintained or
25 (b) any portion of the premises of the nursing home; or

26 (4) Willfully prevented, interfered with, or attempted to impede in
27 any way (a) the work of any authorized representative of the department
28 or (b) the lawful enforcement of any provision of this chapter or
29 chapter 74.42 RCW; or

30 (5) Has a history of significant noncompliance with federal or
31 state regulations in providing nursing home care. In deciding whether
32 to deny a license under this section, the factors the department
33 considers shall include the gravity and frequency of the noncompliance;
34 or

35 (6) Has been certified pursuant to section 2 of this act by the
36 department of social and health services, division of child support, as
37 a person who is not in compliance with a support order, or is certified
38 by a court as a person who is not in compliance with a residential or

1 visitation order as provided in section 107 of this act. The
2 application of a person so certified by the department of social and
3 health services or by a court may be reviewed for issuance of a license
4 under this chapter after the person provides the department a written
5 release issued by the department of social and health services,
6 division of child support, or a court stating that the person is in
7 compliance with the order.

8 NEW SECTION. Sec. 29. A new section is added to chapter 18.51 RCW
9 to read as follows:

10 The department shall immediately suspend the license of a person
11 who either (a) has been certified pursuant to section 2 of this act by
12 the department of social and health services, division of support, as
13 a person who is not in compliance with a child support order, or (b)
14 has been certified pursuant to section 107 of this act by a court as a
15 person who is not in compliance with a residential or visitation order.
16 If the person has continued to meet all other requirements for
17 reinstatement during the suspension, reissuance of the license shall be
18 automatic upon the department's receipt of a written release issued by
19 the division of child support or a court stating that the person is in
20 compliance with the order.

21 NEW SECTION. Sec. 30. A new section is added to chapter 18.76 RCW
22 to read as follows:

23 (1) No person who has been certified by the department of social
24 and health services as a person who is not in compliance with a support
25 order as provided in section 2 of this act, or is certified by a court
26 as a person who is not in compliance with a residential or visitation
27 order as provided in section 107 of this act may be issued a
28 certificate under this chapter. The application of a person so
29 certified by the department of social and health services or by a court
30 may be reviewed for issuance of a certificate under this chapter after
31 the person provides the department a written release issued by the
32 department of social and health services or a court stating that the
33 person is in compliance with the order.

34 (2) The department shall immediately suspend the certification of
35 a poison center medical director or a poison information specialist who
36 either (a) has been certified pursuant to section 2 of this act by the
37 department of social and health services as a person who is not in

1 compliance with a support order, or (b) has been certified pursuant to
2 section 107 of this act by a court as a person who is not in compliance
3 with a residential or visitation order. If the person has continued to
4 meet all other requirements for certification during the suspension,
5 reissuance of the certification shall be automatic upon the
6 department's receipt of a written release issued by the department of
7 social and health services or a court stating that the person is in
8 compliance with the order.

9 NEW SECTION. **Sec. 31.** A new section is added to chapter 18.85 RCW
10 to read as follows:

11 (1) No person who has been certified by the department of social
12 and health services as a person who is not in compliance with a support
13 order as provided in section 2 of this act, or is certified by a court
14 as a person who is not in compliance with a residential or visitation
15 order as provided in section 107 of this act may be issued a broker's
16 or salesperson's license under this chapter. The application of a
17 person so certified by the department of social and health services or
18 by a court may be reviewed for issuance of a license under this chapter
19 after the person provides the director a written release issued by the
20 department of social and health services or a court stating that the
21 person is in compliance with the order.

22 (2) The director shall immediately suspend the license of a broker
23 or salesperson who either (a) has been certified pursuant to section 2
24 of this act by the department of social and health services as a person
25 who is not in compliance with a support order, or (b) has been
26 certified pursuant to section 107 of this act by a court as a person
27 who is not in compliance with a residential or visitation order. If
28 the person has continued to meet all other requirements for
29 reinstatement during the suspension, reissuance of the license shall be
30 automatic upon the director's receipt of a written release issued by
31 the department of social and health services or a court stating that
32 the person is in compliance with the order.

33 NEW SECTION. **Sec. 32.** A new section is added to chapter 18.96 RCW
34 to read as follows:

35 No person who has been certified by the department of social and
36 health services as a person who is not in compliance with a support
37 order as provided in section 2 of this act, or is certified by a court

1 as a person who is not in compliance with a residential or visitation
2 order as provided in section 107 of this act may be issued a
3 certificate of registration under this chapter. The application of a
4 person so certified by the department of social and health services or
5 by a court may be reviewed for issuance of a certificate under this
6 chapter after the person provides the director a written release issued
7 by the department of social and health services or a court stating that
8 the person is in compliance with the order.

9 **Sec. 33.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
10 to read as follows:

11 (1) The director may refuse to renew, or may suspend or revoke, a
12 certificate of registration to use the titles landscape architect,
13 landscape architecture, or landscape architectural in this state upon
14 the following grounds:

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

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

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

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

26 (2) The director shall immediately suspend the certificate of
27 registration of a landscape architect who either (a) has been certified
28 pursuant to section 2 of this act by the department of social and
29 health services as a person who is not in compliance with a support
30 order, or (b) has been certified pursuant to section 107 of this act by
31 a court as a person who is not in compliance with a residential or
32 visitation order. If the person has continued to meet all other
33 requirements for certification during the suspension, reissuance of the
34 certificate of registration shall be automatic upon the director's
35 receipt of a written release issued by the department of social and
36 health services or a court stating that the person is in compliance
37 with the order.

1 **Sec. 34.** RCW 18.96.150 and 1993 c 35 s 6 are each amended to read
2 as follows:

3 Except as provided in section 32 of this act, the director shall
4 issue a certificate of registration upon payment of the registration
5 fee as provided in this chapter to any applicant who has satisfactorily
6 met all requirements for registration. All certificates of
7 registration shall show the full name of the registrant, shall have a
8 serial number and shall be signed by the chairman and the executive
9 secretary of the board, and by the director.

10 Each registrant shall obtain a seal of a design authorized by the
11 board, bearing the registrant's name and the legend, "registered
12 landscape architect". All sheets of drawings and title pages of
13 specifications prepared by the registrant shall be stamped with said
14 seal.

15 NEW SECTION. **Sec. 35.** A new section is added to chapter 18.104
16 RCW to read as follows:

17 No person who has been certified by the department of social and
18 health services as a person who is not in compliance with a support
19 order as provided in section 2 of this act, or is certified by a court
20 as a person who is not in compliance with a residential or visitation
21 order as provided in section 107 of this act may be issued a license
22 under this chapter. The application of a person so certified by the
23 department of social and health services or by a court may be reviewed
24 for issuance of a license under this chapter after the person provides
25 the department a written release issued by the department of social and
26 health services or a court stating that the person is in compliance
27 with the order.

28 **Sec. 36.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
29 read as follows:

30 (1) In cases other than those relating to the failure of a licensee
31 to renew a license, the director may suspend or revoke a license issued
32 pursuant to this chapter for any of the following reasons:

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

34 ~~((2))~~ (b) For fraud or deception in reporting under RCW
35 18.104.050;

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

4 (2) The director shall immediately suspend any license issued under
5 this chapter if the holder of the license either (a) has been certified
6 pursuant to section 2 of this act by the department of social and
7 health services as a person who is not in compliance with a support
8 order, or (b) has been certified pursuant to section 107 of this act by
9 a court as a person who is not in compliance with a residential or
10 visitation order. If the person has continued to meet all other
11 requirements for reinstatement during the suspension, reissuance of the
12 license shall be automatic upon the director's receipt of a written
13 release issued by the department of social and health services or a
14 court stating that the person is in compliance with the order.

15 (3) No license shall be suspended for more than six months, except
16 that a suspension under section 2 or 107 of this act shall continue
17 until the department receives a written release issued by the
18 department of social and health services or a court stating that the
19 person is in compliance with the order.

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

23 **Sec. 37.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to
24 read as follows:

25 (1) Except as provided in section 38 of this act, the department
26 shall issue a certificate of competency to all applicants who have
27 passed the examination and have paid the fee for the certificate. The
28 certificate shall bear the date of issuance, and shall expire on the
29 birthdate of the holder immediately following the date of issuance.
30 The certificate shall be renewable every other year, upon application,
31 on or before the birthdate of the holder. A renewal fee shall be
32 assessed for each certificate. If a person fails to renew the
33 certificate by the renewal date, he or she must pay a doubled fee. If
34 the person does not renew the certificate within ninety days of the
35 renewal date, he or she must retake the examination and pay the
36 examination fee.

37 The certificate of competency and the temporary permit provided for
38 in this chapter grant the holder the right to engage in the work of

1 plumbing as a journeyman plumber or specialty plumber in accordance
2 with their provisions throughout the state and within any of its
3 political subdivisions on any job or any employment without additional
4 proof of competency or any other license or permit or fee to engage in
5 the work. This section does not preclude employees from adhering to a
6 union security clause in any employment where such a requirement
7 exists.

8 (2) A person who is indentured in an apprenticeship program
9 approved under chapter 49.04 RCW for the plumbing construction trade or
10 who is learning the plumbing construction trade may work in the
11 plumbing construction trade if supervised by a certified journeyman
12 plumber or a certified specialty plumber in that plumber's specialty.
13 All apprentices and individuals learning the plumbing construction
14 trade shall obtain a plumbing training certificate from the department.
15 The certificate shall authorize the holder to learn the plumbing
16 construction trade while under the direct supervision of a journeyman
17 plumber or a specialty plumber working in his or her specialty. The
18 holder of the plumbing training certificate shall renew the certificate
19 annually. At the time of renewal, the holder shall provide the
20 department with an accurate list of the holder's employers in the
21 plumbing construction industry for the previous year and the number of
22 hours worked for each employer. An annual fee shall be charged for the
23 issuance or renewal of the certificate. The department shall set the
24 fee by rule. The fee shall cover but not exceed the cost of
25 administering and enforcing the trainee certification and supervision
26 requirements of this chapter. Apprentices and individuals learning the
27 plumbing construction trade shall have their plumbing training
28 certificates in their possession at all times that they are performing
29 plumbing work. They shall show their certificates to an authorized
30 representative of the department at the representative's request.

31 (3) Any person who has been issued a plumbing training certificate
32 under this chapter may work if that person is under supervision.
33 Supervision shall consist of a person being on the same job site and
34 under the control of either a journeyman plumber or an appropriate
35 specialty plumber who has an applicable certificate of competency
36 issued under this chapter. Either a journeyman plumber or an
37 appropriate specialty plumber shall be on the same job site as the
38 noncertified individual for a minimum of seventy-five percent of each
39 working day unless otherwise provided in this chapter. The ratio of

1 noncertified individuals to certified journeymen or specialty plumbers
2 working on a job site shall be: (a) From July 28, 1985, through June
3 30, 1988, not more than three noncertified plumbers working on any one
4 job site for every certified journeyman or specialty plumber; (b)
5 effective July 1, 1988, not more than two noncertified plumbers working
6 on any one job site for every certified specialty plumber or journeyman
7 plumber working as a specialty plumber; and (c) effective July 1, 1988,
8 not more than one noncertified plumber working on any one job site for
9 every certified journeyman plumber working as a journeyman plumber.

10 An individual who has a current training certificate and who has
11 successfully completed or is currently enrolled in an approved
12 apprenticeship program or in a technical school program in the plumbing
13 construction trade in a school approved by the (~~commission for~~
14 ~~vocational education~~) work force training and education coordinating
15 board, may work without direct on-site supervision during the last six
16 months of meeting the practical experience requirements of this
17 chapter.

18 NEW SECTION. Sec. 38. A new section is added to chapter 18.106
19 RCW to read as follows:

20 (1) No person who has been certified by the department of social
21 and health services as a person who is not in compliance with a support
22 order as provided in section 2 of this act, or is certified by a court
23 as a person who is not in compliance with a residential or visitation
24 order as provided in section 107 of this act may be issued a
25 certificate of competency under this chapter. The application of a
26 person so certified by the department of social and health services or
27 by a court may be reviewed for issuance of a certificate of competency
28 under this chapter after the person provides the department a written
29 release issued by the department of social and health services or a
30 court stating that the person is in compliance with the order.

31 (2) The department shall immediately suspend any certificate of
32 competency issued under this chapter if the holder of the certificate
33 either (a) has been certified pursuant to section 2 of this act by the
34 department of social and health services as a person who is not in
35 compliance with a support order, or (b) has been certified pursuant to
36 section 107 of this act by a court as a person who is not in compliance
37 with a residential or visitation order. If the person has continued to
38 meet all other requirements for certification during the suspension,

1 reissuance of the certificate of competency shall be automatic upon the
2 department's receipt of a written release issued by the department of
3 social and health services or a court stating that the person is in
4 compliance with the order.

5 NEW SECTION. **Sec. 39.** A new section is added to chapter 18.130
6 RCW to read as follows:

7 The disciplining authority shall immediately suspend the license of
8 any person subject to this chapter who either (1) has been certified by
9 the department of social and health services as a person who is not in
10 compliance with a support order as provided in section 2 of this act,
11 or (2) has been certified pursuant to section 107 of this act by a
12 court as a person who is not in compliance with a residential or
13 visitation order.

14 **Sec. 40.** RCW 18.130.050 and 1995 c 336 s 4 are each amended to
15 read as follows:

16 The disciplining authority has the following authority:

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

19 (2) To investigate all complaints or reports of unprofessional
20 conduct as defined in this chapter and to hold hearings as provided in
21 this chapter;

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

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

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

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

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

33 (8) To use a presiding officer as authorized in RCW 18.130.095(3)
34 or the office of administrative hearings as authorized in chapter 34.12
35 RCW to conduct hearings. The disciplining authority shall make the
36 final decision regarding disposition of the license unless the

1 disciplining authority elects to delegate in writing the final decision
2 to the presiding officer;

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

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

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

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

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

18 (14) To designate individuals authorized to sign subpoenas and
19 statements of charges;

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

23 (16) To review and audit the records of licensed health facilities'
24 or services' quality assurance committee decisions in which a
25 licensee's practice privilege or employment is terminated or
26 restricted. Each health facility or service shall produce and make
27 accessible to the disciplining authority the appropriate records and
28 otherwise facilitate the review and audit. Information so gained shall
29 not be subject to discovery or introduction into evidence in any civil
30 action pursuant to RCW 70.41.200(3);

31 (17) To immediately suspend the license of a person who either (a)
32 has been certified by the department of social and health services as
33 not in compliance with a support order as provided in section 2 of this
34 act, or (b) has been certified pursuant to section 107 of this act by
35 a court as a person who is not in compliance with a residential or
36 visitation order.

37 **Sec. 41.** RCW 18.130.120 and 1984 c 279 s 12 are each amended to
38 read as follows:

1 The department shall not issue any license to any person whose
2 license has been denied, revoked, or suspended by the disciplining
3 authority except in conformity with the terms and conditions of the
4 certificate or order of denial, revocation, or suspension, or in
5 conformity with any order of reinstatement issued by the disciplining
6 authority, or in accordance with the final judgment in any proceeding
7 for review instituted under this chapter.

8 The department shall not issue a license to a person who has been
9 certified by the department of social and health services as a person
10 who is not in compliance with a support order as provided in section 2
11 of this act, or is certified by a court as a person who is not in
12 compliance with a residential or visitation order as provided in
13 section 107 of this act. The license may be issued after the person
14 provides the department a written release from the department of social
15 and health services or a court stating that the person is in compliance
16 with the order.

17 **Sec. 42.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
18 read as follows:

19 A person whose license has been suspended or revoked under this
20 chapter may petition the disciplining authority for reinstatement after
21 an interval as determined by the disciplining authority in the order.
22 The disciplining authority shall hold hearings on the petition and may
23 deny the petition or may order reinstatement and impose terms and
24 conditions as provided in RCW 18.130.160 and issue an order of
25 reinstatement. The disciplining authority may require successful
26 completion of an examination as a condition of reinstatement.

27 A person whose license has been suspended for noncompliance with a
28 support order under section 2 of this act or for noncompliance with a
29 residential or visitation order under chapter 26.09 RCW may petition
30 for reinstatement at any time by providing the disciplining authority
31 a written release issued by the department of social and health
32 services or a court stating that the person is in compliance with the
33 order. If the person has continued to meet all other requirements for
34 reinstatement during the suspension, the disciplining authority shall
35 automatically reissue the person's license upon receipt of the release,
36 and payment of a reinstatement fee, if any.

1 NEW SECTION. **Sec. 43.** A new section is added to chapter 18.140
2 RCW to read as follows:

3 (1) No person who has been certified by the department of social
4 and health services as a person who is not in compliance with a support
5 order as provided in section 2 of this act, or is certified by a court
6 as a person who is not in compliance with a residential or visitation
7 order as provided in section 107 of this act may be issued a license or
8 certificate under this chapter. The application of a person so
9 certified by the department of social and health services or by a court
10 may be reviewed for issuance of a license or certificate after the
11 person provides the director a written release issued by the department
12 of social and health services or a court stating that the person is in
13 compliance with the order.

14 (2) The director shall immediately suspend any license or
15 certificate issued under this chapter if the holder either (a) has been
16 certified pursuant to section 2 of this act by the department of social
17 and health services as a person who is not in compliance with a support
18 order, or (b) has been certified pursuant to section 107 of this act by
19 a court as a person who is not in compliance with a residential or
20 visitation order. If the person has continued to meet all other
21 requirements for reinstatement during the suspension, reissuance of the
22 license or certificate shall be automatic upon the director's receipt
23 of a written release issued by the department of social and health
24 services or a court stating that the person is in compliance with the
25 order.

26 **Sec. 44.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8 are
27 each reenacted and amended to read as follows:

28 Except as provided in section 45 of this act, the department shall
29 issue a certificate to any applicant who meets the standards
30 established under this chapter and who:

31 (1) Is holding one of the following:

32 (a) Certificate of proficiency, registered professional reporter,
33 registered merit reporter, or registered diplomate reporter from [the]
34 national court reporters association;

35 (b) Certificate of proficiency or certificate of merit from [the]
36 national stenomask verbatim reporters association; or

37 (c) A current Washington state court reporter certification; or

1 (2) Has passed an examination approved by the director or an
2 examination that meets or exceeds the standards established by the
3 director.

4 NEW SECTION. **Sec. 45.** A new section is added to chapter 18.145
5 RCW to read as follows:

6 (1) No person who has been certified by the department of social
7 and health services as a person who is not in compliance with a support
8 order as provided in section 2 of this act, or is certified by a court
9 as a person who is not in compliance with a residential or visitation
10 order as provided in section 107 of this act may be issued a
11 certificate under this chapter. The application of a person so
12 certified by the department of social and health services or by a court
13 may be reviewed for issuance of a certificate after the person provides
14 the director a written release issued by the department of social and
15 health services or a court stating that the person is in compliance
16 with the order.

17 (2) The director shall immediately suspend any certificate issued
18 under this chapter if the holder either (a) has been certified pursuant
19 to section 2 of this act by the department of social and health
20 services as a person who is not in compliance with a support order, or
21 (b) has been certified pursuant to section 107 of this act by a court
22 as a person who is not in compliance with a residential or visitation
23 order. If the person has continued to meet all other requirements for
24 certification during the suspension, reissuance of the certificate
25 shall be automatic upon the director's receipt of a written release
26 issued by the department of social and health services or a court
27 stating that the person is in compliance with the order.

28 **Sec. 46.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
29 read as follows:

30 (1) The state director of fire protection may refuse to issue or
31 renew or may suspend or revoke the privilege of a licensed fire
32 protection sprinkler system contractor or the certificate of a
33 certificate of competency holder to engage in the fire protection
34 sprinkler system business or in lieu thereof, establish penalties as
35 prescribed by Washington state law, for any of the following reasons:

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

4 (b) Conviction of a felony;

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

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

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

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

15 (2) The state director of fire protection shall revoke the license
16 of a licensed fire protection sprinkler system contractor or the
17 certificate of a certificate of competency holder who engages in the
18 fire protection sprinkler system business while the license or
19 certificate of competency is suspended.

20 (3) The state director of fire protection shall refuse to issue or
21 immediately suspend any license or certificate issued under this
22 chapter if the holder either (a) has been certified pursuant to section
23 2 of this act by the department of social and health services as a
24 person who is not in compliance with a support order, or (b) has been
25 certified pursuant to section 107 of this act by a court as a person
26 who is not in compliance with a residential or visitation order. If
27 the person has continued to meet all other requirements for issuance or
28 reinstatement during the suspension, issuance or reissuance of the
29 license or certificate shall be automatic upon the director's receipt
30 of a written release issued by the department of social and health
31 services or a court stating that the person is in compliance with the
32 order.

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

37 **Sec. 47.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to
38 read as follows:

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

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

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

10 (3) Not meeting the qualifications set forth in RCW 18.165.030,
11 18.165.040, or 18.165.050;

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

14 (5) Carrying a firearm in the performance of his or her duties if
15 not the holder of a valid armed private investigator license, or
16 carrying a firearm not meeting the provisions of this chapter while in
17 the performance of his or her duties;

18 (6) Failing to return immediately on demand company identification,
19 badges, or other items issued to the private investigator by an
20 employer;

21 (7) Making any statement that would reasonably cause another person
22 to believe that the private investigator is a sworn peace officer;

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

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

29 (10) Conviction of a gross misdemeanor or felony or the commission
30 of any act involving moral turpitude, dishonesty, or corruption whether
31 the act constitutes a crime or not. If the act constitutes a crime,
32 conviction in a criminal proceeding is not a condition precedent to
33 disciplinary action. Upon such a conviction, however, the judgment and
34 sentence is conclusive evidence at the ensuing disciplinary hearing of
35 the guilt of the license holder or applicant of the crime described in
36 the indictment or information, and of the person's violation of the
37 statute on which it is based. For the purposes of this section,
38 conviction includes all instances in which a plea of guilty or nolo

1 contendere is the basis for the conviction and all proceedings in which
2 the sentence has been deferred or suspended;

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

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

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

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

12 (a) Not furnishing any necessary papers or documents requested by
13 the director for purposes of conducting an investigation for
14 disciplinary action, denial, suspension, or revocation of a license
15 under this chapter;

16 (b) Not furnishing in writing a full and complete explanation
17 covering the matter contained in a complaint filed with the department;
18 or

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

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

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

25 (17) Misrepresentation or fraud in any aspect of the conduct of the
26 business or profession;

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

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

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

36 (21) Assisting a client to locate, trace, or contact a person when
37 the investigator knows that the client is prohibited by any court order
38 from harassing or contacting the person whom the investigator is being

1 asked to locate, trace, or contact, as it pertains to domestic
2 violence, stalking, or minor children;

3 (22) Failure to maintain bond or insurance; (~~or~~)

4 (23) Failure to have a qualifying principal in place; or

5 (24) Being certified as not in compliance with a support order as
6 provided in section 2 of this act or not in compliance with a
7 residential or visitation order under section 107 of this act.

