

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1889

68th Legislature
2024 Regular Session

Passed by the House February 9, 2024
Yeas 66 Nays 31

**Speaker of the House of
Representatives**

Passed by the Senate February 27,
2024
Yeas 41 Nays 8

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1889** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1889

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By House Consumer Protection & Business (originally sponsored by Representatives Walen, Taylor, Leavitt, Slatter, Ramel, Duerr, Ryu, Ramos, Bateman, Reeves, Reed, Ormsby, Callan, Peterson, Kloba, Macri, Street, Doglio, Bergquist, Mena, Goodman, Thai, Santos, Hackney, Pollet, Fosse, Davis, and Senn)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to allowing persons to receive professional
2 licenses and certifications regardless of immigration or citizenship
3 status; amending RCW 18.235.020, 18.53.060, 18.185.020, 19.230.040,
4 19.230.090, and 42.45.200; reenacting and amending RCW 18.130.040;
5 adding a new section to chapter 28A.410 RCW; adding a new section to
6 chapter 28A.413 RCW; adding a new chapter to Title 18 RCW; and
7 providing an effective date.

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

9 NEW SECTION. **Sec. 1.** For the businesses and professions
10 included under this title, except for interstate compacts:

11 (1) An individual who is not lawfully present in the United
12 States is eligible for a professional license, commercial license,
13 certificate, permit, or registration as allowed under Title 8 U.S.C.
14 Sec. 1621. A state agency, regulatory authority, or disciplining
15 authority shall not deny an application for a professional license,
16 commercial license, certificate, permit, or registration solely on
17 the basis of a person's immigration or citizenship status if the
18 person has met all other qualifications.

19 (2) An applicant for a professional license, commercial license,
20 certificate, permit, or registration may provide an individual

1 taxpayer identification number in lieu of a social security number
2 when completing an application.

3 (3) A state agency, regulatory authority, or disciplining
4 authority shall not disclose to any person who is not employed by the
5 state agency, regulatory authority, or disciplining authority the
6 social security number or individual taxpayer identification number
7 of an applicant or licensee for any purpose except:

8 (a) Tax purposes;

9 (b) Licensing purposes; and

10 (c) Enforcement of an order for the payment of child support.

11 (4) A social security number or individual taxpayer
12 identification number provided to a state agency, regulatory
13 authority, or disciplining authority is confidential and is exempt
14 from disclosure under chapter 42.56 RCW.

15 (5) Nothing in this section shall affect the requirements to
16 obtain a professional license, commercial license, certificate,
17 permit, or registration that are not directly related to citizenship
18 status or immigration status.

19 (6) This chapter does not apply to licensees under chapters
20 18.165 and 18.170 RCW and RCW 18.185.250.

21 **Sec. 2.** RCW 18.235.020 and 2017 c 281 s 37 are each amended to
22 read as follows:

23 (1) This chapter applies only to the director and the boards and
24 commissions having jurisdiction in relation to the businesses and
25 professions licensed under the chapters specified in this section.
26 This chapter does not apply to any business or profession not
27 licensed under the chapters specified in this section.

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

30 (i) Auctioneers under chapter 18.11 RCW;

31 (ii) Bail bond agents and bail bond recovery agents under chapter
32 18.185 RCW;

33 (iii) Camping resorts' operators and salespersons under chapter
34 19.105 RCW;

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

36 (v) Cosmetologists, barbers, manicurists, and estheticians under
37 chapter 18.16 RCW;

38 (vi) Court reporters under chapter 18.145 RCW;

1 (vii) Driver training schools and instructors under chapter 46.82
2 RCW;

3 (viii) Employment agencies under chapter 19.31 RCW;

4 (ix) For hire vehicle operators under chapter 46.72 RCW;

5 (x) Limousines under chapter 46.72A RCW;

6 (xi) Notaries public under chapter 42.45 RCW;

7 (xii) Private investigators under chapter 18.165 RCW;

8 (xiii) Professional boxing, martial arts, and wrestling under
9 chapter 67.08 RCW;

10 (xiv) Real estate appraisers under chapter 18.140 RCW;

11 (xv) Real estate brokers and salespersons under chapters 18.85
12 and 18.86 RCW;

13 (xvi) Scrap metal processors, scrap metal recyclers, and scrap
14 metal suppliers under chapter 19.290 RCW;

15 (xvii) Security guards under chapter 18.170 RCW;

16 (xviii) Sellers of travel under chapter 19.138 RCW;

17 (xix) Timeshares and timeshare salespersons under chapter 64.36
18 RCW;

19 (xx) Whitewater river outfitters under chapter 79A.60 RCW;

20 (xxi) Home inspectors under chapter 18.280 RCW;

21 (xxii) Body artists, body piercers, and tattoo artists, and body
22 art, body piercing, and tattooing shops and businesses, under chapter
23 18.300 RCW; and

24 (xxiii) Appraisal management companies under chapter 18.310 RCW.