8 NEW SECTION. Sec. 48. A new section is added to chapter 18.165
9 RCW to read as follows:

10 (1) No person who has been certified by the department of social
11 and health services as a person who is not in compliance with a support
12 order as provided in section 2 of this act, or is certified by a court
13 as a person who is not in compliance with a residential or visitation
14 order as provided in section 107 of this act may be issued a license
15 under this chapter. The application of a person so certified by the
16 department of social and health services or by a court may be reviewed
17 for issuance of a license after the person provides the director a
18 written release issued by the department of social and health services
19 or a court stating that the person is in compliance with the order.

20 (2) The director shall immediately suspend a license issued under
21 this chapter if the holder either (a) has been certified pursuant to
22 section 2 of this act by the department of social and health services
23 as a person who is not in compliance with a support order, or (b) has
24 been certified pursuant to section 107 of this act by a court as a
25 person who is not in compliance with a residential or visitation order.
26 If the person has continued to meet all other requirements for
27 reinstatement during the suspension, reissuance of the license shall be
28 automatic upon the director's receipt of a written release issued by
29 the department of social and health services or a court stating that
30 the person is in compliance with the order.

31 **Sec. 49.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to
32 read as follows:

33 In addition to the provisions of section 50 of this act, the
34 following acts are prohibited and constitute grounds for disciplinary
35 action, assessing administrative penalties, or denial, suspension, or
36 revocation of any license under this chapter, as deemed appropriate by
37 the director:

- 1 (1) Knowingly violating any of the provisions of this chapter or
2 the rules adopted under this chapter;
- 3 (2) Practicing fraud, deceit, or misrepresentation in any of the
4 private security activities covered by this chapter;
- 5 (3) Knowingly making a material misstatement or omission in the
6 application for a license or firearms certificate;
- 7 (4) Not meeting the qualifications set forth in RCW 18.170.030,
8 18.170.040, or 18.170.060;
- 9 (5) Failing to return immediately on demand a firearm issued by an
10 employer;
- 11 (6) Carrying a firearm in the performance of his or her duties if
12 not the holder of a valid armed private security guard license, or
13 carrying a firearm not meeting the provisions of this chapter while in
14 the performance of his or her duties;
- 15 (7) Failing to return immediately on demand any uniform, badge, or
16 other item of equipment issued to the private security guard by an
17 employer;
- 18 (8) Making any statement that would reasonably cause another person
19 to believe that the private security guard is a sworn peace officer;
- 20 (9) Divulging confidential information that may compromise the
21 security of any premises, or valuables shipment, or any activity of a
22 client to which he or she was assigned;
- 23 (10) Conviction of a gross misdemeanor or felony or the commission
24 of any act involving moral turpitude, dishonesty, or corruption whether
25 the act constitutes a crime or not. If the act constitutes a crime,
26 conviction in a criminal proceeding is not a condition precedent to
27 disciplinary action. Upon such a conviction, however, the judgment and
28 sentence is conclusive evidence at the ensuing disciplinary hearing of
29 the guilt of the license holder or applicant of the crime described in
30 the indictment or information, and of the person's violation of the
31 statute on which it is based. For the purposes of this section,
32 conviction includes all instances in which a plea of guilty or nolo
33 contendere is the basis for the conviction and all proceedings in which
34 the sentence has been deferred or suspended;
- 35 (11) Misrepresentation or concealment of a material fact in
36 obtaining a license or in reinstatement thereof;
- 37 (12) Advertising that is false, fraudulent, or misleading;
- 38 (13) Incompetence or negligence that results in injury to a person
39 or that creates an unreasonable risk that a person may be harmed;

1 (14) Suspension, revocation, or restriction of the individual's
2 license to practice the profession by competent authority in any state,
3 federal, or foreign jurisdiction, a certified copy of the order,
4 stipulation, or agreement being conclusive evidence of the revocation,
5 suspension, or restriction;

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

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

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

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

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

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

21 (18) Misrepresentation or fraud in any aspect of the conduct of the
22 business or profession;

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

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

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

32 (22) Failure to maintain insurance; and

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

34 NEW SECTION. **Sec. 50.** A new section is added to chapter 18.170
35 RCW to read as follows:

36 (1) No person who has been certified by the department of social
37 and health services as a person who is not in compliance with a support
38 order as provided in section 2 of this act, or is certified by a court

1 as a person who is not in compliance with a residential or visitation
2 order as provided in section 107 of this act may be issued a license
3 under this chapter. The application of a person so certified by the
4 department of social and health services or by a court may be reviewed
5 for issuance of a license after the person provides the director a
6 written release issued by the department of social and health services
7 or a court stating that the person is in compliance with the order.

8 (2) The director shall immediately suspend any license issued under
9 this chapter if the holder either (a) has been certified pursuant to
10 section 2 of this act by the department of social and health services
11 as a person who is not in compliance with a support order, or (b) has
12 been certified pursuant to section 107 of this act by a court as a
13 person who is not in compliance with a residential or visitation order.
14 If the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license shall be
16 automatic upon the director's receipt of a written release issued by
17 the department of social and health services or a court stating that
18 the person is in compliance with the order.

19 NEW SECTION. **Sec. 51.** A new section is added to chapter 18.175
20 RCW to read as follows:

21 (1) No person who has been certified by the department of social
22 and health services as a person who is not in compliance with a support
23 order as provided in section 2 of this act, or is certified by a court
24 as a person who is not in compliance with a residential or visitation
25 order as provided in section 107 of this act may be issued a
26 certificate of registration under this chapter. The application of a
27 person so certified by the department of social and health services or
28 by a court may be reviewed for issuance of a certificate of
29 registration after the person provides the director a written release
30 issued by the department of social and health services or a court
31 stating that the person is in compliance with the order.

32 (2) The director shall immediately suspend a certificate of
33 registration issued under this chapter if the holder either (a) has
34 been certified pursuant to section 2 of this act by the department of
35 social and health services as a person who is not in compliance with a
36 support order, or (b) has been certified pursuant to section 107 of
37 this act by a court as a person who is not in compliance with a
38 residential or visitation order. If the person has continued to meet

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

6 NEW SECTION. **Sec. 52.** A new section is added to chapter 18.185
7 RCW to read as follows:

8 (1) No person who has been certified by the department of social
9 and health services as a person who is not in compliance with a support
10 order as provided in section 2 of this act, or is certified by a court
11 as a person who is not in compliance with a residential or visitation
12 order as provided in section 107 of this act may be issued a license
13 under this chapter. The application of a person so certified by the
14 department of social and health services or by a court may be reviewed
15 for issuance of a license after the person provides the director a
16 written release issued by the department of social and health services
17 or a court stating that the person is in compliance with the order.

18 (2) The director shall immediately suspend any license issued under
19 this chapter if the holder either (a) has been certified pursuant to
20 section 2 of this act by the department of social and health services
21 as a person who is not in compliance with a support order, or (b) has
22 been certified pursuant to section 107 of this act by a court as a
23 person who is not in compliance with a residential or visitation order.
24 If the person has continued to meet all other requirements for
25 reinstatement during the suspension, reissuance of the license shall be
26 automatic upon the director's receipt of a written release issued by
27 the department of social and health services or a court stating that
28 the person is in compliance with the order.

29 **Sec. 53.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
30 read as follows:

31 This section governs the denial of an application for a license or
32 the suspension, revocation, or modification of a license by the
33 department.

34 (1) The department shall give written notice of the denial of an
35 application for a license to the applicant or his or her agent. The
36 department shall give written notice of revocation, suspension, or
37 modification of a license to the licensee or his or her agent. The

1 notice shall state the reasons for the action. The notice shall be
2 personally served in the manner of service of a summons in a civil
3 action or shall be given in ((an other)) another manner that shows
4 proof of receipt.

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

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

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

18 (c) When the department has received certification pursuant to
19 either (i) chapter 74.20A RCW from the division of child support that
20 the licensee is a person who is not in compliance with a support order
21 or (ii) chapter 26.09 RCW by a court that the licensee is not in
22 compliance with a residential or visitation order, the department shall
23 provide that the suspension is effective immediately upon receipt of
24 the suspension notice by the licensee.

25 (3) Except for licensees suspended for noncompliance with a support
26 order under chapter 74.20A RCW or a residential or visitation order
27 under chapter 26.09 RCW, a license applicant or licensee who is
28 aggrieved by a department denial, revocation, suspension, or
29 modification has the right to an adjudicative proceeding. The
30 proceeding is governed by the Administrative Procedure Act, chapter
31 34.05 RCW. The application must be in writing, state the basis for
32 contesting the adverse action, include a copy of the adverse notice, be
33 served on and received by the department within twenty-eight days of
34 the license applicant's or licensee's receiving the adverse notice, and
35 be served in a manner that shows proof of receipt.

36 (4)(a) If the department gives a licensee twenty-eight or more days
37 notice of revocation, suspension, or modification and the licensee
38 files an appeal before its effective date, the department shall not
39 implement the adverse action until the final order has been entered.

1 The presiding or reviewing officer may permit the department to
2 implement part or all of the adverse action while the proceedings are
3 pending if the appellant causes an unreasonable delay in the
4 proceeding, if the circumstances change so that implementation is in
5 the public interest, or for other good cause.

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

14 NEW SECTION. **Sec. 54.** A new section is added to chapter 28A.410
15 RCW to read as follows:

16 (1) No person who has been certified by the department of social
17 and health services as a person who is not in compliance with a support
18 order as provided in section 2 of this act, or is certified by a court
19 as a person who is not in compliance with a residential or visitation
20 order as provided in section 107 of this act may be issued a
21 certificate or permit under this chapter. The application of a person
22 so certified by the department of social and health services or by a
23 court may be reviewed for issuance of a certificate or permit after the
24 person provides the authority authorized to grant the certificate or
25 permit a written release issued by the department of social and health
26 services or a court stating that the person is in compliance with the
27 order.

28 (2) Any certificate or permit authorized under this chapter or
29 chapter 28A.405 RCW shall be suspended by the authority authorized to
30 grant the certificate or permit if (a) either the department of social
31 and health services certifies that the person is not in compliance with
32 a support order as provided in section 2 of this act or (b) a court
33 certifies that the person is not in compliance with a residential or
34 visitation order under chapter 26.09 RCW. If the person continues to
35 meet other requirements for reinstatement during the suspension,
36 reissuance of the certificate or permit shall be automatic after the
37 person provides the authority a written release issued by the

1 department of social and health services or a court stating that the
2 person is in compliance with the order.

3 **Sec. 55.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to read
4 as follows:

5 This section governs the denial of an application for a license or
6 the suspension, revocation, or modification of a license by the
7 department. This section does not govern actions taken under chapter
8 18.130 RCW.

9 (1) The department shall give written notice of the denial of an
10 application for a license to the applicant or his or her agent. The
11 department shall give written notice of revocation, suspension, or
12 modification of a license to the licensee or his or her agent. The
13 notice shall state the reasons for the action. The notice shall be
14 personally served in the manner of service of a summons in a civil
15 action or shall be given in ((~~an other~~ {~~another~~}) another manner that
16 shows proof of receipt.

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

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

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

30 (c) When the department has received certification pursuant to
31 either (i) chapter 74.20A RCW from the department of social and health
32 services that the licensee is a person who is not in compliance with a
33 child support order or (ii) chapter 26.09 RCW from a court that the
34 licensee is a person who is not in compliance with a residential or
35 visitation order, the department shall provide that the suspension is
36 effective immediately upon receipt of the suspension notice by the
37 licensee.

1 (3) Except for licensees suspended for noncompliance with a child
2 support order under chapter 74.20A RCW or a residential or visitation
3 order under chapter 26.09 RCW, a license applicant or licensee who is
4 aggrieved by a department denial, revocation, suspension, or
5 modification has the right to an adjudicative proceeding. The
6 proceeding is governed by the Administrative Procedure Act, chapter
7 34.05 RCW. The application must be in writing, state the basis for
8 contesting the adverse action, include a copy of the adverse notice, be
9 served on and received by the department within twenty-eight days of
10 the license applicant's or licensee's receiving the adverse notice, and
11 be served in a manner that shows proof of receipt.

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

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

29 **Sec. 56.** RCW 19.28.120 and 1992 c 217 s 2 are each amended to read
30 as follows:

31 (1) It is unlawful for any person, firm, partnership, corporation,
32 or other entity to engage in, conduct, or carry on the business of
33 installing or maintaining wires or equipment to convey electric
34 current, or installing or maintaining equipment to be operated by
35 electric current as it pertains to the electrical industry, without
36 having an unrevoked, unsuspended, and unexpired electrical contractor
37 license, issued by the department in accordance with this chapter. All
38 electrical contractor licenses expire twenty-four calendar months

1 following the day of their issue. The department may issue an
2 electrical contractors license for a period of less than twenty-four
3 months only for the purpose of equalizing the number of electrical
4 contractor licenses which expire each month. Application for an
5 electrical contractor license shall be made in writing to the
6 department, accompanied by the required fee. The application shall
7 state:

8 (a) The name and address of the applicant; in case of firms or
9 partnerships, the names of the individuals composing the firm or
10 partnership; in case of corporations, the names of the managing
11 officials thereof;

12 (b) The location of the place of business of the applicant and the
13 name under which the business is conducted;

14 (c) Employer social security number;

15 (d) As applicable: (i) The industrial insurance account number
16 covering employees domiciled in Washington; and (ii) evidence of
17 workers' compensation coverage in the applicant's state of domicile for
18 the applicant's employees working in Washington who are not domiciled
19 in Washington;

20 (e) Employment security department number;

21 (f) State excise tax registration number;

22 (g) Unified business identifier (UBI) account number may be
23 substituted for the information required by (d), (e), and (f) of this
24 subsection; and

25 (h) Whether a general or specialty electrical contractor license is
26 sought and, if the latter, the type of specialty. Electrical
27 contractor specialties include, but are not limited to: Residential,
28 domestic appliances, pump and irrigation, limited energy system, signs,
29 nonresidential maintenance, and a combination specialty. A general
30 electrical contractor license shall grant to the holder the right to
31 engage in, conduct, or carry on the business of installing or
32 maintaining wires or equipment to carry electric current, and
33 installing or maintaining equipment, or installing or maintaining
34 material to fasten or insulate such wires or equipment to be operated
35 by electric current, in the state of Washington. A specialty
36 electrical contractor license shall grant to the holder a limited right
37 to engage in, conduct, or carry on the business of installing or
38 maintaining wires or equipment to carry electrical current, and
39 installing or maintaining equipment; or installing or maintaining

1 material to fasten or insulate such wires or equipment to be operated
2 by electric current in the state of Washington as expressly allowed by
3 the license.

4 (2) The department may verify the workers' compensation coverage
5 information provided by the applicant under subsection (1)(d) of this
6 section, including but not limited to information regarding the
7 coverage of an individual employee of the applicant. If coverage is
8 provided under the laws of another state, the department may notify the
9 other state that the applicant is employing employees in Washington.

10 (3) The application for a contractor license shall be accompanied
11 by a bond in the sum of four thousand dollars with the state of
12 Washington named as obligee in the bond, with good and sufficient
13 surety, to be approved by the department. The bond shall at all times
14 be kept in full force and effect, and any cancellation or revocation
15 thereof, or withdrawal of the surety therefrom, suspends the license
16 issued to the principal until a new bond has been filed and approved as
17 provided in this section. Upon approval of a bond, the department
18 shall on the next business day deposit the fee accompanying the
19 application in the electrical license fund and shall file the bond in
20 the office. The department shall upon request furnish to any person,
21 firm, partnership, corporation, or other entity a certified copy of the
22 bond upon the payment of a fee that the department shall set by rule.
23 The fee shall cover but not exceed the cost of furnishing the certified
24 copy. The bond shall be conditioned that in any installation or
25 maintenance of wires or equipment to convey electrical current, and
26 equipment to be operated by electrical current, the principal will
27 comply with the provisions of this chapter and with any electrical
28 ordinance, building code, or regulation of a city or town adopted
29 pursuant to RCW 19.28.010(~~(+2)~~) (3) that is in effect at the time of
30 entering into a contract. The bond shall be conditioned further that
31 the principal will pay for all labor, including employee benefits, and
32 material furnished or used upon the work, taxes and contributions to
33 the state of Washington, and all damages that may be sustained by any
34 person, firm, partnership, corporation, or other entity due to a
35 failure of the principal to make the installation or maintenance in
36 accordance with this chapter or any applicable ordinance, building
37 code, or regulation of a city or town adopted pursuant to RCW
38 19.28.010(~~(+2)~~) (3). In lieu of the surety bond required by this
39 section the license applicant may file with the department a cash

1 deposit or other negotiable security acceptable to the department. If
2 the license applicant has filed a cash deposit, the department shall
3 deposit the funds in a special trust savings account in a commercial
4 bank, mutual savings bank, or savings and loan association and shall
5 pay annually to the depositor the interest derived from the account.

6 (4) Except as provided in subsection (6) of this section, the
7 department shall issue general or specialty electrical contractor
8 licenses to applicants meeting all of the requirements of this chapter.
9 The provisions of this chapter relating to the licensing of any person,
10 firm, partnership, corporation, or other entity including the
11 requirement of a bond with the state of Washington named as obligee
12 therein and the collection of a fee therefor, are exclusive, and no
13 political subdivision of the state of Washington may require or issue
14 any licenses or bonds or charge any fee for the same or a similar
15 purpose. No person, firm, partnership, corporation, or other entity
16 holding more than one specialty contractor license under this chapter
17 may be required to pay an annual fee for more than one such license or
18 to post more than one four thousand dollar bond, equivalent cash
19 deposit, or other negotiable security.

20 (5) To obtain a general or specialty electrical contractor license
21 the applicant must designate an individual who currently possesses an
22 administrator's certificate as a general electrical contractor
23 administrator or as a specialty electrical contractor administrator in
24 the specialty for which application has been made. Administrator
25 certificate specialties include but are not limited to: Residential,
26 domestic, appliance, pump and irrigation, limited energy system, signs,
27 nonresidential maintenance, and combination specialty. To obtain an
28 administrator's certificate an individual must pass an examination as
29 set forth in RCW 19.28.123 unless the applicant was a licensed
30 electrical contractor at any time during 1974. Applicants who were
31 electrical contractors licensed by the state of Washington at any time
32 during 1974 are entitled to receive a general electrical contractor
33 administrator's certificate without examination if the applicants apply
34 prior to January 1, 1984. The board of electrical examiners shall
35 certify to the department the names of all persons who are entitled to
36 either a general or specialty electrical contractor administrator's
37 certificate.

38 (6) No person who has been certified by the department of social
39 and health services as a person who is not in compliance with a support

1 order as provided in section 2 of this act, or is certified by a court
2 as a person who is not in compliance with a residential or visitation
3 order as provided in section 107 of this act may be issued a license or
4 certificate under this chapter. The application of a person so
5 certified by the department of social and health services or by a court
6 may be reviewed for issuance of a license or certificate under this
7 chapter after the person provides the department with a written release
8 issued by the department of social and health services or a court
9 stating that the person is in compliance with the order.

10 **Sec. 57.** RCW 19.28.125 and 1988 c 81 s 6 are each amended to read
11 as follows:

12 (1) Each applicant for an electrical contractor's license, other
13 than an individual, shall designate a supervisory employee or member of
14 the firm to take the required administrator's examination. Effective
15 July 1, 1987, a supervisory employee designated as the administrator
16 shall be a full-time supervisory employee. This person shall be
17 designated as administrator under the license. No person may qualify
18 as administrator for more than one contractor. If the relationship of
19 the administrator with the electrical contractor is terminated, the
20 contractor's license is void within ninety days unless another
21 administrator is qualified by the board. However, if the administrator
22 dies, the contractor's license is void within one hundred eighty days
23 unless another administrator is qualified by the board. A certificate
24 issued under this section is valid for two years from the nearest
25 birthdate of the administrator, unless revoked or suspended, and
26 further is nontransferable. The certificate may be renewed for a two-
27 year period without examination by appropriate application unless the
28 certificate has been revoked, suspended, or not renewed within ninety
29 days after the expiration date. If the certificate is not renewed
30 before the expiration date, the individual shall pay twice the usual
31 fee. An individual holding more than one administrator's certificate
32 under this chapter shall not be required to pay annual fees for more
33 than one certificate. A person may take the administrator's test as
34 many times as necessary without limit.

35 (2) The administrator shall:

36 (a) Be a member of the firm or a supervisory employee and shall be
37 available during working hours to carry out the duties of an
38 administrator under this section;

1 (b) Ensure that all electrical work complies with the electrical
2 installation laws and rules of the state;

3 (c) Ensure that the proper electrical safety procedures are used;

4 (d) Ensure that all electrical labels, permits, and licenses
5 required to perform electrical work are used;

6 (e) See that corrective notices issued by an inspecting authority
7 are complied with; and

8 (f) Notify the department in writing within ten days if the
9 administrator terminates the relationship with the electrical
10 contractor.

11 (3) The department shall not by rule change the administrator's
12 duties under subsection (2) of this section.

13 (4) No person who has been certified by the department of social
14 and health services as a person who is not in compliance with a support
15 order as provided in section 2 of this act, or is certified by a court
16 as a person who is not in compliance with a residential or visitation
17 order as provided in section 107 of this act may be issued a license or
18 certificate under this chapter. The application of a person so
19 certified by the department of social and health services or by a court
20 may be reviewed for issuance of a license or certificate under this
21 chapter after the person provides the department with a written release
22 issued by the department of social and health services or a court
23 stating that the person is in compliance with the order.

24 **Sec. 58.** RCW 19.28.310 and 1988 c 81 s 10 are each amended to read
25 as follows:

26 (1) The department has the power, in case of continued
27 noncompliance with the provisions of this chapter, to revoke or suspend
28 for such a period as it determines, any electrical contractor license
29 or electrical contractor administrator certificate issued under this
30 chapter. The department shall notify the holder of the license or
31 certificate of the revocation or suspension by certified mail. A
32 revocation or suspension is effective fifteen days after the holder
33 receives the notice. Any revocation or suspension is subject to review
34 by an appeal to the board. The filing of an appeal stays the effect of
35 a revocation or suspension until the board makes its decision. The
36 appeal shall be filed within fifteen days after notice of the
37 revocation or suspension is given by certified mail sent to the address
38 of the holder of the license or certificate as shown on the application

1 for the license or certificate, and shall be effected by filing a
2 written notice of appeal with the department, accompanied by a
3 certified check for two hundred dollars, which shall be returned to the
4 holder of the license or certificate if the decision of the department
5 is not sustained by the board. The hearing shall be conducted in
6 accordance with chapter 34.05 RCW. If the board sustains the decision
7 of the department, the two hundred dollars shall be applied by the
8 department to the payment of the per diem and expenses of the members
9 of the board incurred in the matter, and any balance remaining after
10 payment of per diem and expenses shall be paid into the electrical
11 license fund.

12 (2) The department shall immediately suspend the license or
13 certificate of a person who either (a) has been certified pursuant to
14 section 2 of this act by the department of social and health services
15 as a person who is not in compliance with a support order, or (b) has
16 been certified pursuant to section 107 of this act by a court as a
17 person who is not in compliance with a residential or visitation order.
18 If the person has continued to meet all other requirements for
19 reinstatement during the suspension, reissuance of the license or
20 certificate shall be automatic upon the department's receipt of a
21 written release issued by the department of social and health services
22 or a court stating that the licensee is in compliance with the order.

23 **Sec. 59.** RCW 19.28.550 and 1993 c 192 s 1 are each amended to read
24 as follows:

25 (1) Except as provided in subsection (5) of this section, the
26 department shall issue a certificate of competency to all applicants
27 who have passed the examination provided in RCW 19.28.540, and who have
28 complied with RCW 19.28.510 through 19.28.620 and the rules adopted
29 under this chapter. The certificate shall bear the date of issuance,
30 and shall expire on October 31st or April 30th, not less than six
31 months nor more than three years immediately following the date of
32 issuance. The certificate shall be renewed every three years, upon
33 application, on or before the holder's birthdate. A fee shall be
34 assessed for each certificate and for each annual renewal.

35 (2) If the certificate holder demonstrates to the department that
36 he or she has satisfactorily completed an annual eight-hour continuing
37 education course, the certificate may be renewed without examination by

1 appropriate application unless the certificate has been revoked,
2 suspended, or not renewed within ninety days after the expiration date.

3 (a) The contents and requirements for satisfactory completion of
4 the continuing education course shall be determined by the director and
5 approved by the board.

6 (b) The department shall accept proof of a certificate holder's
7 satisfactory completion of a continuing education course offered in
8 another state as meeting the requirements for maintaining a current
9 Washington state certificate of competency if the department is
10 satisfied the course is comparable in nature to that required in
11 Washington state for maintaining a current certificate of competency.

12 (3) If the certificate is not renewed before the expiration date,
13 the individual shall pay twice the usual fee. The department shall set
14 the fees by rule for issuance and renewal of a certificate of
15 competency. The fees shall cover but not exceed the costs of issuing
16 the certificates and of administering and enforcing the electrician
17 certification requirements of this chapter.

18 (4) The certificates of competency and temporary permits provided
19 for in this chapter grant the holder the right to work in the
20 electrical construction trade as a journeyman electrician or specialty
21 electrician in accordance with their provisions throughout the state
22 and within any of its political subdivisions without additional proof
23 of competency or any other license, permit, or fee to engage in such
24 work.

25 (5) No person who has been certified by the department of social
26 and health services as a person who is not in compliance with a support
27 order as provided in section 2 of this act, or is certified by a court
28 as a person who is not in compliance with a residential or visitation
29 order as provided in section 107 of this act may be issued a license or
30 certificate under this chapter. The application of a person so
31 certified by the department of social and health services or by a court
32 may be reviewed for issuance of a license or certificate under this
33 chapter after the person provides the department with a written release
34 issued by the department of social and health services or a court
35 stating that the person is in compliance with the order.

36 **Sec. 60.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to read
37 as follows:

1 (1) The department may revoke any certificate of competency upon
2 the following grounds:

3 (a) The certificate was obtained through error or fraud;

4 (b) The holder thereof is judged to be incompetent to work in the
5 electrical construction trade as a journeyman electrician or specialty
6 electrician;

7 (c) The holder thereof has violated any of the provisions of RCW
8 19.28.510 through 19.28.620 or any rule adopted under this chapter.

9 (2) Before any certificate of competency shall be revoked, the
10 holder shall be given written notice of the department's intention to
11 do so, mailed by registered mail, return receipt requested, to the
12 holder's last known address. The notice shall enumerate the
13 allegations against the holder, and shall give the holder the
14 opportunity to request a hearing before the board. At the hearing, the
15 department and the holder may produce witnesses and give testimony.
16 The hearing shall be conducted in accordance with chapter 34.05 RCW.
17 The board shall render its decision based upon the testimony and
18 evidence presented, and shall notify the parties immediately upon
19 reaching its decision. A majority of the board shall be necessary to
20 render a decision.

21 (3) The department shall immediately suspend the license or
22 certificate of a person who either (a) has been certified pursuant to
23 section 2 of this act by the department of social and health services
24 as a person who is not in compliance with a support order, or (b) has
25 been certified pursuant to section 107 of this act by a court as a
26 person who is not in compliance with a residential or visitation order.
27 If the person has continued to meet all other requirements for
28 reinstatement during the suspension, reissuance of the license or
29 certificate shall be automatic upon the department's receipt of a
30 written release issued by the department of social and health services
31 or a court stating that the licensee is in compliance with the order.

32 **Sec. 61.** RCW 19.30.030 and 1985 c 280 s 3 are each amended to read
33 as follows:

34 The director shall not issue to any person a license to act as a
35 farm labor contractor until:

36 (1) Such person has executed a written application on a form
37 prescribed by the director, subscribed and sworn to by the applicant,
38 and containing (a) a statement by the applicant of all facts required

1 by the director concerning the applicant's character, competency,
2 responsibility, and the manner and method by which he or she proposes
3 to conduct operations as a farm labor contractor if such license is
4 issued, and (b) the names and addresses of all persons financially
5 interested, either as partners, stockholders, associates, profit
6 sharers, or providers of board or lodging to agricultural employees in
7 the proposed operation as a labor contractor, together with the amount
8 of their respective interests;

9 (2) The director, after investigation, is satisfied as to the
10 character, competency, and responsibility of the applicant;

11 (3) The applicant has paid to the director a license fee of: (1)
12 Thirty-five dollars in the case of a farm labor contractor not engaged
13 in forestation or reforestation, or (2) one hundred dollars in the case
14 of a farm labor contractor engaged in forestation or reforestation or
15 such other sum as the director finds necessary, and adopts by rule, for
16 the administrative costs of evaluating applications;

17 (4) The applicant has filed proof satisfactory to the director of
18 the existence of a policy of insurance with any insurance carrier
19 authorized to do business in the state of Washington in an amount
20 satisfactory to the director, which insures the contractor against
21 liability for damage to persons or property arising out of the
22 contractor's operation of, or ownership of, any vehicle or vehicles for
23 the transportation of individuals in connection with the contractor's
24 business, activities, or operations as a farm labor contractor;

25 (5) The applicant has filed a surety bond or other security which
26 meets the requirements set forth in RCW 19.30.040;

27 (6) The applicant executes a written statement which shall be
28 subscribed and sworn to and shall contain the following declaration:

29 "With regards to any action filed against me concerning my
30 activities as a farm labor contractor, I appoint the director of the
31 Washington department of labor and industries as my lawful agent to
32 accept service of summons when I am not present in the jurisdiction in
33 which the action is commenced or have in any other way become
34 unavailable to accept service"; and

35 (7) The applicant has stated on his or her application whether or
36 not his or her contractor's license or the license of any of his or her
37 agents, partners, associates, stockholders, or profit sharers has ever
38 been suspended, revoked, or denied by any state or federal agency, and
39 whether or not there are any outstanding judgments against him or her

1 or any of his or her agents, partners, associates, stockholders, or
2 profit sharers in any state or federal court arising out of activities
3 as a farm labor contractor.

4 (8) No person who has been certified by the department of social
5 and health services as a person who is not in compliance with a support
6 order as provided in section 2 of this act, or is certified by a court
7 as a person who is not in compliance with a residential or visitation
8 order as provided in section 107 of this act may be issued a license or
9 certificate under this chapter. The application of a person so
10 certified by the department of social and health services or by a court
11 may be reviewed for issuance of a license or certificate under this
12 chapter after the person provides the department with a written release
13 issued by the department of social and health services or a court
14 stating that the person is in compliance with the order.

15 **Sec. 62.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to read
16 as follows:

17 Any person may protest the grant or renewal of a license under this
18 section. The director may revoke, suspend, or refuse to issue or renew
19 any license when it is shown that:

20 (1) The farm labor contractor or any agent of the contractor has
21 violated or failed to comply with any of the provisions of this
22 chapter;

23 (2) The farm labor contractor has made any misrepresentations or
24 false statements in his or her application for a license;

25 (3) The conditions under which the license was issued have changed
26 or no longer exist;

27 (4) The farm labor contractor, or any agent of the contractor, has
28 violated or wilfully aided or abetted any person in the violation of,
29 or failed to comply with, any law of the state of Washington regulating
30 employment in agriculture, the payment of wages to farm employees, or
31 the conditions, terms, or places of employment affecting the health and
32 safety of farm employees, which is applicable to the business
33 activities, or operations of the contractor in his or her capacity as
34 a farm labor contractor;

35 (5) The farm labor contractor or any agent of the contractor has in
36 recruiting farm labor solicited or induced the violation of any then
37 existing contract of employment of such laborers; or

1 (6) The farm labor contractor or any agent of the contractor has an
2 unsatisfied judgment against him or her in any state or federal court,
3 arising out of his or her farm labor contracting activities.

4 The director shall immediately suspend the license or certificate
5 of a person who either has been certified pursuant to section 2 of this
6 act by the department of social and health services as a person who is
7 not in compliance with a support order, or has been certified pursuant
8 to section 107 of this act by a court as a person who is not in
9 compliance with a residential or visitation order. If the person has
10 continued to meet all other requirements for reinstatement during the
11 suspension, reissuance of the license or certificate shall be automatic
12 upon the director's receipt of a written release issued by the
13 department of social and health services or a court stating that the
14 licensee is in compliance with the order.

15 **Sec. 63.** RCW 19.16.110 and 1994 c 195 s 2 are each amended to read
16 as follows:

17 No person shall act, assume to act, or advertise as a collection
18 agency or out-of-state collection agency as defined in this chapter,
19 except as authorized by this chapter, without first having applied for
20 and obtained a license from the director.

21 Nothing contained in this section shall be construed to require a
22 regular employee of a collection agency or out-of-state collection
23 agency duly licensed under this chapter to procure a collection agency
24 license.

25 No person who has been certified by the department of social and
26 health services as a person who is not in compliance with a support
27 order as provided in section 2 of this act, or is certified by a court
28 as a person who is not in compliance with a residential or visitation
29 order as provided in section 107 of this act may be issued a license or
30 certificate under this chapter. The application of a person so
31 certified by the department of social and health services or by a court
32 may be reviewed for issuance of a license or certificate under this
33 chapter after the person provides the department with a written release
34 issued by the department of social and health services or a court
35 stating that the person is in compliance with the order.

36 **Sec. 64.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to read
37 as follows:

1 In addition to other provisions of this chapter, any license issued
2 pursuant to this chapter or any application therefor may be denied, not
3 renewed, revoked, or suspended, or in lieu of or in addition to
4 suspension a licensee may be assessed a civil, monetary penalty in an
5 amount not to exceed one thousand dollars:

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

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

10 (3) If the application or renewal forms required by this chapter
11 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if
12 applicable, have not been paid, and the surety bond or cash deposit or
13 other negotiable security acceptable to the director required by RCW
14 19.16.190, if applicable, has not been filed or renewed or is canceled.

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

17 (a) Shall have knowingly made a false statement of a material fact
18 in any application for a collection agency license or an out-of-state
19 collection agency license or renewal thereof, or in any data attached
20 thereto and two years have not elapsed since the date of such
21 statement;

22 (b) Shall have had a license to engage in the business of a
23 collection agency or out-of-state collection agency denied, not
24 renewed, suspended, or revoked by this state, any other state, or
25 foreign country, for any reason other than the nonpayment of licensing
26 fees or failure to meet bonding requirements: PROVIDED, That the terms
27 of this subsection shall not apply if:

28 (i) Two years have elapsed since the time of any such denial,
29 nonrenewal, or revocation; or

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

31 (c) Has been convicted in any court of any felony involving
32 forgery, embezzlement, obtaining money under false pretenses, larceny,
33 extortion, or conspiracy to defraud and is incarcerated for that
34 offense or five years have not elapsed since the date of such
35 conviction;

36 (d) Has had any judgment entered against him in any civil action
37 involving forgery, embezzlement, obtaining money under false pretenses,
38 larceny, extortion, or conspiracy to defraud and five years have not
39 elapsed since the date of the entry of the final judgment in said

1 action: PROVIDED, That in no event shall a license be issued unless
2 the judgment debt has been discharged;

3 (e) Has had his license to practice law suspended or revoked and
4 two years have not elapsed since the date of such suspension or
5 revocation, unless he has been relicensed to practice law in this
6 state;

7 (f) Has had any judgment entered against him or it under the
8 provisions of RCW 19.86.080 or 19.86.090 involving a violation or
9 violations of RCW 19.86.020 and two years have not elapsed since the
10 entry of the final judgment: PROVIDED, That in no event shall a
11 license be issued unless the terms of such judgment, if any, have been
12 fully complied with: PROVIDED FURTHER, That said judgment shall not be
13 grounds for denial, suspension, nonrenewal, or revocation of a license
14 unless the judgment arises out of and is based on acts of the
15 applicant, owner, officer, director, managing employee, or licensee
16 while acting for or as a collection agency or an out-of-state
17 collection agency;

18 (g) Has petitioned for bankruptcy, and two years have not elapsed
19 since the filing of said petition;

20 (h) Shall be insolvent in the sense that his or its liabilities
21 exceed his or its assets or in the sense that he or it cannot meet his
22 or its obligations as they mature;

23 (i) Has failed to pay any civil, monetary penalty assessed in
24 accordance with RCW 19.16.351 or 19.16.360 within ten days after the
25 assessment becomes final;

26 (j) Has knowingly failed to comply with, or violated any provisions
27 of this chapter or any rule or regulation issued pursuant to this
28 chapter, and two years have not elapsed since the occurrence of said
29 noncompliance or violation; or

30 (k) Has been found by a court of competent jurisdiction to have
31 violated the federal fair debt collection practices act, 15 U.S.C. Sec.
32 1692 et seq., or the Washington state consumer protection act, chapter
33 19.86 RCW, and two years have not elapsed since that finding.

34 Except as otherwise provided in this section, any person who is
35 engaged in the collection agency business as of January 1, 1972 shall,
36 upon filing the application, paying the fees, and filing the surety
37 bond or cash deposit or other negotiable security in lieu of bond
38 required by this chapter, be issued a license ((hereunder)) under this
39 chapter.

1 The director shall immediately suspend the license or certificate
2 of a person who either has been certified pursuant to section 2 of this
3 act by the department of social and health services as a person who is
4 not in compliance with a support order, or has been certified pursuant
5 to section 107 of this act by a court as a person who is not in
6 compliance with a residential or visitation order. If the person has
7 continued to meet all other requirements for reinstatement during the
8 suspension, reissuance of the license or certificate shall be automatic
9 upon the director's receipt of a written release issued by the
10 department of social and health services or a court stating that the
11 licensee is in compliance with the order.

12 **Sec. 65.** RCW 19.31.100 and 1993 c 499 s 4 are each amended to read
13 as follows:

14 (1) Every applicant for an employment agency's license or a renewal
15 thereof shall file with the director a written application stating the
16 name and address of the applicant; the street and number of the
17 building in which the business of the employment agency is to be
18 conducted; the name of the person who is to have the general management
19 of the office; the name under which the business of the office is to be
20 carried on; whether or not the applicant is pecuniarily interested in
21 the business to be carried on under the license; shall be signed by the
22 applicant and sworn to before a notary public; and shall identify
23 anyone holding over twenty percent interest in the agency. If the
24 applicant is a corporation, the application shall state the names and
25 addresses of the officers and directors of the corporation, and shall
26 be signed and sworn to by the president and secretary thereof. If the
27 applicant is a partnership, the application shall also state the names
28 and addresses of all partners therein, and shall be signed and sworn to
29 by all of them. The application shall also state whether or not the
30 applicant is, at the time of making the application, or has at any
31 previous time been engaged in or interested in or employed by anyone
32 engaged in the business of an employment agency.

33 (2) The application shall require a certification that no officer
34 or holder of more than twenty percent interest in the business has been
35 convicted of a felony within ten years of the application which
36 directly relates to the business for which the license is sought, or
37 had any judgment entered against such person in any civil action
38 involving fraud, misrepresentation, or conversion.

1 (3) All applications for employment agency licenses shall be
2 accompanied by a copy of the form of contract and fee schedule to be
3 used between the employment agency and the applicant.

4 (4) No license to operate an employment agency in this state shall
5 be issued, transferred, renewed, or remain in effect, unless the person
6 who has or is to have the general management of the office has
7 qualified pursuant to this section. The director may, for good cause
8 shown, waive the requirement imposed by this section for a period not
9 to exceed one hundred and twenty days. Persons who have been
10 previously licensed or who have operated to the satisfaction of the
11 director for at least one year prior to September 21, 1977 as a general
12 manager shall be entitled to operate for up to one year from such date
13 before being required to qualify under this section. In order to
14 qualify, such person shall, through testing procedures developed by the
15 director, show that such person has a knowledge of this law, pertinent
16 labor laws, and laws against discrimination in employment in this state
17 and of the United States. Said examination shall be given at least
18 once each quarter and a fee for such examination shall be established
19 by the director. Nothing in this chapter shall be construed to
20 preclude any one natural person from being designated as the person who
21 is to have the general management of up to three offices operated by
22 any one licensee.

23 While employment directories may at the director's discretion be
24 required to show that the person has a knowledge of this chapter,
25 employment directories are exempt from testing on pertinent labor laws,
26 and laws against discrimination in employment in this state and of the
27 United States.

28 (5) Employment directories shall register with the department and
29 meet all applicable requirements of this chapter but shall not be
30 required to be licensed by the department or pay a licensing fee.

31 (6) No person who has been certified by the department of social
32 and health services as a person who is not in compliance with a support
33 order as provided in section 2 of this act, or is certified by a court
34 as a person who is not in compliance with a residential or visitation
35 order as provided in section 107 of this act may be issued a license or
36 certificate under this chapter. The application of a person so
37 certified by the department of social and health services or by a court
38 may be reviewed for issuance of a license or certificate under this
39 chapter after the person provides the department with a written release

1 issued by the department of social and health services or a court
2 stating that the person is in compliance with the order.

3 **Sec. 66.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended
4 to read as follows:

5 (1) In accordance with the provisions of chapter 34.05 RCW as now
6 or as hereafter amended, the director may by order deny, suspend or
7 revoke the license of any employment agency if he finds that the
8 applicant or licensee:

9 ~~((1))~~ (a) Was previously the holder of a license issued under
10 this chapter, which was revoked for cause and never reissued by the
11 director, or which license was suspended for cause and the terms of the
12 suspension have not been fulfilled;

13 ~~((2))~~ (b) Has been found guilty of any felony within the past
14 five years involving moral turpitude, or for any misdemeanor concerning
15 fraud or conversion, or suffering any judgment in any civil action
16 involving wilful fraud, misrepresentation or conversion;

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

19 ~~((4))~~ (d) Has violated any provisions of this chapter, or failed
20 to comply with any rule or regulation issued by the director pursuant
21 to this chapter.

22 (2) The director shall immediately suspend the license or
23 certificate of a person who either (a) has been certified pursuant to
24 section 2 of this act by the department of social and health services
25 as a person who is not in compliance with a support order, or (b) has
26 been certified pursuant to section 107 of this act by a court as a
27 person who is not in compliance with a residential or visitation order.
28 If the person has continued to meet all other requirements for
29 reinstatement during the suspension, reissuance of the license or
30 certificate shall be automatic upon the director's receipt of a written
31 release issued by the department of social and health services or a
32 court stating that the licensee is in compliance with the order.

33 **Sec. 67.** RCW 19.32.040 and 1982 c 182 s 32 are each amended to
34 read as follows:

35 (1) No person hereafter shall engage within this state in the
36 business of owning, operating or offering the services of any
37 refrigerated locker or lockers without having obtained a license for

1 each such place of business. Application for such license shall be
2 made through the master license system. Except as provided in
3 subsection (2) of this section, such licenses shall be granted as a
4 matter of right unless conditions exist which are grounds for a
5 cancellation or revocation of a license as hereinafter set forth.

6 (2) No person who has been certified by the department of social
7 and health services as a person who is not in compliance with a support
8 order as provided in section 2 of this act, or is certified by a court
9 as a person who is not in compliance with a residential or visitation
10 order as provided in section 107 of this act may be issued a license or
11 certificate under this chapter. The application of a person so
12 certified by the department of social and health services or by a court
13 may be reviewed for issuance of a license or certificate under this
14 chapter after the person provides the department with a written release
15 issued by the department of social and health services or a court
16 stating that the person is in compliance with the order.

17 **Sec. 68.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to read
18 as follows:

19 (1) The director of agriculture may cancel or suspend any such
20 license if he finds after proper investigation that (a) the licensee
21 has violated any provision of this chapter or of any other law of this
22 state relating to the operation of refrigerated lockers or of the sale
23 of any human food in connection therewith, or any regulation effective
24 under any act the administration of which is in the charge of the
25 department of agriculture, or (b) the licensed refrigerated locker
26 premises or any equipment used therein or in connection therewith is in
27 an unsanitary condition and the licensee has failed or refused to
28 remedy the same within ten days after receipt from the director of
29 agriculture of written notice to do so.

30 (2) No license shall be revoked or suspended by the director
31 without delivery to the licensee of a written statement of the charge
32 involved and an opportunity to answer such charge within ten days from
33 the date of such notice.

34 (3) Any order made by the director suspending or revoking any
35 license may be reviewed by certiorari in the superior court of the
36 county in which the licensed premises are located, within ten days from
37 the date notice in writing of the director's order revoking or
38 suspending such license has been served upon him.

1 (4) The director shall immediately suspend the license or
2 certificate of a person who either (a) has been certified pursuant to
3 section 2 of this act by the department of social and health services
4 as a person who is not in compliance with a support order, or (b) has
5 been certified pursuant to section 107 of this act by a court as a
6 person who is not in compliance with a residential or visitation order.
7 If the person has continued to meet all other requirements for
8 reinstatement during the suspension, reissuance of the license or
9 certificate shall be automatic upon the director's receipt of a written
10 release issued by the department of social and health services or a
11 court stating that the licensee is in compliance with the order.

12 **Sec. 69.** RCW 19.105.330 and 1988 c 159 s 5 are each amended to
13 read as follows:

14 ~~((1))~~ (1) Unless an order denying effectiveness under RCW
15 19.105.380 is in effect, or unless declared effective by order of the
16 director prior thereto, the application for registration shall
17 automatically become effective upon the expiration of the twentieth
18 full business day following a filing with the director in complete and
19 proper form, but an applicant may consent to the delay of effectiveness
20 until such time as the director may by order declare registration
21 effective or issue a permit to market.