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

27 (i) The state board for architects established in chapter 18.08
28 RCW;

29 (ii) The Washington state collection agency board established in
30 chapter 19.16 RCW;

31 (iii) The state board of registration for professional engineers
32 and land surveyors established in chapter 18.43 RCW governing
33 licenses issued under chapters 18.43 and 18.210 RCW;

34 (iv) The funeral and cemetery board established in chapter 18.39
35 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

36 (v) The state board of licensure for landscape architects
37 established in chapter 18.96 RCW; and

38 (vi) The state geologist licensing board established in chapter
39 18.220 RCW.

1 (3) In addition to the authority to discipline license holders,
2 the disciplinary authority may grant or deny licenses based on the
3 conditions and criteria established in this chapter, chapter 18.---
4 RCW (the new chapter created in section 11 of this act), and the
5 chapters specified in subsection (2) of this section. This chapter
6 also governs any investigation, hearing, or proceeding relating to
7 denial of licensure or issuance of a license conditioned on the
8 applicant's compliance with an order entered under RCW 18.235.110 by
9 the disciplinary authority.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.410
11 RCW to read as follows:

12 An individual who is not lawfully present in the United States is
13 eligible for a permit or certificate as allowed under Title 8 U.S.C.
14 Sec. 1621. The professional educator standards board and the
15 superintendent of public instruction shall not deny an application
16 for a permit or certificate solely on the basis of a person's
17 immigration or citizenship status if the person has met all other
18 qualifications.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.413
20 RCW to read as follows:

21 An individual who is not lawfully present in the United States is
22 eligible for a certificate as allowed under Title 8 U.S.C. Sec. 1621.
23 The paraeducator board shall not deny an application for a
24 certificate for a person solely on the basis of a person's
25 immigration or citizenship status if the person has met all other
26 qualifications.

27 **Sec. 5.** RCW 18.130.040 and 2023 c 469 s 18, 2023 c 460 s 15,
28 2023 c 425 s 27, 2023 c 270 s 14, 2023 c 175 s 11, and 2023 c 123 s
29 21 are each reenacted and amended to read as follows:

30 (1) This chapter applies only to the secretary and the boards and
31 commissions having jurisdiction in relation to the professions
32 licensed under the chapters specified in this section. This chapter
33 does not apply to any business or profession not licensed under the
34 chapters specified in this section.

35 (2)(a) The secretary has authority under this chapter in relation
36 to the following professions:

- 1 (i) Dispensing opticians licensed and designated apprentices
2 under chapter 18.34 RCW;
- 3 (ii) Midwives licensed under chapter 18.50 RCW;
- 4 (iii) Ocularists licensed under chapter 18.55 RCW;
- 5 (iv) Massage therapists and businesses licensed under chapter
6 18.108 RCW;
- 7 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 8 (vi) Acupuncturists or acupuncture and Eastern medicine
9 practitioners licensed under chapter 18.06 RCW;
- 10 (vii) Radiologic technologists certified and X-ray technicians
11 registered under chapter 18.84 RCW;
- 12 (viii) Respiratory care practitioners licensed under chapter
13 18.89 RCW;
- 14 (ix) Hypnotherapists registered, agency affiliated counselors
15 registered, certified, or licensed, and advisors and counselors
16 certified under chapter 18.19 RCW;
- 17 (x) Persons licensed as mental health counselors, mental health
18 counselor associates, marriage and family therapists, marriage and
19 family therapist associates, social workers, social work associates—
20 advanced, and social work associates—independent clinical under
21 chapter 18.225 RCW;
- 22 (xi) Persons registered as nursing pool operators under chapter
23 18.52C RCW;
- 24 (xii) Nursing assistants registered or certified or medication
25 assistants endorsed under chapter 18.88A RCW;
- 26 (xiii) Dietitians and nutritionists certified under chapter
27 18.138 RCW;
- 28 (xiv) Substance use disorder professionals, substance use
29 disorder professional trainees, or co-occurring disorder specialists
30 certified under chapter 18.205 RCW;
- 31 (xv) Sex offender treatment providers and certified affiliate sex
32 offender treatment providers certified under chapter 18.155 RCW;
- 33 (xvi) Persons licensed and certified under chapter 18.73 RCW or
34 RCW 18.71.205;
- 35 (xvii) Orthotists and prosthetists licensed under chapter 18.200
36 RCW;
- 37 (xviii) Surgical technologists registered under chapter 18.215
38 RCW;
- 39 (xix) Recreational therapists under chapter 18.230 RCW;