22 (2) An application for registration, renewal of registration, or
23 amendment is not in completed form and shall not be deemed a statutory
24 filing until such time as all required fees, completed application
25 forms, and the information and documents required pursuant to RCW
26 19.105.320(1) and departmental rules have been filed.

27 It is the operator's responsibility to see that required filing
28 materials and fees arrive at the appropriate mailing address of the
29 department. Within seven business days, excluding the date of receipt,
30 of receiving an application or initial request for registration and the
31 filing fees, the department shall notify the applicant of receipt of
32 the application and whether or not the application is complete and in
33 proper form. If the application is incomplete, the department shall at
34 the same time inform the applicant what additional documents or
35 information is required.

36 If the application is not in a completed form, the department shall
37 give immediate notice to the applicant. On the date the application is
38 complete and properly filed, the statutory period for an in-depth

1 examination of the filing, prescribed in subsection (1) of this
2 section, shall begin to run, unless the applicant and the department
3 have agreed to a stay of effectiveness or the department has issued a
4 denial of the application or a permit to market.

5 (3) No person who has been certified by the department of social
6 and health services as a person who is not in compliance with a support
7 order as provided in section 2 of this act, or is certified by a court
8 as a person who is not in compliance with a residential or visitation
9 order as provided in section 107 of this act may be issued a license or
10 certificate under this chapter. The application of a person so
11 certified by the department of social and health services or by a court
12 may be reviewed for issuance of a license or certificate under this
13 chapter after the person provides the department with a written release
14 issued by the department of social and health services or a court
15 stating that the person is in compliance with the order.

16 **Sec. 70.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to
17 read as follows:

18 (1) A registration or an application for registration of camping
19 resort contracts or renewals thereof may by order be denied, suspended,
20 or revoked if the director finds that:

21 (a) The advertising, sales techniques, or trade practices of the
22 applicant, registrant, or its affiliate or agent have been or are
23 deceptive, false, or misleading;

24 (b) The applicant or registrant has failed to file copies of the
25 camping resort contract form under RCW 19.105.360;

26 (c) The applicant, registrant, or affiliate has failed to comply
27 with any provision of this chapter, the rules adopted or the conditions
28 of a permit granted under this chapter, or a stipulation or final order
29 previously entered into by the operator or issued by the department
30 under this chapter;

31 (d) The applicant's, registrant's, or affiliate's offering of
32 camping resort contracts has worked or would work a fraud upon
33 purchasers or owners of camping resort contracts;

34 (e) The camping resort operator or any officer, director, or
35 affiliate of the camping resort operator has been within the last five
36 years convicted of or pleaded nolo contendere to any misdemeanor or
37 felony involving conversion, embezzlement, theft, fraud, or dishonesty,
38 has been enjoined from or had any civil penalty assessed for a finding

1 of dishonest dealing or fraud in a civil suit, or been found to have
2 engaged in any violation of any act designed to protect consumers, or
3 has been engaged in dishonest practices in any industry involving sales
4 to consumers;

5 (f) The applicant or registrant has represented or is representing
6 to purchasers in connection with the offer or sale of a camping resort
7 contract that a camping resort property, facility, amenity camp site,
8 or other development is planned, promised, or required, and the
9 applicant or registrant has not provided the director with a security
10 or assurance of performance as required by this chapter;

11 (g) The applicant or registrant has not provided or is no longer
12 providing the director with the necessary security arrangements to
13 assure future availability of titles or properties as required by this
14 chapter or agreed to in the permit to market;

15 (h) The applicant or registrant is or has been employing
16 unregistered salespersons or offering or proposing a membership
17 referral program not in compliance with this chapter;

18 (i) The applicant or registrant has breached any escrow, impound,
19 reserve account, or trust arrangement or the conditions of an order or
20 permit to market required by this chapter;

21 (j) The applicant or registrant has breached any stipulation or
22 order entered into in settlement of the department's filing of a
23 previous administrative action;

24 (k) The applicant or registrant has filed or caused to be filed
25 with the director any document or affidavit, or made any statement
26 during the course of a registration or exemption procedure with the
27 director, that is materially untrue or misleading;

28 (l) The applicant or registrant has engaged in a practice of
29 failing to provide the written disclosures to purchasers or prospective
30 purchasers as required under this chapter;

31 (m) The applicant, registrant, or any of its officers, directors,
32 or employees, if the operator is other than a natural person, have
33 wilfully done, or permitted any of their salespersons or agents to do,
34 any of the following:

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

37 (ii) Employ any device, scheme, or artifice to defraud purchasers
38 or members;

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

4 (n) The applicant or registrant has failed to provide a bond,
5 letter of credit, or other arrangement to assure delivery of promised
6 gifts, prizes, awards, or other items of consideration, as required
7 under this chapter, breached such a security arrangement, or failed to
8 maintain such a security arrangement in effect because of a resignation
9 or loss of a trustee, impound, or escrow agent;

10 (o) The applicant or registrant has engaged in a practice of
11 selling contracts using material amendments or codicils that have not
12 been filed or are the consequences of breaches or alterations in
13 previously filed contracts;

14 (p) The applicant or registrant has engaged in a practice of
15 selling or proposing to sell contracts in a ratio of contracts to sites
16 available in excess of that filed in the affidavit required by this
17 chapter;

18 (q) The camping resort operator has withdrawn, has the right to
19 withdraw, or is proposing to withdraw from use all or any portion of
20 any camping resort property devoted to the camping resort program,
21 unless:

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

26 (ii) The property is withdrawn because, despite good faith efforts
27 by the camping resort operator, a nonaffiliate of the camping resort
28 has exercised a right of withdrawal from use by the camping resort
29 (such as withdrawal following expiration of a lease of the property to
30 the camping resort) and the terms of the withdrawal right have been
31 disclosed in writing to all purchasers at or prior to the time of any
32 sales of camping resort contracts after the camping resort has
33 represented to purchasers that the property is or will be available for
34 camping or recreation purposes;

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

1 (iv) The rights of members and owners of the camping resort
2 contracts under the express terms of the camping resort contract have
3 expired, or have been specifically limited, upon the lapse of a stated
4 or determinable period of time, and the director by order has found
5 that the withdrawal is not otherwise inconsistent with the protection
6 of purchasers or the desire of the majority of the owners of camping
7 resort contracts, as expressed in their previously obtained vote of
8 approval;

9 (r) The format, form, or content of the written disclosures
10 provided therein is not complete, full, or materially accurate, or
11 statements made therein are materially false, misleading, or deceptive;

12 (s) The applicant or registrant has failed or declined to respond
13 to any subpoena lawfully issued and served by the department under this
14 chapter;

15 (t) The applicant or registrant has failed to file an amendment for
16 a material change in the manner or at the time required under this
17 chapter or its implementing rules;

18 (u) The applicant or registrant has filed voluntarily or been
19 placed involuntarily into a federal bankruptcy or is proposing to do
20 so; or

21 (v) A camping resort operator's rights or interest in a campground
22 has been terminated by foreclosure or the operations in a camping
23 resort have been terminated in a manner contrary to contract
24 provisions.

25 (2) Any applicant or registrant who has violated subsection (1)(a),
26 (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be
27 fined by the director in an amount not to exceed one thousand dollars
28 for each such violation. Proceedings seeking such fines shall be held
29 in accordance with chapter 34.05 RCW and may be filed either separately
30 or in conjunction with other administrative proceedings to deny,
31 suspend, or revoke registrations authorized under this chapter. Fines
32 collected from such proceedings shall be deposited in the state general
33 fund.

34 (3) An operator, registrant, or applicant against whom
35 administrative or legal proceedings have been filed shall be
36 responsible for and shall reimburse the state, by payment into the
37 general fund, for all administrative and legal costs actually incurred
38 by the department in issuing, processing, and conducting any such
39 administrative or legal proceeding authorized under this chapter that

1 results in a final legal or administrative determination of any type or
2 degree in favor of the department.

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

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

14 (6) The director may enter into assurances of discontinuance in
15 lieu of issuing a statement of charges or a cease and desist order or
16 conducting a hearing under this chapter. The assurances shall consist
17 of a statement of the law in question and an agreement not to violate
18 the stated provision. The applicant or registrant shall not be
19 required to admit to any violation of the law, nor shall the assurance
20 be construed as such an admission. Violating or breaching an assurance
21 under this subsection is grounds for suspension or revocation of
22 registration or imposition of a fine.

23 (7) The director shall immediately suspend the license or
24 certificate of a person who either (a) has been certified pursuant to
25 section 2 of this act by the department of social and health services
26 as a person who is not in compliance with a support order, or (b) has
27 been certified pursuant to section 107 of this act by a court as a
28 person who is not in compliance with a residential or visitation order.
29 If the person has continued to meet all other requirements for
30 reinstatement during the suspension, reissuance of the license or
31 certificate shall be automatic upon the director's receipt of a written
32 release issued by the department of social and health services or a
33 court stating that the licensee is in compliance with the order.

34 **Sec. 71.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to
35 read as follows:

36 (1) A salesperson may apply for registration by filing in a
37 complete and readable form with the director an application form
38 provided by the director which includes the following:

1 (a) A statement whether or not the applicant within the past five
2 years has been convicted of, pleaded nolo contendere to, or been ordered
3 to serve probation for a period of a year or more for any misdemeanor
4 or felony involving conversion, embezzlement, theft, fraud, or
5 dishonesty or the applicant has been enjoined from, had any civil
6 penalty assessed for, or been found to have engaged in any violation of
7 any act designed to protect consumers;

8 (b) A statement fully describing the applicant's employment history
9 for the past five years and whether or not any termination of
10 employment during the last five years was the result of any theft,
11 fraud, or act of dishonesty;

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

14 (d) Required filing fees.

15 (2) The director may by order deny, suspend, or revoke a camping
16 resort salesperson's registration or application for registration under
17 this chapter or the person's license or application under chapter 18.85
18 RCW, or impose a fine on such persons not exceeding two hundred dollars
19 per violation, if the director finds that the order is necessary for
20 the protection of purchasers or owners of camping resort contracts and
21 the applicant or registrant is guilty of:

22 (a) Obtaining registration by means of fraud, misrepresentation, or
23 concealment, or through the mistake or inadvertence of the director;

24 (b) Violating any of the provisions of this chapter or any lawful
25 rules adopted by the director pursuant thereto;

26 (c) Being convicted in a court of competent jurisdiction of this or
27 any other state, or federal court, of forgery, embezzlement, obtaining
28 money under false pretenses, bribery, larceny, extortion, conspiracy to
29 defraud, or any similar offense or offenses. For the purposes of this
30 section, "being convicted" includes all instances in which a plea of
31 guilty or nolo contendere is the basis for the conviction, and all
32 proceedings in which the sentence has been deferred or suspended;

33 (d) Making, printing, publishing, distributing, or causing,
34 authorizing, or knowingly permitting the making, printing, publication,
35 or distribution of false statements, descriptions, or promises of such
36 character as to reasonably induce any person to act thereon, if the
37 statements, descriptions, or promises purport to be made or to be
38 performed by either the applicant or registrant and the applicant or
39 registrant then knew or, by the exercise of reasonable care and

1 inquiry, could have known, of the falsity of the statements,
2 descriptions, or promises;

3 (e) Knowingly committing, or being a party to, any material fraud,
4 misrepresentation, concealment, conspiracy, collusion, trick, scheme,
5 or device whereby any other person lawfully relies upon the work,
6 representation, or conduct of the applicant or registrant;

7 (f) Failing, upon demand, to disclose to the director or the
8 director's authorized representatives acting by authority of law any
9 information within his or her knowledge or to produce for inspection
10 any document, book or record in his or her possession, which is
11 material to the salesperson's registration or application for
12 registration;

13 (g) Continuing to sell camping resort contracts in a manner whereby
14 the interests of the public are endangered, if the director has, by
15 order in writing, stated objections thereto;

16 (h) Committing any act of fraudulent or dishonest dealing or a
17 crime involving moral turpitude, and a certified copy of the final
18 holding of any court of competent jurisdiction in such matter shall be
19 conclusive evidence in any hearing under this chapter;

20 (i) Misrepresentation of membership in any state or national
21 association; or

22 (j) Discrimination against any person in hiring or in sales
23 activity on the basis of race, color, creed, or national origin, or
24 violating any state or federal antidiscrimination law.

25 (3) No order may be entered under this section without appropriate
26 prior notice to the applicant or registrant of opportunity for a
27 hearing and written findings of fact and conclusions of law, except
28 that the director may by order summarily deny an application for
29 registration under this section.

30 (4) The proceedings to deny an application or renewal, suspend or
31 revoke a registration or permit, whether summarily or otherwise, or
32 impose a fine shall be held in accordance with chapter 34.05 RCW.

33 (5) The director, subsequent to any complaint filed against a
34 salesperson or pursuant to an investigation to determine violations,
35 may enter into stipulated assurances of discontinuances in lieu of
36 issuing a statement of charges or a cease and desist order or
37 conducting a hearing. The assurance shall consist of a statement of
38 the law in question and an agreement not to violate the stated
39 provision. The salesperson shall not be required to admit to any

1 violation of the law, nor shall the assurance be construed as such an
2 admission. Violation of an assurance under this subsection is grounds
3 for a disciplinary action, a suspension of registration, or a fine not
4 to exceed one thousand dollars.

5 (6) The director may by rule require such further information or
6 conditions for registration as a camping resort salesperson, including
7 qualifying examinations and fingerprint cards prepared by authorized
8 law enforcement agencies, as the director deems necessary to protect
9 the interests of purchasers.

10 (7) Registration as a camping resort salesperson shall be effective
11 for a period of one year unless the director specifies otherwise or the
12 salesperson transfers employment to a different registrant.
13 Registration as a camping resort salesperson shall be renewed annually,
14 or at the time of transferring employment, whichever occurs first, by
15 the filing of a form prescribed by the director for that purpose.

16 (8) It is unlawful for a registrant of camping resort contracts to
17 employ or a person to act as a camping resort salesperson covered under
18 this section unless the salesperson has in effect with the department
19 and displays a valid registration in a conspicuous location at each of
20 the sales offices at which the salesperson is employed. It is the
21 responsibility of both the operator and the salesperson to notify the
22 department when and where a salesperson is employed, his or her
23 responsibilities and duties, and when the salesperson's employment or
24 reported duties are changed or terminated.

25 (9) No person who has been certified by the department of social
26 and health services as a person who is not in compliance with a support
27 order as provided in section 2 of this act, or is certified by a court
28 as a person who is not in compliance with a residential or visitation
29 order as provided in section 107 of this act may be issued a license or
30 certificate under this chapter. The application of a person so
31 certified by the department of social and health services or by a court
32 may be reviewed for issuance of a license or certificate under this
33 chapter after the person provides the department with a written release
34 issued by the department of social and health services or a court
35 stating that the person is in compliance with the order.

36 (10) The director shall immediately suspend the license or
37 certificate of a person who either (a) has been certified pursuant to
38 section 2 of this act by the department of social and health services
39 as a person who is not in compliance with a support order, or (b) has

1 been certified pursuant to section 107 of this act by a court as a
2 person who is not in compliance with a residential or visitation order.
3 If the person has continued to meet all other requirements for
4 reinstatement during the suspension, reissuance of the license or
5 certificate shall be automatic upon the director's receipt of a written
6 release issued by the department of social and health services or a
7 court stating that the licensee is in compliance with the order.

8 **Sec. 72.** RCW 19.138.130 and 1994 c 237 s 6 are each amended to
9 read as follows:

10 (1) The director may deny, suspend, or revoke the registration of
11 a seller of travel if the director finds that the applicant:

12 (a) Was previously the holder of a registration issued under this
13 chapter, and the registration was revoked for cause and never reissued
14 by the director, or the registration was suspended for cause and the
15 terms of the suspension have not been fulfilled;

16 (b) Has been found guilty of a felony within the past five years
17 involving moral turpitude, or of a misdemeanor concerning fraud or
18 conversion, or suffers a judgment in a civil action involving willful
19 fraud, misrepresentation, or conversion;

20 (c) Has made a false statement of a material fact in an application
21 under this chapter or in data attached to it;

22 (d) Has violated this chapter or failed to comply with a rule
23 adopted by the director under this chapter;

24 (e) Has failed to display the registration as provided in this
25 chapter;

26 (f) Has published or circulated a statement with the intent to
27 deceive, misrepresent, or mislead the public;

28 (g) Has committed a fraud or fraudulent practice in the operation
29 and conduct of a travel agency business, including, but not limited to,
30 intentionally misleading advertising; or

31 (h) Has aided or abetted a person, firm, or corporation that they
32 know has not registered in this state in the business of conducting a
33 travel agency or other sale of travel.

34 (2) If the seller of travel is found in violation of this chapter
35 or in violation of the consumer protection act, chapter 19.86 RCW, by
36 the entry of a judgment or by settlement of a claim, the director may
37 revoke the registration of the seller of travel, and the director may
38 reinstate the registration at the director's discretion.

1 (3) No person who has been certified by the department of social
2 and health services as a person who is not in compliance with a support
3 order as provided in section 2 of this act, or is certified by a court
4 as a person who is not in compliance with a residential or visitation
5 order as provided in section 107 of this act may be issued a license or
6 certificate under this chapter. The application of a person so
7 certified by the department of social and health services or by a court
8 may be reviewed for issuance of a license or certificate under this
9 chapter after the person provides the department with a written release
10 issued by the department of social and health services or a court
11 stating that the person is in compliance with the order.

12 (4) The director shall immediately suspend the license or
13 certificate of a person who either (a) has been certified pursuant to
14 section 2 of this act by the department of social and health services
15 as a person who is not in compliance with a support order, or (b) has
16 been certified pursuant to section 107 of this act by a court as a
17 person who is not in compliance with a residential or visitation order.
18 If the person has continued to meet all other requirements for
19 reinstatement during the suspension, reissuance of the license or
20 certificate shall be automatic upon the director's receipt of a written
21 release issued by the department of social and health services or a
22 court stating that the licensee is in compliance with the order.

23 **Sec. 73.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to read
24 as follows:

25 (1) In order to maintain or defend a lawsuit or do any business in
26 this state, a commercial telephone solicitor must be registered with
27 the department of licensing. Prior to doing business in this state, a
28 commercial telephone solicitor shall register with the department of
29 licensing. Doing business in this state includes both commercial
30 telephone solicitation from a location in Washington and solicitation
31 of purchasers located in Washington.

32 (2) The department of licensing, in registering commercial
33 telephone solicitors, shall have the authority to require the
34 submission of information necessary to assist in identifying and
35 locating a commercial telephone solicitor, including past business
36 history, prior judgments, and such other information as may be useful
37 to purchasers.

1 (3) The department of licensing shall issue a registration number
2 to the commercial telephone solicitor.

3 (4) It is a violation of this chapter for a commercial telephone
4 solicitor to:

5 (a) Fail to maintain a valid registration;

6 (b) Advertise that one is registered as a commercial telephone
7 solicitor or to represent that such registration constitutes approval
8 or endorsement by any government or governmental office or agency;

9 (c) Provide inaccurate or incomplete information to the department
10 of licensing when making a registration application; or

11 (d) Represent that a person is registered or that such person has
12 a valid registration number when such person does not.

13 (5) An annual registration fee shall be assessed by the department
14 of licensing, the amount of which shall be determined at the discretion
15 of the director of the department of licensing, and which shall be
16 reasonably related to the cost of administering the provisions of this
17 chapter.

18 (6) No person who has been certified by the department of social
19 and health services as a person who is not in compliance with a support
20 order as provided in section 2 of this act, or is certified by a court
21 as a person who is not in compliance with a residential or visitation
22 order as provided in section 107 of this act may be issued a license or
23 certificate under this chapter. The application of a person so
24 certified by the department of social and health services or by a court
25 may be reviewed for issuance of a license or certificate under this
26 chapter after the person provides the department with a written release
27 issued by the department of social and health services or a court
28 stating that the person is in compliance with the order.

29 (7) The department shall immediately suspend the license or
30 certificate of a person who either (a) has been certified pursuant to
31 section 2 of this act by the department of social and health services
32 as a person who is not in compliance with a support order, or (b) has
33 been certified pursuant to section 107 of this act by a court as a
34 person who is not in compliance with a residential or visitation order.
35 If the person has continued to meet all other requirements for
36 reinstatement during the suspension, reissuance of the license or
37 certificate shall be automatic upon the department's receipt of a
38 written release issued by the department of social and health services
39 or a court stating that the licensee is in compliance with the order.

1 **Sec. 74.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to read
2 as follows:

3 (1) An application for registration as an international student
4 exchange visitor placement organization shall be submitted in the form
5 prescribed by the secretary of state. The application shall include:

6 (a) Evidence that the organization meets the standards established
7 by the secretary of state under RCW 19.166.050;

8 (b) The name, address, and telephone number of the organization,
9 its chief executive officer, and the person within the organization who
10 has primary responsibility for supervising placements within the state;

11 (c) The organization's unified business identification number, if
12 any;

13 (d) The organization's United States Information Agency number, if
14 any;

15 (e) Evidence of council on standards for international educational
16 travel listing, if any;

17 (f) Whether the organization is exempt from federal income tax; and

18 (g) A list of the organization's placements in Washington for the
19 previous academic year including the number of students placed, their
20 home countries, the school districts in which they were placed, and the
21 length of their placements.

22 (2) The application shall be signed by the chief executive officer
23 of the organization and the person within the organization who has
24 primary responsibility for supervising placements within Washington.
25 If the secretary of state determines that the application is complete,
26 the secretary of state shall file the application and the applicant is
27 registered.

28 (3) International student exchange visitor placement organizations
29 that have registered shall inform the secretary of state of any changes
30 in the information required under subsection (1) of this section within
31 thirty days of the change.

32 (4) Registration shall be renewed annually as established by rule
33 by the office of the secretary of state.

34 (5) No person who has been certified by the department of social
35 and health services as a person who is not in compliance with a support
36 order as provided in section 2 of this act, or is certified by a court
37 as a person who is not in compliance with a residential or visitation
38 order as provided in section 107 of this act may be issued a license or
39 certificate under this chapter. The application of a person so

1 certified by the department of social and health services or by a court
2 may be reviewed for issuance of a license or certificate under this
3 chapter after the person provides the department with a written release
4 issued by the department of social and health services or a court
5 stating that the person is in compliance with the order.

6 (6) The office of the secretary of state shall immediately suspend
7 the license or certificate of a person who either (a) has been
8 certified pursuant to section 2 of this act by the department of social
9 and health services as a person who is not in compliance with a support
10 order, or (b) has been certified pursuant to section 107 of this act by
11 a court as a person who is not in compliance with a residential or
12 visitation order. If the person has continued to meet all other
13 requirements for reinstatement during the suspension, reissuance of the
14 license or certificate shall be automatic upon the office of the
15 secretary of state's receipt of a written release issued by the
16 department of social and health services or a court stating that the
17 licensee is in compliance with the order.

18 NEW SECTION. Sec. 75. A new section is added to chapter 20.01 RCW
19 to read as follows:

20 (1) No person who has been certified by the department of social
21 and health services as a person who is not in compliance with a support
22 order as provided in section 2 of this act, or is certified by a court
23 as a person who is not in compliance with a residential or visitation
24 order as provided in section 107 of this act may be issued a license or
25 certificate under this chapter. The application of a person so
26 certified by the department of social and health services or by a court
27 may be reviewed for issuance of a license or certificate under this
28 chapter after the person provides the department with a written release
29 issued by the department of social and health services or a court
30 stating that the person is in compliance with the order.

31 (2) The director shall immediately suspend the license or
32 certificate of a person who either (a) has been certified pursuant to
33 section 2 of this act by the department of social and health services
34 as a person who is not in compliance with a support order, or (b) has
35 been certified pursuant to section 107 of this act by a court as a
36 person who is not in compliance with a residential or visitation order.
37 If the person has continued to meet all other requirements for
38 reinstatement during the suspension, reissuance of the license or

1 certificate shall be automatic upon the director's receipt of a written
2 release issued by the department of social and health services or a
3 court stating that the licensee is in compliance with the order.

4 **Sec. 76.** RCW 21.20.070 and 1981 c 272 s 2 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (2) of this section, if no
7 denial order is in effect and no proceeding is pending under RCW
8 21.20.110, registration becomes effective when the applicant has
9 successfully passed a written examination as prescribed by rule or
10 order of the director with the advice of the advisory committee, or has
11 satisfactorily demonstrated that the applicant is exempt from the
12 written examination requirements of this section.

13 (2) No person who has been certified by the department of social
14 and health services as a person who is not in compliance with a support
15 order as provided in section 2 of this act, or is certified by a court
16 as a person who is not in compliance with a residential or visitation
17 order as provided in section 107 of this act may be issued a license or
18 certificate under this chapter. The application of a person so
19 certified by the department of social and health services or by a court
20 may be reviewed for issuance of a license or certificate under this
21 chapter after the person provides the department with a written release
22 issued by the department of social and health services or a court
23 stating that the person is in compliance with the order.

24 **Sec. 77.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to
25 read as follows:

26 The director may by order deny, suspend, or revoke registration of
27 any broker-dealer, salesperson, investment adviser representative, or
28 investment adviser; censure or fine the registrant or an officer,
29 director, partner, or person occupying similar functions for a
30 registrant; or restrict or limit a registrant's function or activity of
31 business for which registration is required in this state; if the
32 director finds that the order is in the public interest and that the
33 applicant or registrant or, in the case of a broker-dealer or
34 investment adviser, any partner, officer, or director:

35 (1) Has filed an application for registration under this section
36 which, as of its effective date, or as of any date after filing in the
37 case of an order denying effectiveness, was incomplete in any material

1 respect or contained any statement which was, in the light of the
2 circumstances under which it was made, false, or misleading with
3 respect to any material fact;

4 (2) Has willfully violated or willfully failed to comply with any
5 provision of this chapter or a predecessor act or any rule or order
6 under this chapter or a predecessor act, or any provision of chapter
7 21.30 RCW or any rule or order thereunder;

8 (3) Has been convicted, within the past five years, of any
9 misdemeanor involving a security, or a commodity contract or commodity
10 option as defined in RCW 21.30.010, or any aspect of the securities or
11 investment commodities business, or any felony involving moral
12 turpitude;

13 (4) Is permanently or temporarily enjoined by any court of
14 competent jurisdiction from engaging in or continuing any conduct or
15 practice involving any aspect of the securities or investment
16 commodities business;

17 (5) Is the subject of an order of the director denying, suspending,
18 or revoking registration as a broker-dealer, salesperson, investment
19 adviser, or investment adviser representative;

20 (6) Is the subject of an order entered within the past five years
21 by the securities administrator of any other state or by the federal
22 securities and exchange commission denying or revoking registration as
23 a broker-dealer or salesperson, or a commodity broker-dealer or sales
24 representative, or the substantial equivalent of those terms as defined
25 in this chapter or by the commodity futures trading commission denying
26 or revoking registration as a commodity merchant as defined in RCW
27 21.30.010, or is the subject of an order of suspension or expulsion
28 from membership in or association with a self-regulatory organization
29 registered under the securities exchange act of 1934 or the federal
30 commodity exchange act, or is the subject of a United States post
31 office fraud order; but (a) the director may not institute a revocation
32 or suspension proceeding under this clause more than one year from the
33 date of the order relied on, and (b) the director may not enter any
34 order under this clause on the basis of an order unless that order was
35 based on facts which would currently constitute a ground for an order
36 under this section;

37 (7) Has engaged in dishonest or unethical practices in the
38 securities or investment commodities business;

1 (8) Is insolvent, either in the sense that his or her liabilities
2 exceed his or her assets or in the sense that he or she cannot meet his
3 or her obligations as they mature; but the director may not enter an
4 order against a broker-dealer or investment adviser under this clause
5 without a finding of insolvency as to the broker-dealer or investment
6 adviser;

7 (9) Has not complied with a condition imposed by the director under
8 RCW 21.20.100, or is not qualified on the basis of such factors as
9 training, experience, or knowledge of the securities business; or

10 (10)(a) Has failed to supervise reasonably a salesperson or an
11 investment adviser representative. For the purposes of this
12 subsection, no person fails to supervise reasonably another person, if:

13 (i) There are established procedures, and a system for applying
14 those procedures, that would reasonably be expected to prevent and
15 detect, insofar as practicable, any violation by another person of this
16 chapter, or a rule or order under this chapter; and

17 (ii) The supervising person has reasonably discharged the duties
18 and obligations required by these procedures and system without
19 reasonable cause to believe that another person was violating this
20 chapter or rules or orders under this chapter.

21 (b) The director may issue a summary order pending final
22 determination of a proceeding under this section upon a finding that it
23 is in the public interest and necessary or appropriate for the
24 protection of investors. The director may not impose a fine under this
25 section except after notice and opportunity for hearing. The fine
26 imposed under this section may not exceed five thousand dollars for
27 each act or omission that constitutes the basis for issuing the order.

28 The director shall immediately suspend the license or certificate
29 of a person who either has been certified pursuant to section 2 of this
30 act by the department of social and health services as a person who is
31 not in compliance with a support order, or has been certified pursuant
32 to section 107 of this act by a court as a person who is not in
33 compliance with a residential or visitation order. If the person has
34 continued to meet all other requirements for reinstatement during the
35 suspension, reissuance of the license or certificate shall be automatic
36 upon the director's receipt of a written release issued by the
37 department of social and health services or a court stating that the
38 licensee is in compliance with the order.

1 NEW SECTION. **Sec. 78.** A new section is added to chapter 48.17 RCW
2 to read as follows:

3 (1) No person who has been certified by the department of social
4 and health services as a person who is not in compliance with a support
5 order as provided in section 2 of this act, or is certified by a court
6 as a person who is not in compliance with a residential or visitation
7 order as provided in section 107 of this act may be issued a license or
8 certificate under this chapter. The application of a person so
9 certified by the department of social and health services or by a court
10 may be reviewed for issuance of a license or certificate under this
11 chapter after the person provides the department with a written release
12 issued by the department of social and health services or a court
13 stating that the person is in compliance with the order.

14 (2) The commissioner shall immediately suspend the license or
15 certificate of a person who either (a) has been certified pursuant to
16 section 2 of this act by the department of social and health services
17 as a person who is not in compliance with a support order, or (b) has
18 been certified pursuant to section 107 of this act by a court as a
19 person who is not in compliance with a residential or visitation order.
20 If the person has continued to meet all other requirements for
21 reinstatement during the suspension, reissuance of the license or
22 certificate shall be automatic upon the commissioner's receipt of a
23 written release issued by the department of social and health services
24 or a court stating that the licensee is in compliance with the order.

25 NEW SECTION. **Sec. 79.** A new section is added to chapter 74.15 RCW
26 to read as follows:

27 (1) No person who has been certified by the department of social
28 and health services as a person who is not in compliance with a support
29 order as provided in section 2 of this act, or is certified by a court
30 as a person who is not in compliance with a residential or visitation
31 order as provided in section 107 of this act may be issued a license or
32 certificate under this chapter. The application of a person so
33 certified by the department of social and health services or by a court
34 may be reviewed for issuance of a license or certificate under this
35 chapter after the person provides the department with a written release
36 issued by the department of social and health services or a court
37 stating that the person is in compliance with the order.

1 (2) The secretary shall immediately suspend the license or
2 certificate of a person who either (a) has been certified pursuant to
3 section 2 of this act by the department of social and health services
4 as a person who is not in compliance with a support order, or (b) has
5 been certified pursuant to section 107 of this act by a court as a
6 person who is not in compliance with a residential or visitation order.
7 If the person has continued to meet all other requirements for
8 reinstatement during the suspension, reissuance of the license or
9 certificate shall be automatic upon the secretary's receipt of a
10 written release issued by the department of social and health services
11 or a court stating that the licensee is in compliance with the order.

12 NEW SECTION. Sec. 80. A new section is added to chapter 47.68 RCW
13 to read as follows:

14 (1) No person who has been certified by the department of social
15 and health services as a person who is not in compliance with a support
16 order as provided in section 2 of this act, or is certified by a court
17 as a person who is not in compliance with a residential or visitation
18 order as provided in section 107 of this act may be issued a license or
19 certificate under this chapter. The application of a person so
20 certified by the department of social and health services or by a court
21 may be reviewed for issuance of a license or certificate under this
22 chapter after the person provides the department with a written release
23 issued by the department of social and health services or a court
24 stating that the person is in compliance with the order.

25 (2) The department shall immediately suspend the license or
26 certificate of a person who either (a) has been certified pursuant to
27 section 2 of this act by the department of social and health services
28 as a person who is not in compliance with a support order, or (b) has
29 been certified pursuant to section 107 of this act by a court as a
30 person who is not in compliance with a residential or visitation order.
31 If the person has continued to meet all other requirements for
32 reinstatement during the suspension, reissuance of the license or
33 certificate shall be automatic upon the department's receipt of a
34 written release issued by the department of social and health services
35 or a court stating that the licensee is in compliance with the order.

36 NEW SECTION. Sec. 81. A new section is added to chapter 71.12 RCW
37 to read as follows:

1 (1) No person who has been certified by the department of social
2 and health services as a person who is not in compliance with a support
3 order as provided in section 2 of this act, or is certified by a court
4 as a person who is not in compliance with a residential or visitation
5 order as provided in section 107 of this act may be issued a license or
6 certificate under this chapter. The application of a person so
7 certified by the department of social and health services or by a court
8 may be reviewed for issuance of a license or certificate under this
9 chapter after the person provides the department with a written release
10 issued by the department of social and health services or a court
11 stating that the person is in compliance with the order.

12 (2) The department of health shall immediately suspend the license
13 or certificate of a person who either (a) has been certified pursuant
14 to section 2 of this act by the department of social and health
15 services as a person who is not in compliance with a support order, or
16 (b) has been certified pursuant to section 107 of this act by a court
17 as a person who is not in compliance with a residential or visitation
18 order. If the person has continued to meet all other requirements for
19 reinstatement during the suspension, reissuance of the license or
20 certificate shall be automatic upon the department of health's receipt
21 of a written release issued by the department of social and health
22 services or a court stating that the licensee is in compliance with the
23 order.

24 **Sec. 82.** RCW 66.20.320 and 1995 c 51 s 4 are each amended to read
25 as follows:

26 (1) The board shall regulate a required alcohol server education
27 program that includes:

28 (a) Development of the curriculum and materials for the education
29 program;

30 (b) Examination and examination procedures;

31 (c) Certification procedures, enforcement policies, and penalties
32 for education program instructors and providers;

33 (d) The curriculum for an approved class 12 alcohol permit training
34 program that includes but is not limited to the following subjects:

35 (i) The physiological effects of alcohol including the effects of
36 alcohol in combination with drugs;

37 (ii) Liability and legal information;

38 (iii) Driving while intoxicated;

1 (iv) Intervention with the problem customer, including ways to stop
2 service, ways to deal with the belligerent customer, and alternative
3 means of transportation to get the customer safely home;

4 (v) Methods for checking proper identification of customers;

5 (vi) Nationally recognized programs, such as TAM (Techniques in
6 Alcohol Management) and TIPS (Training for Intervention Programs)
7 modified to include Washington laws and regulations.

8 (2) The board shall provide the program through liquor licensee
9 associations, independent contractors, private persons, private or
10 public schools certified by the board, or any combination of such
11 providers.

12 (3) Except as provided in section 84 of this act, each training
13 entity shall provide a class 12 permit to the manager or bartender who
14 has successfully completed a course the board has certified. A list of
15 the individuals receiving the class 12 permit shall be forwarded to the
16 board on the completion of each course given by the training entity.

17 (4) After July 1, 1996, the board shall require all alcohol servers
18 applying for a class 13 alcohol server permit to view a video training
19 session. Retail liquor licensees shall fully compensate employees for
20 the time spent participating in this training session.

21 (5) When requested by a retail liquor licensee, the board shall
22 provide copies of videotaped training programs that have been produced
23 by private vendors and make them available for a nominal fee to cover
24 the cost of purchasing and shipment, with the fees being deposited in
25 the liquor revolving fund for distribution to the board as needed.

26 (6) Each training entity may provide the board with a video program
27 of not less than one hour that covers the subjects in subsection (1)(d)
28 (i) through (v) of this section that will be made available to a
29 licensee for the training of a class 13 alcohol server.

30 (7) Except as provided in section 84 of this act, applicants shall
31 be given a class 13 permit upon the successful completion of the
32 program.

33 (8) A list of the individuals receiving the class 13 permit shall
34 be forwarded to the board on the completion of each video training
35 program.

36 (9) The board shall develop a model permit for the class 12 and 13
37 permits. The board may provide such permits to training entities or
38 licensees for a nominal cost to cover production.

1 (10) Persons who have completed a nationally recognized alcohol
2 management or intervention program since July 1, 1993, may be issued a
3 class 12 or 13 permit upon providing proof of completion of such
4 training to the board.

5 NEW SECTION. **Sec. 83.** A new section is added to chapter 66.20 RCW
6 to read as follows:

7 (1) No person who has been certified by the department of social
8 and health services as a person who is not in compliance with a support
9 order as provided in section 2 of this act, or is certified by a court
10 as a person who is not in compliance with a residential or visitation
11 order as provided in section 107 of this act may be issued a license
12 under this chapter. The application of a person so certified by the
13 department of social and health services or by a court may be reviewed
14 for issuance of a license under this chapter after the person provides
15 the department with a written release issued by the department of
16 social and health services or a court stating that the person is in
17 compliance with the order.

18 (2) The board shall immediately suspend the license of a person who
19 either (a) has been certified pursuant to section 2 of this act by the
20 department of social and health services as a person who is not in
21 compliance with a support order, or (b) has been certified pursuant to
22 section 107 of this act by a court as a person who is not in compliance
23 with a residential or visitation order. If the person has continued to
24 meet all other requirements for reinstatement during the suspension,
25 reissuance of the license shall be automatic upon the board's receipt
26 of a written release issued by the department of social and health
27 services or a court stating that the licensee is in compliance with the
28 order.

29 NEW SECTION. **Sec. 84.** A new section is added to chapter 66.24 RCW
30 to read as follows:

31 (1) No person who has been certified by the department of social
32 and health services as a person who is not in compliance with a support
33 order as provided in section 2 of this act, or is certified by a court
34 as a person who is not in compliance with a residential or visitation
35 order as provided in section 107 of this act may be issued a license
36 under this chapter. The application of a person so certified by the
37 department of social and health services or by a court may be reviewed

1 for issuance of a license under this chapter after the person provides
2 the department with a written release issued by the department of
3 social and health services or a court stating that the person is in
4 compliance with the order.

5 (2) The board shall immediately suspend the license of a person who
6 either (a) has been certified pursuant to section 2 of this act by the
7 department of social and health services as a person who is not in
8 compliance with a support order, or (b) has been certified pursuant to
9 section 107 of this act by a court as a person who is not in compliance
10 with a residential or visitation order. If the person has continued to
11 meet all other requirements for reinstatement during the suspension,
12 reissuance of the license shall be automatic upon the board's receipt
13 of a written release issued by the department of social and health
14 services or a court stating that the licensee is in compliance with the
15 order.

16 NEW SECTION. **Sec. 85.** A new section is added to chapter 88.02 RCW
17 to read as follows:

18 (1) No person who has been certified by the department of social
19 and health services as a person who is not in compliance with a support
20 order as provided in section 2 of this act, or is certified by a court
21 as a person who is not in compliance with a residential or visitation
22 order as provided in section 107 of this act may be issued a vessel
23 registration or a vessel dealer's registration under this chapter. The
24 application of a person so certified by the department of social and
25 health services or by a court may be reviewed for issuance of
26 registration under this chapter after the person provides the
27 department with a written release issued by the department of social
28 and health services or a court stating that the person is in compliance
29 with the order.

30 (2) The department shall immediately suspend the vessel
31 registration or vessel dealer's registration of a person who either (a)
32 has been certified pursuant to section 2 of this act by the department
33 of social and health services as a person who is not in compliance with
34 a support order, or (b) has been certified pursuant to section 107 of
35 this act by a court as a person who is not in compliance with a
36 residential or visitation order. If the person has continued to meet
37 all other requirements for reinstatement during the suspension,
38 reissuance of the registration shall be automatic upon the department's

1 receipt of a written release issued by the department of social and
2 health services or a court stating that the licensee is in compliance
3 with the order.

4 **Sec. 86.** RCW 67.08.040 and 1993 c 278 s 14 are each amended to
5 read as follows:

6 Except as provided in RCW 67.08.100, upon the approval by the
7 department of any application for a license, as hereinabove provided,
8 and the filing of the bond the department shall forthwith issue such
9 license.

10 **Sec. 87.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
11 read as follows:

12 (1) The department may grant annual licenses upon application in
13 compliance with the rules and regulations prescribed by the director,
14 and the payment of the fees, the amount of which is to be set by the
15 director in accordance with RCW 43.24.086, prescribed to promoters,
16 managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the
17 provisions of this section shall not apply to contestants or
18 participants in strictly amateur contests and/or fraternal
19 organizations and/or veterans' organizations chartered by congress or
20 the defense department or any bona fide athletic club which is a member
21 of the Pacific northwest association of the amateur athletic union of
22 the United States, holding and promoting athletic contests and where
23 all funds are used primarily for the benefit of their members.

24 (2) Any such license may be revoked by the department for any cause
25 which it shall deem sufficient.

26 (3) No person shall participate or serve in any of the above
27 capacities unless licensed as provided in this chapter.

28 (4) The referee for any boxing contest shall be designated by the
29 department from among such licensed referees.

30 (5) The referee for any wrestling exhibition or show shall be
31 provided by the promoter and licensed by the department.

32 (6) No person who has been certified by the department of social
33 and health services as a person who is not in compliance with a support
34 order as provided in section 2 of this act, or is certified by a court
35 as a person who is not in compliance with a residential or visitation
36 order as provided in section 107 of this act may be issued a license or
37 certificate under this chapter. The application of a person so

1 certified by the department of social and health services or by a court
2 may be reviewed for issuance of a license or certificate under this
3 chapter after the person provides the department with a written release
4 issued by the department of social and health services or a court
5 stating that the person is in compliance with the order.

6 (7) The department shall immediately suspend the license or
7 certificate of a person who either (a) has been certified pursuant to
8 section 2 of this act by the department of social and health services
9 as a person who is not in compliance with a support order, or (b) has
10 been certified pursuant to section 107 of this act by a court as a
11 person who is not in compliance with a residential or visitation order.
12 If the person has continued to meet all other requirements for
13 reinstatement during the suspension, reissuance of the license or
14 certificate shall be automatic upon the department's receipt of a
15 written release issued by the department of social and health services
16 or a court stating that the licensee is in compliance with the order.

17 **Sec. 88.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read
18 as follows:

19 (1) The department shall not issue or renew a master license to any
20 person if:

21 (a) The person does not have a valid tax registration, if required;

22 (b) The person is a corporation delinquent in fees or penalties
23 owing to the secretary of state or is not validly registered under
24 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute
25 now or hereafter adopted which gives corporate or business licensing
26 responsibilities to the secretary of state; ~~((or))~~

27 (c) The person has not submitted the sum of all fees and deposits
28 required for the requested individual license endorsements, any
29 outstanding master license delinquency fee, or other fees and penalties
30 to be collected through the system; or

31 (d) No person who has been certified by the department of social
32 and health services as a person who is not in compliance with a support
33 order as provided in section 2 of this act, or is certified by a court
34 as a person who is not in compliance with a residential or visitation
35 order as provided in section 107 of this act may be issued a license or
36 certificate under this chapter. The application of a person so
37 certified by the department of social and health services or by a court
38 may be reviewed for issuance of a license or certificate under this

1 chapter after the person provides the department with a written release
2 issued by the department of social and health services or a court
3 stating that the person is in compliance with the order.

4 (2) Nothing in this section shall prevent registration by the state
5 of an employer for the purpose of paying an employee of that employer
6 industrial insurance or unemployment insurance benefits.

7 (3) The department shall immediately suspend the license or
8 certificate of a person who either (a) has been certified pursuant to
9 section 2 of this act by the department of social and health services
10 as a person who is not in compliance with a support order, or (b) has
11 been certified pursuant to section 107 of this act by a court as a
12 person who is not in compliance with a residential or visitation order.
13 If the person has continued to meet all other requirements for
14 reinstatement during the suspension, reissuance of the license or
15 certificate shall be automatic upon the department's receipt of a
16 written release issued by the department of social and health services
17 or a court stating that the licensee is in compliance with the order.

18 **Sec. 89.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to
19 read as follows:

20 Except as provided in section 92 of this act, at the close of each
21 examination the department of licensing shall prepare the proper
22 licenses, where no further fee is required to be paid, and issue
23 licenses to the successful applicants signed by the director and notify
24 all successful applicants, where a further fee is required, of the fact
25 that they are entitled to receive such license upon the payment of such
26 further fee to the department of licensing and notify all applicants
27 who have failed to pass the examination of that fact.

28 **Sec. 90.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to
29 read as follows:

30 Except as provided in section 92 of this act, whenever there is
31 filed in a matter under the jurisdiction of the director of licensing
32 any complaint charging that the holder of a license has been guilty of
33 any act or omission which by the provisions of the law under which the
34 license was issued would warrant the revocation thereof, verified in
35 the manner provided by law, the director of licensing shall request the
36 governor to appoint, and the governor shall appoint within thirty days
37 of the request, two qualified practitioners of the profession or

1 calling of the person charged, who, with the director or his duly
2 appointed representative, shall constitute a committee to hear and
3 determine the charges and, in case the charges are sustained, impose
4 the penalty provided by law. In addition, the governor shall appoint
5 a consumer member of the committee.

6 The decision of any three members of such committee shall be the
7 decision of the committee.

8 The appointed members of the committee shall be compensated in
9 accordance with RCW 43.03.240 and shall be reimbursed for their travel
10 expenses, in accordance with RCW 43.03.050 and 43.03.060.

11 **Sec. 91.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to
12 read as follows:

13 Except as provided in section 92 of this act, any person feeling
14 aggrieved by the refusal of the director to issue a license, or to
15 renew one, or by the revocation or suspension of a license shall have
16 a right of appeal to superior court from the decision of the director
17 of licensing, which shall be taken, prosecuted, heard, and determined
18 in the manner provided in chapter 34.05 RCW.

19 The decision of the superior court may be reviewed by the supreme
20 court or the court of appeals in the same manner as other civil cases.

21 NEW SECTION. **Sec. 92.** A new section is added to chapter 43.24 RCW
22 to read as follows:

23 (1) No person who has been certified by the department of social
24 and health services as a person who is not in compliance with a support
25 order as provided in section 2 of this act, or is certified by a court
26 as a person who is not in compliance with a residential or visitation
27 order as provided in section 107 of this act may be issued a license by
28 the department of licensing. The application of a person so certified
29 by the department of social and health services or by a court may be
30 reviewed for issuance of registration under this chapter after the
31 person provides the department with a written release issued by the
32 department of social and health services or a court stating that the
33 person is in compliance with the order.

34 (2) The department shall immediately suspend any license issued by
35 the department of licensing of a person who either (a) has been
36 certified pursuant to section 2 of this act by the department of social
37 and health services as a person who is not in compliance with a support

1 order, or (b) has been certified pursuant to section 107 of this act by
2 a court as a person who is not in compliance with a residential or
3 visitation order. If the person has continued to meet all other
4 requirements for reinstatement during the suspension, reissuance of the
5 license shall be automatic upon the department's receipt of a written
6 release issued by the department of social and health services or a
7 court stating that the licensee is in compliance with the order.

8 **Sec. 93.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to read
9 as follows:

10 All persons engaged in the manufacture of explosives, or any
11 process involving explosives, or where explosives are used as a
12 component part in the manufacture of any article or device, on (~~the~~
13 ~~date when this 1969 amendatory act takes effect~~) August 11, 1969,
14 shall within sixty days thereafter, and all persons engaging in the
15 manufacture of explosives, or any process involving explosives, or
16 where explosives are used as a component part in the manufacture of any
17 article or device after (~~this act takes effect~~) August 11, 1969,
18 shall, before so engaging, make an application in writing, subscribed
19 to by such person or his agent, to the department of labor and
20 industries, the application stating:

- 21 (1) Location of place of manufacture or processing;
- 22 (2) Kind of explosives manufactured, processed or used;
- 23 (3) The distance that such explosives manufacturing building is
24 located or intended to be located from the other factory buildings,
25 magazines, inhabited buildings, railroads and highways and public
26 utility transmission systems;
- 27 (4) The name and address of the applicant;
- 28 (5) The reason for desiring to manufacture explosives;
- 29 (6) The applicant's citizenship, if the applicant is an individual;
- 30 (7) If the applicant is a partnership, the names and addresses of
31 the partners, and their citizenship;
- 32 (8) If the applicant is an association or corporation, the names
33 and addresses of the officers and directors thereof, and their
34 citizenship; and
- 35 (9) Such other pertinent information as the director of labor and
36 industries shall require to effectuate the purpose of this chapter.

37 There shall be kept in the main office on the premises of each
38 explosives manufacturing plant a plan of said plant showing the

1 location of all explosives manufacturing buildings and the distance
2 they are located from other factory buildings where persons are
3 employed and from magazines, and these plans shall at all times be open
4 to inspection by duly authorized inspectors of the department of labor
5 and industries. The superintendent of each plant shall upon demand of
6 said inspector furnish the following information:

7 (a) The maximum amount and kind of explosive material which is or
8 will be present in each building at one time.

9 (b) The nature and kind of work carried on in each building and
10 whether or not said buildings are surrounded by natural or artificial
11 barricades.

12 Except as provided in RCW 70.74.135, 70.74.360, and 70.74.370, the
13 department of labor and industries shall as soon as possible after
14 receiving such application cause an inspection to be made of the
15 explosives manufacturing plant, and if found to be in accordance with
16 RCW 70.74.030 and 70.74.050 and 70.74.061, such department shall issue
17 a license to the person applying therefor showing compliance with the
18 provisions of this chapter if the applicant demonstrates that either
19 the applicant or the officers, agents or employees of the applicant are
20 sufficiently experienced in the manufacture of explosives and the
21 applicant meets the qualifications for a license under RCW 70.74.360.
22 Such license shall continue in full force and effect until expired,
23 suspended, or revoked by the department pursuant to this chapter.

24 **Sec. 94.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to read
25 as follows:

26 Every person desiring to engage in the business of dealing in
27 explosives shall apply to the department of labor and industries for a
28 license therefor. Said application shall state, among other things:

29 (1) The name and address of applicant;

30 (2) The reason for desiring to engage in the business of dealing in
31 explosives;

32 (3) Citizenship, if an individual applicant;

33 (4) If a partnership, the names and addresses of the partners and
34 their citizenship;

35 (5) If an association or corporation, the names and addresses of
36 the officers and directors thereof and their citizenship; and

37 (6) Such other pertinent information as the director of labor and
38 industries shall require to effectuate the purpose of this chapter.

1 Except as provided in RCW 70.74.135, 70.74.360, and 70.74.370, the
2 department of labor and industries shall issue the license if the
3 applicant demonstrates that either the applicant or the principal
4 officers, agents, or employees of the applicant are experienced in the
5 business of dealing in explosives, possess suitable facilities
6 therefor, have not been convicted of any crime that would warrant
7 revocation or nonrenewal of a license under this chapter, and have
8 never had an explosives-related license revoked under this chapter or
9 under similar provisions of any other state.

10 **Sec. 95.** RCW 70.74.135 and 1988 c 198 s 8 are each amended to read
11 as follows:

12 All persons desiring to purchase explosives except handloader
13 components shall apply to the department of labor and industries for a
14 license. Said application shall state, among other things:

- 15 (1) The location where explosives are to be used;
- 16 (2) The kind and amount of explosives to be used;
- 17 (3) The name and address of the applicant;
- 18 (4) The reason for desiring to use explosives;
- 19 (5) The citizenship of the applicant if the applicant is an
20 individual;
- 21 (6) If the applicant is a partnership, the names and addresses of
22 the partners and their citizenship;
- 23 (7) If the applicant is an association or corporation, the names
24 and addresses of the officers and directors thereof and their
25 citizenship; and
- 26 (8) Such other pertinent information as the director of the
27 department of labor and industries shall require to effectuate the
28 purpose of this chapter.

29 The department of labor and industries shall issue the license if
30 the applicant demonstrates that either the applicant or the officers,
31 agents or employees of the applicant are sufficiently experienced in
32 the use of explosives to authorize a purchase license. However, no
33 purchaser's license may be issued to any person who cannot document
34 proof of possession or right to use approved and licensed storage
35 facilities unless the person signs a statement certifying that
36 explosives will not be stored. No person who has been certified by the
37 department of social and health services as a person who is not in
38 compliance with a support order as provided in section 2 of this act,

1 or is certified by a court as a person who is not in compliance with a
2 residential or visitation order as provided in section 107 of this act
3 may be issued a license or certificate under this chapter. The
4 application of a person so certified by the department of social and
5 health services or by a court may be reviewed for issuance of a license
6 or certificate under this chapter after the person provides the
7 department with a written release issued by the department of social
8 and health services or a court stating that the person is in compliance
9 with the order.

10 **Sec. 96.** RCW 70.74.360 and 1988 c 198 s 3 are each amended to read
11 as follows:

12 (1) The director of labor and industries shall require, as a
13 condition precedent to the original issuance or renewal of any
14 explosive license, fingerprinting and criminal history record
15 information checks of every applicant. In the case of a corporation,
16 fingerprinting and criminal history record information checks shall be
17 required for the management officials directly responsible for the
18 operations where explosives are used if such persons have not
19 previously had their fingerprints recorded with the department of labor
20 and industries. In the case of a partnership, fingerprinting and
21 criminal history record information checks shall required of all
22 general partners. Such fingerprints as are required by the department
23 of labor and industries shall be submitted on forms provided by the
24 department to the identification section of the Washington state patrol
25 and to the identification division of the federal bureau of
26 investigation in order that these agencies may search their records for
27 prior convictions of the individuals fingerprinted. The Washington
28 state patrol shall provide to the director of labor and industries such
29 criminal record information as the director may request. The applicant
30 shall give full cooperation to the department of labor and industries
31 and shall assist the department of labor and industries in all aspects
32 of the fingerprinting and criminal history record information check.
33 The applicant may be required to pay a fee not to exceed twenty dollars
34 to the agency that performs the fingerprinting and criminal history
35 process.

36 (2) The director of labor and industries shall not issue a license
37 to manufacture, purchase, store, use, or deal with explosives to:

38 (a) Any person under twenty-one years of age;

1 (b) Any person whose license is suspended or whose license has been
2 revoked, except as provided in RCW 70.74.370;

3 (c) Any person who has been convicted in this state or elsewhere of
4 a violent offense as defined in RCW 9.94A.030, perjury, false swearing,
5 or bomb threats or a crime involving a schedule I or II controlled
6 substance, or any other drug or alcohol related offense, unless such
7 other drug or alcohol related offense does not reflect a drug or
8 alcohol dependency. However, the director of labor and industries may
9 issue a license if the person suffering a drug or alcohol related
10 dependency is participating in or has completed an alcohol or drug
11 recovery program acceptable to the department of labor and industries
12 and has established control of their alcohol or drug dependency. The
13 director of labor and industries shall require the applicant to provide
14 proof of such participation and control; ((or))

15 (d) Any person who has previously been adjudged to be mentally ill
16 or insane, or to be incompetent due to any mental disability or disease
17 and who has not at the time of application been restored to competency
18 ; or

19 (e) Any person who has been certified by the department of social
20 and health services as a person who is not in compliance with a support
21 order as provided in section 2 of this act, or is certified by a court
22 as a person who is not in compliance with a residential or visitation
23 order as provided in section 107 of this act. The application of a
24 person so certified by the department of social and health services or
25 by a court may be reviewed for issuance of a license or certificate
26 under this chapter after the person provides the director of labor and
27 industries with a written release issued by the department of social
28 and health services or a court stating that the person is in compliance
29 with the order.

30 (3) The director of labor and industries may establish reasonable
31 licensing fees for the manufacture, dealing, purchase, use, and storage
32 of explosives.

33 **Sec. 97.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to read
34 as follows:

35 (1) The department of labor and industries shall revoke and not
36 renew the license of any person holding a manufacturer, dealer,
37 purchaser, user, or storage license upon conviction of any of the
38 following offenses, which conviction has become final:

1 (a) A violent offense as defined in RCW 9.94A.030;

2 (b) A crime involving perjury or false swearing, including the
3 making of a false affidavit or statement under oath to the department
4 of labor and industries in an application or report made pursuant to
5 this title;

6 (c) A crime involving bomb threats;

7 (d) A crime involving a schedule I or II controlled substance, or
8 any other drug or alcohol related offense, unless such other drug or
9 alcohol related offense does not reflect a drug or alcohol dependency.
10 However, the department of labor and industries may condition renewal
11 of the license to any convicted person suffering a drug or alcohol
12 dependency who is participating in an alcoholism or drug recovery
13 program acceptable to the department of labor and industries and has
14 established control of their alcohol or drug dependency. The
15 department of labor and industries shall require the licensee to
16 provide proof of such participation and control;

17 (e) A crime relating to possession, use, transfer, or sale of
18 explosives under this chapter or any other chapter of the Revised Code
19 of Washington.

20 (2) The department of labor and industries shall revoke the license
21 of any person adjudged to be mentally ill or insane, or to be
22 incompetent due to any mental disability or disease. The director
23 shall not renew the license until the person has been restored to
24 competency.

25 (3) The department of labor and industries is authorized to
26 suspend, for a period of time not to exceed six months, the license of
27 any person who has violated this chapter or the rules promulgated
28 pursuant to this chapter.

29 (4) The department of labor and industries may revoke the license
30 of any person who has repeatedly violated this chapter or the rules
31 promulgated pursuant to this chapter, or who has twice had his or her
32 license suspended under this chapter.

33 (5) The department of labor and industries shall immediately
34 suspend the license or certificate of a person who either (a) has been
35 certified pursuant to section 2 of this act by the department of social
36 and health services as a person who is not in compliance with a support
37 order, or (b) has been certified pursuant to section 107 of this act by
38 a court as a person who is not in compliance with 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 department of labor
3 and industries' receipt of a written release issued by the department
4 of social and health services or a court stating that the licensee is
5 in compliance with the order.

6 (6) Upon receipt of notification by the department of labor and
7 industries of revocation or suspension, a licensee must surrender
8 immediately to the department any or all such licenses revoked or
9 suspended.

10 **Sec. 98.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to read
11 as follows:

12 (1) Every license shall be issued in the name of the applicant, and
13 the holder thereof shall not allow any other person to use the license.

14 (2) For the purpose of considering any application for a license,
15 the board may cause an inspection of the premises to be made, and may
16 inquire into all matters in connection with the construction and
17 operation of the premises. For the purpose of reviewing any
18 application for a license and for considering the denial, suspension or
19 revocation of any license, the liquor control board may consider any
20 prior criminal conduct of the applicant and the provisions of RCW
21 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
22 board may, in its discretion, grant or refuse the license applied for.
23 Authority to approve an uncontested or unopposed license may be granted
24 by the board to any staff member the board designates in writing.
25 Conditions for granting such authority shall be adopted by rule. No
26 retail license of any kind may be issued to:

27 (a) A person who has not resided in the state for at least one
28 month prior to making application, except in cases of licenses issued
29 to dining places on railroads, boats, or aircraft;

30 (b) A copartnership, unless all of the members thereof are
31 qualified to obtain a license, as provided in this section;

32 (c) A person whose place of business is conducted by a manager or
33 agent, unless such manager or agent possesses the same qualifications
34 required of the licensee;

35 (d) A corporation, unless it was created under the laws of the
36 state of Washington or holds a certificate of authority to transact
37 business in the state of Washington; or

1 (e) Any person who has been certified by the department of social
2 and health services as a person who is not in compliance with a support
3 order as provided in section 2 of this act, or is certified by a court
4 as a person who is not in compliance with a residential or visitation
5 order as provided in section 107 of this act. The application of a
6 person so certified by the department of social and health services or
7 by a court may be reviewed for issuance of a license or certificate
8 under this chapter after the person provides the board with a written
9 release issued by the department of social and health services or a
10 court stating that the person is in compliance with the order.

11 (3)(a) The board may, in its discretion, subject to the provisions
12 of RCW 66.08.150, suspend or cancel any license; and all rights of the
13 licensee to keep or sell liquor thereunder shall be suspended or
14 terminated, as the case may be.

15 (b) The board shall immediately suspend the license or certificate
16 of a person who either (i) has been certified pursuant to section 2 of
17 this act by the department of social and health services as a person
18 who is not in compliance with a support order, or (ii) has been
19 certified pursuant to section 107 of this act by a court as a person
20 who is not in compliance with a residential or visitation order. If
21 the person has continued to meet all other requirements for
22 reinstatement during the suspension, reissuance of the license or
23 certificate shall be automatic upon the board's receipt of a written
24 release issued by the department of social and health services or a
25 court stating that the licensee is in compliance with the order.

26 (c) The board may request the appointment of administrative law
27 judges under chapter 34.12 RCW who shall have power to administer
28 oaths, issue subpoenas for the attendance of witnesses and the
29 production of papers, books, accounts, documents, and testimony,
30 examine witnesses, and to receive testimony in any inquiry,
31 investigation, hearing, or proceeding in any part of the state, under
32 such rules and regulations as the board may adopt.

33 (d) Witnesses shall be allowed fees and mileage each way to and
34 from any such inquiry, investigation, hearing, or proceeding at the
35 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
36 need not be paid in advance of appearance of witnesses to testify or to
37 produce books, records, or other legal evidence.

38 (e) In case of disobedience of any person to comply with the order
39 of the board or a subpoena issued by the board, or any of its members,

1 or administrative law judges, or on the refusal of a witness to testify
2 to any matter regarding which he or she may be lawfully interrogated,
3 the judge of the superior court of the county in which the person
4 resides, on application of any member of the board or administrative
5 law judge, shall compel obedience by contempt proceedings, as in the
6 case of disobedience of the requirements of a subpoena issued from said
7 court or a refusal to testify therein.

8 (4) Upon receipt of notice of the suspension or cancellation of a
9 license, the licensee shall forthwith deliver up the license to the
10 board. Where the license has been suspended only, the board shall
11 return the license to the licensee at the expiration or termination of
12 the period of suspension. The board shall notify all vendors in the
13 city or place where the licensee has its premises of the suspension or
14 cancellation of the license; and no employee may allow or cause any
15 liquor to be delivered to or for any person at the premises of that
16 licensee.

17 (5)(a) At the time of the original issuance of a class H license,
18 the board shall prorate the license fee charged to the new licensee
19 according to the number of calendar quarters, or portion thereof,
20 remaining until the first renewal of that license is required.

21 (b) Unless sooner canceled, every license issued by the board shall
22 expire at midnight of the thirtieth day of June of the fiscal year for
23 which it was issued. However, if the board deems it feasible and
24 desirable to do so, it may establish, by rule pursuant to chapter 34.05
25 RCW, a system for staggering the annual renewal dates for any and all
26 licenses authorized by this chapter. If such a system of staggered
27 annual renewal dates is established by the board, the license fees
28 provided by this chapter shall be appropriately prorated during the
29 first year that the system is in effect.

30 (6) Every license issued under this section shall be subject to all
31 conditions and restrictions imposed by this title or by the regulations
32 in force from time to time. All conditions and restrictions imposed by
33 the board in the issuance of an individual license shall be listed on
34 the face of the individual license along with the trade name, address,
35 and expiration date.

36 (7) Every licensee shall post and keep posted its license, or
37 licenses, in a conspicuous place on the premises.

38 (8) Before the board shall issue a license to an applicant it shall
39 give notice of such application to the chief executive officer of the

1 incorporated city or town, if the application be for a license within
2 an incorporated city or town, or to the county legislative authority,
3 if the application be for a license outside the boundaries of
4 incorporated cities or towns; and such incorporated city or town,
5 through the official or employee selected by it, or the county
6 legislative authority or the official or employee selected by it, shall
7 have the right to file with the board within twenty days after date of
8 transmittal of such notice, written objections against the applicant or
9 against the premises for which the license is asked, and shall include
10 with such objections a statement of all facts upon which such
11 objections are based, and in case written objections are filed, may
12 request and the liquor control board may in its discretion hold a
13 formal hearing subject to the applicable provisions of Title 34 RCW.
14 Upon the granting of a license under this title the board shall send a
15 duplicate of the license or written notification to the chief executive
16 officer of the incorporated city or town in which the license is
17 granted, or to the county legislative authority if the license is
18 granted outside the boundaries of incorporated cities or towns.

19 (9) Before the board issues any license to any applicant, it shall
20 give (a) due consideration to the location of the business to be
21 conducted under such license with respect to the proximity of churches,
22 schools, and public institutions and (b) written notice by certified
23 mail of the application to churches, schools, and public institutions
24 within five hundred feet of the premises to be licensed. The board
25 shall issue no beer retailer license class A, B, D, or E or wine
26 retailer license class C or F or class H license covering any premises
27 not now licensed, if such premises are within five hundred feet of the
28 premises of any tax-supported public elementary or secondary school
29 measured along the most direct route over or across established public
30 walks, streets, or other public passageway from the outer property line
31 of the school grounds to the nearest public entrance of the premises
32 proposed for license, and if, after receipt by the school or public
33 institution of the notice as provided in this subsection, the board
34 receives written notice, within twenty days after posting such notice,
35 from an official representative or representatives of the school within
36 five hundred feet of said proposed licensed premises, indicating to the
37 board that there is an objection to the issuance of such license
38 because of proximity to a school. For the purpose of this section,
39 church shall mean a building erected for and used exclusively for

1 religious worship and schooling or other activity in connection
2 therewith. No liquor license may be issued or reissued by the board to
3 any motor sports facility or licensee operating within the motor sports
4 facility unless the motor sports facility enforces a program reasonably
5 calculated to prevent alcohol or alcoholic beverages not purchased
6 within the facility from entering the facility and such program is
7 approved by local law enforcement agencies. It is the intent under
8 this subsection that a retail license shall not be issued by the board
9 where doing so would, in the judgment of the board, adversely affect a
10 private school meeting the requirements for private schools under Title
11 28A RCW, which school is within five hundred feet of the proposed
12 licensee. The board shall fully consider and give substantial weight
13 to objections filed by private schools. If a license is issued despite
14 the proximity of a private school, the board shall state in a letter
15 addressed to the private school the board's reasons for issuing the
16 license.

17 (10) The restrictions set forth in subsection (9) of this section
18 shall not prohibit the board from authorizing the assumption of
19 existing licenses now located within the restricted area by other
20 persons or licenses or relocations of existing licensed premises within
21 the restricted area. In no case may the licensed premises be moved
22 closer to a church or school than it was before the assumption or
23 relocation.

24 (11) Nothing in this section prohibits the board, in its
25 discretion, from issuing a temporary retail or wholesaler license to an
26 applicant assuming an existing retail or wholesaler license to continue
27 the operation of the retail or wholesaler premises during the period
28 the application for the license is pending and when the following
29 conditions exist:

30 (a) The licensed premises has been operated under a retail or
31 wholesaler license within ninety days of the date of filing the
32 application for a temporary license;

33 (b) The retail or wholesaler license for the premises has been
34 surrendered pursuant to issuance of a temporary operating license;

35 (c) The applicant for the temporary license has filed with the
36 board an application to assume the retail or wholesaler license at such
37 premises to himself or herself; and

38 (d) The application for a temporary license is accompanied by a
39 temporary license fee established by the board by rule.

1 A temporary license issued by the board under this section shall be
2 for a period not to exceed sixty days. A temporary license may be
3 extended at the discretion of the board for an additional sixty-day
4 period upon payment of an additional fee and upon compliance with all
5 conditions required in this section.

6 Refusal by the board to issue or extend a temporary license shall
7 not entitle the applicant to request a hearing. A temporary license
8 may be canceled or suspended summarily at any time if the board
9 determines that good cause for cancellation or suspension exists. RCW
10 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

11 Application for a temporary license shall be on such form as the
12 board shall prescribe. If an application for a temporary license is
13 withdrawn before issuance or is refused by the board, the fee which
14 accompanied such application shall be refunded in full.

15 **Sec. 99.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to
16 read as follows:

17 (1) The department shall issue a certificate of manufactured home
18 installation to an applicant who has taken the training course, passed
19 the examination, paid the fees, and in all other respects (~~meet[s]~~)
20 meets the qualifications. The certificate shall bear the date of
21 issuance, a certification identification number, and is renewable every
22 three years upon application and completion of a continuing education
23 program as determined by the department. A renewal fee shall be
24 assessed for each certificate. If a person fails to renew a
25 certificate by the renewal date, the person must retake the examination
26 and pay the examination fee.

27 (2) The certificate of manufactured home installation provided for
28 in this chapter grants the holder the right to engage in manufactured
29 home installation throughout the state, without any other installer
30 certification.

31 (3) No person who has been certified by the department of social
32 and health services as a person who is not in compliance with a support
33 order as provided in section 2 of this act, or is certified by a court
34 as a person who is not in compliance with a residential or visitation
35 order as provided in section 107 of this act may be issued a license or
36 certificate under this chapter. The application of a person so
37 certified by the department of social and health services or by a court
38 may be reviewed for issuance of a license or certificate under this

1 chapter after the person provides the department with a written release
2 issued by the department of social and health services or a court
3 stating that the person is in compliance with the order.

4 (4) The department shall immediately suspend the license or
5 certificate of a person who either (a) has been certified pursuant to
6 section 2 of this act by the department of social and health services
7 as a person who is not in compliance with a support order, or (b) has
8 been certified pursuant to section 107 of this act by a court as a
9 person who is not in compliance with a residential or visitation order.
10 If the person has continued to meet all other requirements for
11 reinstatement during the suspension, reissuance of the license or
12 certificate shall be automatic upon the department's receipt of a
13 written release issued by the department of social and health services
14 or a court stating that the licensee is in compliance with the order.

15 **Sec. 100.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to
16 read as follows:

17 (1) The department shall establish a process to certify incinerator
18 and landfill operators. To the greatest extent possible, the
19 department shall rely on the certification standards and procedures
20 developed by national organizations and the federal government.

21 (2) Operators shall be certified if they:

22 (a) Attend the required training sessions;

23 (b) Successfully complete required examinations; and

24 (c) Pay the prescribed fee.

25 (3) By January 1, 1991, the department shall adopt rules to require
26 incinerator and appropriate landfill operators to:

27 (a) Attend a training session concerning the operation of the
28 relevant type of landfill or incinerator;

29 (b) Demonstrate sufficient skill and competency for proper
30 operation of the incinerator or landfill by successfully completing an
31 examination prepared by the department; and

32 (c) Renew the certificate of competency at reasonable intervals
33 established by the department.

34 (4) The department shall provide for the collection of fees for the
35 issuance and renewal of certificates. These fees shall be sufficient
36 to recover the costs of the certification program.

37 (5) The department shall establish an appeals process for the
38 denial or revocation of a certificate.

1 (6) The department shall establish a process to automatically
2 certify operators who have received comparable certification from
3 another state, the federal government, a local government, or a
4 professional association.

5 (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or
6 operator of an incinerator or landfill may apply to the department for
7 interim certification. Operators shall receive interim certification
8 if they:

9 (a) Have received training provided by a recognized national
10 organization, educational institution, or the federal government that
11 is acceptable to the department; or

12 (b) Have received individualized training in a manner approved by
13 the department; and

14 (c) Have successfully completed any required examinations.

15 (8) No interim certification shall be valid after January 1, 1992,
16 and interim certification shall not automatically qualify operators for
17 certification pursuant to subsections (2) through (4) of this section.

18 (9) No person who has been certified by the department of social
19 and health services as a person who is not in compliance with a support
20 order as provided in section 2 of this act, or is certified by a court
21 as a person who is not in compliance with a residential or visitation
22 order as provided in section 107 of this act may be issued a license or
23 certificate under this chapter. The application of a person so
24 certified by the department of social and health services or by a court
25 may be reviewed for issuance of a license or certificate under this
26 chapter after the person provides the department with a written release
27 issued by the department of social and health services or a court
28 stating that the person is in compliance with the order.

29 (10) The department shall immediately suspend the license or
30 certificate of a person who either (a) has been certified pursuant to
31 section 2 of this act by the department of social and health services
32 as a person who is not in compliance with a support order, or (b) has
33 been certified pursuant to section 107 of this act by a court as a
34 person who is not in compliance with a residential or visitation order.
35 If the person has continued to meet all other requirements for
36 reinstatement during the suspension, reissuance of the license or
37 certificate shall be automatic upon the department's receipt of a
38 written release issued by the department of social and health services
39 or a court stating that the licensee is in compliance with the order.

1 NEW SECTION. **Sec. 101.** A new section is added to chapter 70.95B
2 RCW to read as follows:

3 (1) No person who has been certified by the department of social
4 and health services as a person who is not in compliance with a support
5 order as provided in section 2 of this act, or is certified by a court
6 as a person who is not in compliance with a residential or visitation
7 order as provided in section 107 of this act may be issued a license or
8 certificate under this chapter. The application of a person so
9 certified by the department of social and health services or by a court
10 may be reviewed for issuance of a license or certificate under this
11 chapter after the person provides the department with a written release
12 issued by the department of social and health services or a court
13 stating that the person is in compliance with the order.

14 (2) The director shall immediately suspend the license or
15 certificate of a person who either (a) has been certified pursuant to
16 section 2 of this act by the department of social and health services
17 as a person who is not in compliance with a support order, or (b) has
18 been certified pursuant to section 107 of this act by a court as a
19 person who is not in compliance with a residential or visitation order.
20 If the person has continued to meet all other requirements for
21 reinstatement during the suspension, reissuance of the license or
22 certificate shall be automatic upon the director's receipt of a written
23 release issued by the department of social and health services or a
24 court stating that the licensee is in compliance with the order.

25 **Sec. 102.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to
26 read as follows:

27 Any license, permit, or certification provided for in this chapter
28 may be revoked or suspended, and any license, permit, or certification
29 application may be denied by the director for cause. If the director
30 suspends a license under this chapter with respect to activity of a
31 continuing nature under chapter 34.05 RCW, the director may elect to
32 suspend the license for a subsequent license year during a period that
33 coincides with the period commencing thirty days before and ending
34 thirty days after the date of the incident or incidents giving rise to
35 the violation.

36 The director shall immediately suspend the license or certificate
37 of a person who either (1) has been certified pursuant to section 2 of
38 this act by the department of social and health services as a person

1 who is not in compliance with a support order, or (2) has been
2 certified pursuant to section 107 of this act by a court as a person
3 who is not in compliance with a residential or visitation order. If
4 the person has continued to meet all other requirements for
5 reinstatement during the suspension, reissuance of the license or
6 certificate shall be automatic upon the director's receipt of a written
7 release issued by the department of social and health services or a
8 court stating that the licensee is in compliance with the order.

9 **Sec. 103.** RCW 17.21.132 and 1994 c 283 s 16 are each amended to
10 read as follows:

11 Any person applying for a license or certification authorized under
12 the provisions of this chapter shall file an application on a form
13 prescribed by the director.

14 (1) The application shall state the license or certification and
15 the classification(s) for which the applicant is applying and the
16 method in which the pesticides are to be applied.

17 (2) For all classes of licenses except private applicator, all
18 applicants shall be at least eighteen years of age on the date that the
19 application is made. Applicants for a private pesticide applicator
20 license shall be at least sixteen years of age on the date that the
21 application is made.

22 (3) Application for a license to apply pesticides shall be
23 accompanied by the required fee. No license may be issued until the
24 required license fee has been received by the department. License fees
25 shall be prorated where necessary to accommodate staggering of
26 expiration dates of a license or licenses.

27 (4) Each classification of license issued under this chapter shall
28 expire annually on a date set by rule by the director. License
29 expiration dates may be staggered for administrative purposes. Renewal
30 applications shall be filed on or before the applicable expiration
31 date.

32 No person who has been certified by the department of social and
33 health services as a person who is not in compliance with a support
34 order as provided in section 2 of this act, or is certified by a court
35 as a person who is not in compliance with a residential or visitation
36 order as provided in section 107 of this act may be issued a license or
37 certificate under this chapter. The application of a person so
38 certified by the department of social and health services or by a court

1 may be reviewed for issuance of a license or certificate under this
2 chapter after the person provides the department with a written release
3 issued by the department of social and health services or a court
4 stating that the person is in compliance with the order.

5 **Sec. 104.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to
6 read as follows:

7 (1) After January 1, 1991, a contractor may not perform
8 decontamination, demolition, or disposal work unless issued a
9 certificate by the state department of health. The department shall
10 establish performance standards for contractors by rule in accordance
11 with chapter 34.05 RCW, the administrative procedure act. The
12 department shall train and test, or may approve courses to train and
13 test, contractors and their employees on the essential elements in
14 assessing property used as an illegal drug manufacturing or storage
15 site to determine hazard reduction measures needed, techniques for
16 adequately reducing contaminants, use of personal protective equipment,
17 methods for proper demolition, removal, and disposal of contaminated
18 property, and relevant federal and state regulations. Upon successful
19 completion of the training, the contractor or employee shall be
20 certified.

21 (2) The department may require the successful completion of annual
22 refresher courses provided or approved by the department for the
23 continued certification of the contractor or employee.

24 (3) The department shall provide for reciprocal certification of
25 any individual trained to engage in decontamination, demolition, or
26 disposal work in another state when the prior training is shown to be
27 substantially similar to the training required by the department. The
28 department may require such individuals to take an examination or
29 refresher course before certification.

30 (4) The department may deny, suspend, or revoke a certificate for
31 failure to comply with the requirements of this chapter or any rule
32 adopted pursuant to this chapter. A certificate may be denied,
33 suspended, or revoked on any of the following grounds:

34 (a) Failing to perform decontamination, demolition, or disposal
35 work under the supervision of trained personnel;

36 (b) Failing to file a work plan;

37 (c) Failing to perform work pursuant to the work plan;

1 (d) Failing to perform work that meets the requirements of the
2 department; ~~((e))~~

3 (e) The certificate was obtained by error, misrepresentation, or
4 fraud; or

5 (f) If the person has either (i) been certified pursuant to section
6 2 of this act by the department of social and health services as a
7 person who is not in compliance with a support order, or (ii) has been
8 certified pursuant to section 107 of this act by a court as a person
9 who is not in compliance with a residential or visitation order. If
10 the person has continued to meet all other requirements for
11 reinstatement during the suspension, reissuance of the license or
12 certificate shall be automatic upon the department's receipt of a
13 written release issued by the department of social and health services
14 or a court stating that the person is in compliance with the order.

15 (5) No person who has been certified by the department of social
16 and health services as a person who is not in compliance with a support
17 order as provided in section 2 of this act, or is certified by a court
18 as a person who is not in compliance with a residential or visitation
19 order as provided in section 107 of this act may be issued a license or
20 certificate under this chapter. The application of a person so
21 certified by the department of social and health services or by a court
22 may be reviewed for issuance of a license or certificate under this
23 chapter after the person provides the department with a written release
24 issued by the department of social and health services or a court
25 stating that the person is in compliance with the order.

26 (6) A contractor who violates any provision of this chapter may be
27 assessed a fine not to exceed five hundred dollars for each violation.

28 ~~((+6))~~ (7) The department of health shall prescribe fees as
29 provided for in RCW 43.70.250 for the issuance and renewal of
30 certificates, the administration of examinations, and for the review of
31 training courses.

32 ~~((+7))~~ (8) The decontamination account is hereby established in
33 the state treasury. All fees collected under this chapter shall be
34 deposited in this account. Moneys in the account may only be spent
35 after appropriation for costs incurred by the department in the
36 administration and enforcement of this chapter.

37 **Sec. 105.** RCW 19.146.210 and 1994 c 33 s 10 are each amended to
38 read as follows:

1 (1) The director shall issue and deliver a mortgage broker license
2 to an applicant if, after investigation, the director makes the
3 following findings:

4 (a) The applicant has paid the required license fees;

5 (b) The applicant has complied with RCW 19.146.205;

6 (c) Neither the applicant nor any of its principals has had a
7 license issued under this chapter or any similar state statute
8 suspended or revoked within five years of the filing of the present
9 application;

10 (d) Neither the applicant nor any of its principals has been
11 convicted of a gross misdemeanor involving dishonesty or financial
12 misconduct or a felony within seven years of the filing of the present
13 application;

14 (e) Either the applicant or one of its principals, who may be
15 designated by the applicant, (i) has at least two years of experience
16 in the residential mortgage loan industry or has completed the
17 educational requirements established by rule of the director and (ii)
18 has passed a written examination whose content shall be established by
19 rule of the director; and

20 (f) The applicant has demonstrated financial responsibility,
21 character, and general fitness such as to command the confidence of the
22 community and to warrant a belief that the business will be operated
23 honestly, fairly, and efficiently within the purposes of this chapter.

24 (2) If the director does not find the conditions of subsection (1)
25 of this section have been met, the director shall not issue the
26 license. The director shall notify the applicant of the denial and
27 return to the applicant the bond or approved alternative and any
28 remaining portion of the license fee that exceeds the department's
29 actual cost to investigate the license.

30 (3) No person who has been certified by the department of social
31 and health services as a person who is not in compliance with a support
32 order as provided in section 2 of this act, or is certified by a court
33 as a person who is not in compliance with a residential or visitation
34 order as provided in section 107 of this act may be issued a license or
35 certificate under this chapter. The application of a person so
36 certified by the department of social and health services or by a court
37 may be reviewed for issuance of a license or certificate under this
38 chapter after the person provides the department with a written release

1 issued by the department of social and health services or a court
2 stating that the person is in compliance with the order.

3 (4) The director shall issue a license under this chapter to any
4 licensee issued a license under chapter 468, Laws of 1993, that has a
5 valid license and is otherwise in compliance with the provisions of
6 this chapter.

7 ~~((4))~~ (5) A license issued pursuant to this chapter is valid from
8 the date of issuance with no fixed date of expiration.

9 ~~((5))~~ (6) A licensee may surrender a license by delivering to the
10 director written notice of surrender, but the surrender does not affect
11 the licensee's civil or criminal liability arising from acts or
12 omissions occurring before such surrender.

13 **Sec. 106.** RCW 19.146.220 and 1994 c 33 s 12 are each amended to
14 read as follows:

15 (1) The director shall enforce all laws and rules relating to the
16 licensing of mortgage brokers, grant or deny licenses to mortgage
17 brokers, and hold hearings. The director may impose any one or more of
18 the following sanctions:

19 (a) Suspend or revoke licenses, deny applications for licenses, or
20 impose penalties upon violators of cease and desist orders issued under
21 this chapter. The director may impose fines, as established by rule by
22 the director, for violations of or failure to comply with any lawful
23 directive, order, or requirement of the director. Each day's
24 continuance of the violation or failure to comply is a separate and
25 distinct violation or failure;

26 (b) Issue an order directing a licensee, its employee or loan
27 originator, or other person subject to this chapter to cease and desist
28 from conducting business in a manner that is injurious to the public or
29 violates any provision of this chapter, or to pay restitution to an
30 injured borrower; or

31 (c) Issue an order removing from office or prohibiting from
32 participation in the conduct of the affairs of a licensed mortgage
33 broker, or both, any officer, principal, employee, or loan originator,
34 as the case may be, of any licensed mortgage broker.

35 (2) The director may take those actions specified in subsection (1)
36 of this section if the director finds any of the following:

1 (a) The licensee has failed to pay a fee due the state of
2 Washington under this chapter or, to maintain in effect the bond or
3 approved alternative required under this chapter; or

4 (b) The licensee, employee or loan originator of the licensee, or
5 person subject to the license requirements or prohibited practices of
6 this chapter has failed to comply with any specific order or demand of
7 the director lawfully made and directed to the licensee, employee, or
8 loan originator of the licensee in accordance with this chapter; or

9 (c) The licensee, its employee or loan originator, or other person
10 subject to this chapter has violated any provision of this chapter or
11 a rule adopted under this chapter; or

12 (d) The licensee made false statements on the application or
13 omitted material information that, if known, would have allowed the
14 director to deny the application for the original license.

15 (3) The director shall establish by rule standards for licensure of
16 applicants licensed in other jurisdictions. Every licensed mortgage
17 broker that does not maintain a physical office within the state must
18 maintain a registered agent within the state to receive service of any
19 lawful process in any judicial or administrative noncriminal suit,
20 action, or proceeding, against the licensed mortgage broker which
21 arises under this chapter or any rule or order under this chapter, with
22 the same force and validity as if served personally on the licensed
23 mortgage broker. Service upon the registered agent shall be effective
24 if the plaintiff, who may be the director in a suit, action, or
25 proceeding instituted by him or her, sends notice of the service and a
26 copy of the process by registered mail to the defendant or respondent
27 at the last address of the respondent or defendant on file with the
28 director. In any judicial action, suit, or proceeding arising under
29 this chapter or any rule or order adopted under this chapter between
30 the department or director and a licensed mortgage broker who does not
31 maintain a physical office in this state, venue shall be exclusively in
32 the superior court of Thurston county.

33 (4) The director shall immediately suspend the license or
34 certificate of a person who either (a) has been certified pursuant to
35 section 2 of this act by the department of social and health services
36 as a person who is not in compliance with a support order, or (b) has
37 been certified pursuant to section 107 of this act by a court as a
38 person who is not in compliance with a residential or visitation order.
39 If the person has continued to meet all other requirements for

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

5 NEW SECTION. **Sec. 107.** A new section is added to chapter 26.09
6 RCW to read as follows:

7 (1) Unless the context clearly requires otherwise, the definitions
8 in this section apply in this section.

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

13 (b) "Licensee" means any individual holding a license, certificate,
14 registration, permit, approval, or other similar document issued by a
15 licensing entity evidencing admission to or granting authority to
16 engage in a profession, occupation, business, or industry.

17 (c) "Licensing entity" includes any department, board, commission,
18 or other organization of the state authorized to issue, renew, suspend,
19 or revoke a license authorizing an individual to engage in a business,
20 occupation, profession, or industry, and the Washington state bar
21 association.

22 (d) "Noncompliance with a residential or visitation order" means
23 that a court has found the parent in contempt of court, under RCW
24 26.09.160 for failure to comply with a residential provision of a
25 court-ordered parenting plan on two occasions within three years.

26 (e) "Residential or visitation order" means the residential
27 schedule or visitation schedule contained in a court-ordered parenting
28 plan.

29 (2) If a court determines under RCW 26.09.160 that a parent is not
30 in compliance with a provision of a residential or visitation order
31 under RCW 26.09.160, the court shall enter an order directed to the
32 appropriate licensing entity certifying that the parent is not in
33 compliance with a residential or visitation order. The order shall
34 contain the noncomplying parent's name, address, and social security
35 number, and shall indicate whether the obligor is believed to be a
36 licensee who has a license, is in the process of applying for a
37 license, or may seek renewal of a license issued directly by the
38 licensing entity or through a board affiliated with the licensing

1 entity. The court clerk shall forward the order to the licensing
2 entity.

3 (3) The court shall set a review hearing date to determine whether
4 the noncomplying parent becomes in compliance with the residential or
5 visitation order. If the court determines at the review hearing that
6 the parent is in compliance with the residential or visitation order,
7 the court shall provide the parent with a written release stating that
8 the parent is in compliance with the residential or visitation order.

9 (4) Upon receipt of the court order, the licensing entity shall
10 refuse to issue or renew a license to the licensee or shall suspend the
11 licensee's license until the licensee provides the licensing entity
12 with a release from the court that states the licensee is in compliance
13 with the residential or visitation order.

14 **Sec. 108.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to
15 read as follows:

16 (1) The performance of parental functions and the duty to provide
17 child support are distinct responsibilities in the care of a child. If
18 a party fails to comply with a provision of a decree or temporary order
19 of injunction, the obligation of the other party to make payments for
20 support or maintenance or to permit contact with children is not
21 suspended. An attempt by a parent, in either the negotiation or the
22 performance of a parenting plan, to condition one aspect of the
23 parenting plan upon another, to condition payment of child support upon
24 an aspect of the parenting plan, to refuse to pay ordered child
25 support, to refuse to perform the duties provided in the parenting
26 plan, or to hinder the performance by the other parent of duties
27 provided in the parenting plan, shall be deemed bad faith and shall be
28 punished by the court by holding the party in contempt of court and by
29 awarding to the aggrieved party reasonable attorneys' fees and costs
30 incidental in bringing a motion for contempt of court.

31 (2)(a) A motion may be filed to initiate a contempt action to
32 coerce a parent to comply with an order establishing residential
33 provisions for a child. If the court finds there is reasonable cause
34 to believe the parent has not complied with the order, the court may
35 issue an order to show cause why the relief requested should not be
36 granted.

37 (b) If, based on all the facts and circumstances, the court finds
38 after hearing that the parent, in bad faith, has not complied with the

1 order establishing residential provisions for the child, the court
2 shall find the parent in contempt of court. Upon a finding of
3 contempt, the court shall order:

4 (i) The noncomplying parent to provide the moving party additional
5 time with the child. The additional time shall be equal to the time
6 missed with the child, due to the parent's noncompliance;

7 (ii) The parent to pay, to the moving party, all court costs and
8 reasonable attorneys' fees incurred as a result of the noncompliance,
9 and any reasonable expenses incurred in locating or returning a child;
10 and

11 (iii) The parent to pay, to the moving party, a civil penalty, not
12 less than the sum of one hundred dollars.

13 The court may also order the parent to be imprisoned in the county
14 jail, if the parent is presently able to comply with the provisions of
15 the court-ordered parenting plan and is presently unwilling to comply.
16 The parent may be imprisoned until he or she agrees to comply with the
17 order, but in no event for more than one hundred eighty days.

18 (3) On a second failure within three years to comply with a
19 residential provision of a court-ordered parenting plan, a motion may
20 be filed to initiate contempt of court proceedings according to the
21 procedure set forth in subsection (2) (a) and (b) of this section. On
22 a finding of contempt under this subsection, the court shall (~~order~~):

23 (a) Order the noncomplying parent to provide the other parent or
24 party additional time with the child. The additional time shall be
25 twice the amount of the time missed with the child, due to the parent's
26 noncompliance;

27 (b) Order the noncomplying parent to pay, to the other parent or
28 party, all court costs and reasonable attorneys' fees incurred as a
29 result of the noncompliance, and any reasonable expenses incurred in
30 locating or returning a child; (~~and~~)

31 (c) Order the noncomplying parent to pay, to the moving party, a
32 civil penalty of not less than two hundred fifty dollars; and

33 (d) Enter an order under section 107 of this act directed to the
34 appropriate licensing entity certifying that the parent is not in
35 compliance with the residential schedule or visitation schedule of a
36 permanent parenting plan.

37 The court may also order the parent to be imprisoned in the county
38 jail, if the parent is presently able to comply with the provisions of
39 the court-ordered parenting plan and is presently unwilling to comply.

1 The parent may be imprisoned until he or she agrees to comply with the
2 order but in no event for more than one hundred eighty days.

3 (4) For purposes of subsections (1), (2), and (3) of this section,
4 the parent shall be deemed to have the present ability to comply with
5 the order establishing residential provisions unless he or she
6 establishes otherwise by a preponderance of the evidence. The parent
7 shall establish a reasonable excuse for failure to comply with the
8 residential provision of a court-ordered parenting plan by a
9 preponderance of the evidence.

10 (5) Any monetary award ordered under subsections (1), (2), and (3)
11 of this section may be enforced, by the party to whom it is awarded, in
12 the same manner as a civil judgment.

13 (6) Subsections (1), (2), and (3) of this section authorize the
14 exercise of the court's power to impose remedial sanctions for contempt
15 of court and is in addition to any other contempt power the court may
16 possess.

17 (7) Upon motion for contempt of court under subsections (1) through
18 (3) of this section, if the court finds the motion was brought without
19 reasonable basis, the court shall order the moving party to pay to the
20 nonmoving party, all costs, reasonable attorneys' fees, and a civil
21 penalty of not less than one hundred dollars.

22 **Sec. 109.** RCW 26.09.165 and 1994 c 162 s 2 are each amended to
23 read as follows:

24 All court orders containing parenting plan provisions or orders of
25 contempt, entered pursuant to RCW 26.09.160, shall include the
26 following language:

27 WARNING: VIOLATION OF THE RESIDENTIAL PROVISIONS OF THIS ORDER
28 WITH ACTUAL KNOWLEDGE OF ITS TERMS IS PUNISHABLE BY CONTEMPT OF
29 COURT, MAY CAUSE THE VIOLATOR TO BE DENIED OR HAVE SUSPENDED OR
30 NOT RENEWED A PROFESSIONAL, DRIVER'S, OR OTHER LICENSE, AND MAY
31 BE A CRIMINAL OFFENSE UNDER RCW 9A.40.060(2) or 9A.40.070(2).
32 VIOLATION OF THIS ORDER MAY SUBJECT A VIOLATOR TO ARREST.

33 **Sec. 110.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to
34 read as follows:

35 (1) If the office of support enforcement is providing support
36 enforcement services under RCW 26.23.045, or if a party is applying for
37 support enforcement services by signing the application form on the

1 bottom of the support order, the superior court shall include in all
2 court orders that establish or modify a support obligation:

3 (a) A provision that orders and directs the responsible parent to
4 make all support payments to the Washington state support registry;

5 (b) A statement that a notice of payroll deduction may be issued,
6 or other income withholding action under chapter 26.18 or 74.20A RCW
7 may be taken, without further notice to the responsible parent at any
8 time after entry of the court order, unless:

9 (i) One of the parties demonstrates, and the court finds, that
10 there is good cause not to require immediate income withholding and
11 that withholding should be delayed until a payment is past due; or

12 (ii) The parties reach a written agreement that is approved by the
13 court that provides for an alternate arrangement; ((and))

14 (c) A statement that the receiving parent might be required to
15 submit an accounting of how the support is being spent to benefit the
16 child; and

17 (d) A statement that the responsible parent's privileges to obtain
18 and maintain a license, as defined in section 2 of this act, may be
19 denied, not renewed, or suspended if the parent is not in compliance
20 with a support order as defined in section 2 of this act.

21 As used in this subsection and subsection (3) of this section,
22 "good cause not to require immediate income withholding" means a
23 written determination of why implementing immediate wage withholding
24 would not be in the child's best interests and, in modification cases,
25 proof of timely payment of previously ordered support.

26 (2) In all other cases not under subsection (1) of this section,
27 the court may order the responsible parent to make payments directly to
28 the person entitled to receive the payments, to the Washington state
29 support registry, or may order that payments be made in accordance with
30 an alternate arrangement agreed upon by the parties.

31 (a) The superior court shall include in all orders under this
32 subsection that establish or modify a support obligation:

33 (i) A statement that a notice of payroll deduction may be issued or
34 other income withholding action under chapter 26.18 or 74.20A RCW may
35 be taken, without further notice to the responsible parent at any time
36 after entry of the court order, unless:

37 (A) One of the parties demonstrates, and the court finds, that
38 there is good cause not to require immediate income withholding and
39 that withholding should be delayed until a payment is past due; or

1 (B) The parties reach a written agreement that is approved by the
2 court that provides for an alternate arrangement; and

3 (ii) A statement that the receiving parent may be required to
4 submit an accounting of how the support is being spent to benefit the
5 child.

6 As used in this subsection, "good cause not to require immediate
7 income withholding" is any reason that the court finds appropriate.

8 (b) The superior court may order immediate or delayed income
9 withholding as follows:

10 (i) Immediate income withholding may be ordered if the responsible
11 parent has earnings. If immediate income withholding is ordered under
12 this subsection, all support payments shall be paid to the Washington
13 state support registry. The superior court shall issue a mandatory
14 wage assignment order as set forth in chapter 26.18 RCW when the
15 support order is signed by the court. The parent entitled to receive
16 the transfer payment is responsible for serving the employer with the
17 order and for its enforcement as set forth in chapter 26.18 RCW.

18 (ii) If immediate income withholding is not ordered, the court
19 shall require that income withholding be delayed until a payment is
20 past due. The support order shall contain a statement that a notice of
21 payroll deduction may be issued, or other income-withholding action
22 under chapter 26.18 or 74.20A RCW may be taken, without further notice
23 to the responsible parent, after a payment is past due.

24 (c) If a mandatory wage withholding order under chapter 26.18 RCW
25 is issued under this subsection and the office of support enforcement
26 provides support enforcement services under RCW 26.23.045, the existing
27 wage withholding assignment is prospectively superseded upon the office
28 of support enforcement's subsequent service of an income withholding
29 notice.

30 (3) The office of administrative hearings and the department of
31 social and health services shall require that all support obligations
32 established as administrative orders include a provision which orders
33 and directs that the responsible parent shall make all support payments
34 to the Washington state support registry. All administrative orders
35 shall also state that the responsible parent's privileges to obtain and
36 maintain a license, as defined in section 2 of this act, may be denied,
37 not renewed, or suspended if the parent is not in compliance with a
38 support order as defined in section 2 of this act. All administrative
39 orders shall also state that a notice of payroll deduction may be

1 issued, or other income withholding action taken without further notice
2 to the responsible parent at any time after entry of the order, unless:

3 (a) One of the parties demonstrates, and the presiding officer
4 finds, that there is good cause not to require immediate income
5 withholding; or

6 (b) The parties reach a written agreement that is approved by the
7 presiding officer that provides for an alternate agreement.

8 (4) If the support order does not include the provision ordering
9 and directing that all payments be made to the Washington state support
10 registry and a statement that a notice of payroll deduction may be
11 issued if a support payment is past due or at any time after the entry
12 of the order, or that a parent's licensing privileges may be denied,
13 not renewed, or suspended, the office of support enforcement may serve
14 a notice on the responsible parent stating such requirements and
15 authorizations. Service may be by personal service or any form of mail
16 requiring a return receipt.

17 (5) Every support order shall state:

18 (a) The address where the support payment is to be sent;

19 (b) That a notice of payroll deduction may be issued or other
20 income withholding action under chapter 26.18 or 74.20A RCW may be
21 taken, without further notice to the responsible parent at any time
22 after entry of an order by the court, unless:

23 (i) One of the parties demonstrates, and the court finds, that
24 there is good cause not to require immediate income withholding; or

25 (ii) The parties reach a written agreement that is approved by the
26 court that provides for an alternate arrangement;

27 (c) The income of the parties, if known, or that their income is
28 unknown and the income upon which the support award is based;

29 (d) The support award as a sum certain amount;

30 (e) The specific day or date on which the support payment is due;

31 (f) The social security number, residence address, and name and
32 address of the employer of the responsible parent;

33 (g) The social security number and residence address of the
34 physical custodian except as provided in subsection (6) of this
35 section;

36 (h) The names, dates of birth, and social security numbers, if any,
37 of the dependent children;

38 (i) In cases requiring payment to the Washington state support
39 registry, that the parties are to notify the Washington state support

1 registry of any change in residence address. The responsible parent
2 shall notify the registry of the name and address of his or her current
3 employer, whether he or she has access to health insurance coverage at
4 reasonable cost and, if so, the health insurance policy information;

5 (j) That any parent owing a duty of child support shall be
6 obligated to provide health insurance coverage for his or her child if
7 coverage that can be extended to cover the child is or becomes
8 available to that parent through employment or is union-related as
9 provided under RCW 26.09.105;

10 (k) That if proof of health insurance coverage or proof that the
11 coverage is unavailable is not provided within twenty days, the obligee
12 or the department may seek direct enforcement of the coverage through
13 the obligor's employer or union without further notice to the obligor
14 as provided under chapter 26.18 RCW; ((and))

15 (l) The reasons for not ordering health insurance coverage if the
16 order fails to require such coverage; and

17 (m) That the responsible parent's privileges to obtain and maintain
18 a license, as defined in section 2 of this act, may be denied, not
19 renewed, or suspended if the parent is not in compliance with a support
20 order as defined in section 2 of this act.

21 (6) The physical custodian's address:

22 (a) Shall be omitted from an order entered under the administrative
23 procedure act. When the physical custodian's address is omitted from
24 an order, the order shall state that the custodian's address is known
25 to the office of support enforcement.

26 (b) A responsible parent may request the physical custodian's
27 residence address by submission of a request for disclosure under RCW
28 26.23.120 to the office of support enforcement.

29 (7) The superior court clerk, the office of administrative
30 hearings, and the department of social and health services shall,
31 within five days of entry, forward to the Washington state support
32 registry, a true and correct copy of all superior court orders or
33 administrative orders establishing or modifying a support obligation
34 which provide that support payments shall be made to the support
35 registry. If a superior court order entered prior to January 1, 1988,
36 directs the responsible parent to make support payments to the clerk,
37 the clerk shall send a true and correct copy of the support order and
38 the payment record to the registry for enforcement action when the
39 clerk identifies that a payment is more than fifteen days past due.

1 The office of support enforcement shall reimburse the clerk for the
2 reasonable costs of copying and sending copies of court orders to the
3 registry at the reimbursement rate provided in Title IV-D of the social
4 security act.

5 (8) Receipt of a support order by the registry or other action
6 under this section on behalf of a person or persons who have not made
7 a written application for support enforcement services to the office of
8 support enforcement and who are not recipients of public assistance is
9 deemed to be a request for payment services only.

10 (9) After the responsible parent has been ordered or notified to
11 make payments to the Washington state support registry under this
12 section, the responsible parent shall be fully responsible for making
13 all payments to the Washington state support registry and shall be
14 subject to payroll deduction or other income withholding action. The
15 responsible parent shall not be entitled to credit against a support
16 obligation for any payments made to a person or agency other than to
17 the Washington state support registry except as provided under RCW
18 74.20.101. A civil action may be brought by the payor to recover
19 payments made to persons or agencies who have received and retained
20 support moneys paid contrary to the provisions of this section.

21 **Sec. 111.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to
22 read as follows:

23 The wage assignment order shall be substantially in the following
24 form:

25 IN THE SUPERIOR COURT OF THE
26 STATE OF WASHINGTON IN AND FOR THE
27 COUNTY OF
28 ,
29 Obligee No.
30 vs.
31 , WAGE ASSIGNMENT
32 Obligor ORDER
33 ,
34 Employer
35 THE STATE OF WASHINGTON TO:
36 Employer

1 AND TO:

2 Obligor

3 The above-named obligee claims that the above-named obligor is
4 subject to a support order requiring immediate income withholding or is
5 more than fifteen days past due in either child support or spousal
6 maintenance payments, or both, in an amount equal to or greater than
7 the child support or spousal maintenance payable for one month. The
8 amount of the accrued child support or spousal maintenance debt as of
9 this date is dollars, the amount of arrearage payments
10 specified in the support or spousal maintenance order (if applicable)
11 is dollars per, and the amount of the current
12 and continuing support or spousal maintenance obligation under the
13 order is dollars per

14 You are hereby commanded to answer this order by filling in the
15 attached form according to the instructions, and you must mail or
16 deliver the original of the answer to the court, one copy to the
17 Washington state support registry, one copy to the obligee or obligee's
18 attorney, and one copy to the obligor within twenty days after service
19 of this wage assignment order upon you.

20 If you possess any earnings or other remuneration for employment
21 due and owing to the obligor, then you shall do as follows:

22 (1) Withhold from the obligor's earnings or remuneration each
23 month, or from each regular earnings disbursement, the lesser of:

24 (a) The sum of the accrued support or spousal maintenance debt and
25 the current support or spousal maintenance obligation;

26 (b) The sum of the specified arrearage payment amount and the
27 current support or spousal maintenance obligation; or

28 (c) Fifty percent of the disposable earnings or remuneration of the
29 obligor.

30 (2) The total amount withheld above is subject to the wage
31 assignment order, and all other sums may be disbursed to the obligor.

32 (3) Upon receipt of this wage assignment order you shall make
33 immediate deductions from the obligor's earnings or remuneration and
34 remit to the Washington state support registry or other address
35 specified below the proper amounts at each regular pay interval.

36 You shall continue to withhold the ordered amounts from nonexempt
37 earnings or remuneration of the obligor until notified by:

38 (a) The court that the wage assignment has been modified or
39 terminated; or

1 (b) The addressee specified in the wage assignment order under this
2 section that the accrued child support or spousal maintenance debt has
3 been paid.

4 You shall promptly notify the court and the addressee specified in
5 the wage assignment order under this section if and when the employee
6 is no longer employed by you, or if the obligor no longer receives
7 earnings or remuneration from you. If you no longer employ the
8 employee, the wage assignment order shall remain in effect for one year
9 after the employee has left your employment or you are no longer in
10 possession of any earnings or remuneration owed to the employee,
11 whichever is later. You shall continue to hold the wage assignment
12 order during that period. If the employee returns to your employment
13 during the one-year period you shall immediately begin to withhold the
14 employee's earnings according to the terms of the wage assignment
15 order. If the employee has not returned to your employment within one
16 year, the wage assignment will cease to have effect at the expiration
17 of the one-year period, unless you still owe the employee earnings or
18 other remuneration.

19 You shall deliver the withheld earnings or remuneration to the
20 Washington state support registry or other address stated below at each
21 regular pay interval.

22 You shall deliver a copy of this order to the obligor as soon as is
23 reasonably possible. This wage assignment order has priority over any
24 other wage assignment or garnishment, except for another wage
25 assignment or garnishment for child support or spousal maintenance, or
26 order to withhold or deliver under chapter 74.20A RCW.

27 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO
28 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED
29 SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE OR SUBJECT
30 TO CONTEMPT OF COURT.

31 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE
32 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT
33 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.
34 REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO
35 THIS ORDER, YOU MAY BE DENIED OR HAVE SUSPENDED OR NOT RENEWED A
36 PROFESSIONAL, DRIVER'S, OR OTHER LICENSE IF YOU ACCRUE CHILD SUPPORT
37 ARREARAGES TOTALING MORE THAN SIX MONTHS OF CHILD SUPPORT PAYMENTS OR

1 FAIL TO MAKE PAYMENTS TOWARDS A SUPPORT ARREARAGE IN AN AMOUNT THAT
2 EXCEEDS SIX MONTHS OF PAYMENTS.

3 DATED THIS day of, 19. . .

4

5 Obligee, Judge/Court Commissioner

6 or obligee's attorney

7 Send withheld payments to:

8

9

10

11 **Sec. 112.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to
12 read as follows:

13 (1) The office of support enforcement may issue a notice of payroll
14 deduction:

15 (a) As authorized by a support order that contains the income
16 withholding notice provisions in RCW 26.23.050 or a substantially
17 similar notice; or

18 (b) After service of a notice containing an income withholding
19 provision under this chapter or chapter 74.20A RCW.

20 (2) The office of support enforcement shall serve a notice of
21 payroll deduction upon a responsible parent's employer or upon the
22 employment security department for the state in possession of or owing
23 any benefits from the unemployment compensation fund to the responsible
24 parent pursuant to Title 50 RCW by personal service or by any form of
25 mail requiring a return receipt.

26 (3) Service of a notice of payroll deduction upon an employer or
27 employment security department requires the employer or employment
28 security department to immediately make a mandatory payroll deduction
29 from the responsible parent's unpaid disposable earnings or
30 unemployment compensation benefits. The employer or employment
31 security department shall thereafter deduct each pay period the amount
32 stated in the notice divided by the number of pay periods per month.
33 The payroll deduction each pay period shall not exceed fifty percent of
34 the responsible parent's disposable earnings.

1 (4) A notice of payroll deduction for support shall have priority
2 over any wage assignment, garnishment, attachment, or other legal
3 process.

4 (5) The notice of payroll deduction shall be in writing and
5 include:

6 (a) The name and social security number of the responsible parent;

7 (b) The amount to be deducted from the responsible parent's
8 disposable earnings each month, or alternate amounts and frequencies as
9 may be necessary to facilitate processing of the payroll deduction;

10 (c) A statement that the total amount withheld shall not exceed
11 fifty percent of the responsible parent's disposable earnings; ((and))

12 (d) The address to which the payments are to be mailed or
13 delivered; and

14 (e) A notice to the responsible parent warning the responsible
15 parent that, despite the payroll deduction, the responsible parent's
16 privileges to obtain and maintain a license, as defined in section 2 of
17 this act, may be denied, not renewed, or suspended if the parent is not
18 in compliance with a support order as defined in section 2 of this act.

19 (6) An informational copy of the notice of payroll deduction shall
20 be mailed to the last known address of the responsible parent by
21 regular mail.

22 (7) An employer or employment security department that receives a
23 notice of payroll deduction shall make immediate deductions from the
24 responsible parent's unpaid disposable earnings and remit proper
25 amounts to the Washington state support registry on each date the
26 responsible parent is due to be paid.

27 (8) An employer, or the employment security department, upon whom
28 a notice of payroll deduction is served, shall make an answer to the
29 office of support enforcement within twenty days after the date of
30 service. The answer shall confirm compliance and institution of the
31 payroll deduction or explain the circumstances if no payroll deduction
32 is in effect. The answer shall also state whether the responsible
33 parent is employed by or receives earnings from the employer or
34 receives unemployment compensation benefits from the employment
35 security department, whether the employer or employment security
36 department anticipates paying earnings or unemployment compensation
37 benefits and the amount of earnings. If the responsible parent is no
38 longer employed, or receiving earnings from the employer, the answer
39 shall state the present employer's name and address, if known. If the

1 responsible parent is no longer receiving unemployment compensation
2 benefits from the employment security department, the answer shall
3 state the present employer's name and address, if known.

4 (9) The employer or employment security department may deduct a
5 processing fee from the remainder of the responsible parent's earnings
6 after withholding under the notice of payroll deduction, even if the
7 remainder is exempt under RCW 26.18.090. The processing fee may not
8 exceed: (a) Ten dollars for the first disbursement made to the
9 Washington state support registry; and (b) one dollar for each
10 subsequent disbursement to the registry.

11 (10) The notice of payroll deduction shall remain in effect until
12 released by the office of support enforcement, the court enters an
13 order terminating the notice and approving an alternate arrangement
14 under RCW 26.23.050(2), or one year has expired since the employer has
15 employed the responsible parent or has been in possession of or owing
16 any earnings to the responsible parent or the employment security
17 department has been in possession of or owing any unemployment
18 compensation benefits to the responsible parent.

19 NEW SECTION. **Sec. 113.** If specific funding for purposes of this
20 act, referencing this act by bill or chapter number, is not provided by
21 June 30, 1996, in the supplemental omnibus appropriations act, this act
22 is null and void."

23 **E2SSB 5375** - H COMM AMD
24 By Committee on Appropriations

25
26 On page 1, line 2 of the title, after "support;" strike the
27 remainder of the title and insert "amending RCW 46.20.291, 46.20.311,
28 18.04.335, 18.08.350, 18.08.350, 18.11.160, 18.16.100, 18.27.030,
29 18.27.060, 18.28.060, 18.39.181, 18.46.050, 18.51.054, 18.96.120,
30 18.96.150, 18.104.110, 18.106.070, 18.130.050, 18.130.120, 18.130.150,
31 18.160.080, 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.120,
32 19.28.125, 19.28.310, 19.28.550, 19.28.580, 19.30.030, 19.30.060,
33 19.16.110, 19.16.120, 19.31.100, 19.31.130, 19.32.040, 19.32.060,
34 19.105.330, 19.105.380, 19.105.440, 19.138.130, 19.158.050, 19.166.040,
35 21.20.070, 21.20.110, 66.20.320, 67.08.040, 67.08.100, 19.02.100,
36 43.24.080, 43.24.110, 43.24.120, 70.74.110, 70.74.130, 70.74.135,

1 70.74.360, 70.74.370, 66.24.010, 43.63B.040, 70.95D.040, 17.21.130,
2 17.21.132, 64.44.060, 19.146.210, 19.146.220, 26.09.160, 26.09.165,
3 26.23.050, 26.18.100, and 26.23.060; reenacting and amending RCW
4 18.145.080; adding new sections to chapter 74.20A RCW; adding a new
5 section to chapter 48.22 RCW; adding a new section to chapter 2.48 RCW;
6 adding a new section to chapter 18.04 RCW; adding a new section to
7 chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a
8 new section to chapter 18.20 RCW; adding a new section to chapter 18.28
9 RCW; adding a new section to chapter 18.39 RCW; adding a new section to
10 chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a
11 new section to chapter 18.51 RCW; adding a new section to chapter 18.76
12 RCW; adding a new section to chapter 18.85 RCW; adding a new section to
13 chapter 18.96 RCW; adding a new section to chapter 18.104 RCW; adding
14 a new section to chapter 18.106 RCW; adding a new section to chapter
15 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new
16 section to chapter 18.145 RCW; adding a new section to chapter 18.165
17 RCW; adding a new section to chapter 18.170 RCW; adding a new section
18 to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW;
19 adding a new section to chapter 28A.410 RCW; adding a new section to
20 chapter 20.01 RCW; adding a new section to chapter 48.17 RCW; adding a
21 new section to chapter 74.15 RCW; adding a new section to chapter 47.68
22 RCW; adding a new section to chapter 71.12 RCW; adding a new section to
23 chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; adding a
24 new section to chapter 88.02 RCW; adding a new section to chapter 43.24
25 RCW; adding a new section to chapter 70.95B RCW; adding a new section
26 to chapter 26.09 RCW; and creating a new section."

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