1 (xx) Animal massage therapists certified under chapter 18.240
2 RCW;

3 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
4 (xxii) Home care aides certified under chapter 18.88B RCW;
5 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
6 (xxiv) Reflexologists certified under chapter 18.108 RCW;
7 (xxv) Medical assistants-certified, medical assistants-
8 hemodialysis technician, medical assistants-phlebotomist, forensic
9 phlebotomist, and medical assistants-registered certified and
10 registered under chapter 18.360 RCW;

11 (xxvi) Behavior analysts, assistant behavior analysts, and
12 behavior technicians under chapter 18.380 RCW;

13 (xxvii) Birth doulas certified under chapter 18.47 RCW;
14 (xxviii) Music therapists licensed under chapter 18.233 RCW;
15 (xxix) Behavioral health support specialists certified under
16 chapter 18.227 RCW; and

17 (xxx) Certified peer specialists and certified peer specialist
18 trainees under chapter 18.420 RCW.

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

21 (i) The podiatric medical board as established in chapter 18.22
22 RCW;

23 (ii) The chiropractic quality assurance commission as established
24 in chapter 18.25 RCW;

25 (iii) The dental quality assurance commission as established in
26 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
27 licenses and registrations issued under chapter 18.260 RCW, licenses
28 issued under chapter 18.265 RCW, and certifications issued under
29 chapter 18.350 RCW;

30 (iv) The board of hearing and speech as established in chapter
31 18.35 RCW;

32 (v) The board of examiners for nursing home administrators as
33 established in chapter 18.52 RCW;

34 (vi) The optometry board as established in chapter 18.54 RCW
35 governing licenses issued under chapter 18.53 RCW;

36 (vii) The board of osteopathic medicine and surgery as
37 established in chapter 18.57 RCW governing licenses issued under
38 chapter 18.57 RCW;

1 (viii) The pharmacy quality assurance commission as established
2 in chapter 18.64 RCW governing licenses issued under chapters 18.64
3 and 18.64A RCW;

4 (ix) The Washington medical commission as established in chapter
5 18.71 RCW governing licenses and registrations issued under chapters
6 18.71 and 18.71A RCW;

7 (x) The board of physical therapy as established in chapter 18.74
8 RCW;

9 (xi) The board of occupational therapy practice as established in
10 chapter 18.59 RCW;

11 (xii) The board of nursing as established in chapter 18.79 RCW
12 governing licenses and registrations issued under that chapter and
13 under chapter 18.80 RCW;

14 (xiii) The examining board of psychology and its disciplinary
15 committee as established in chapter 18.83 RCW;

16 (xiv) The veterinary board of governors as established in chapter
17 18.92 RCW;

18 (xv) The board of naturopathy established in chapter 18.36A RCW,
19 governing licenses and certifications issued under that chapter; and

20 (xvi) The board of denturists established in chapter 18.30 RCW.

21 (3) In addition to the authority to discipline license holders,
22 the disciplining authority has the authority to grant or deny
23 licenses. The disciplining authority may also grant a license subject
24 to conditions, which must be in compliance with chapter 18.--- RCW
25 (the new chapter created in section 11 of this act).

26 (4) All disciplining authorities shall adopt procedures to ensure
27 substantially consistent application of this chapter, the uniform
28 disciplinary act, among the disciplining authorities listed in
29 subsection (2) of this section.

30 **Sec. 6.** RCW 18.53.060 and 1995 c 198 s 6 are each amended to
31 read as follows:

32 From and after January 1, 1940, in order to be eligible for
33 examination for registration, a person (~~shall be a citizen of the~~
34 ~~United States of America, who~~) shall have a preliminary education of
35 or equal to four years in a state accredited high school and has
36 completed a full attendance course in a regularly chartered school of
37 optometry maintaining a standard which is deemed sufficient and
38 satisfactory by the optometry board, who is a person of good moral
39 character, who has a visual acuity in at least one eye, of a standard

1 known as 20/40 under correction: PROVIDED, That from and after
2 January 1, 1975, in order to be eligible for examination for a
3 license, a person shall have the following qualifications:

4 (1) Be a graduate of a state accredited high school or its
5 equivalent;

6 (2) Have a diploma or other certificate of completion from an
7 accredited college of optometry or school of optometry, maintaining a
8 standard which is deemed sufficient and satisfactory by the optometry
9 board, conferring its degree of doctor of optometry or its
10 equivalent, maintaining a course of four scholastic years in addition
11 to preprofessional college-level studies, and teaching substantially
12 all of the following subjects: General anatomy, anatomy of the eyes,
13 physiology, physics, chemistry, pharmacology, biology, bacteriology,
14 general pathology, ocular pathology, ocular neurology, ocular
15 myology, psychology, physiological optics, optometrical mechanics,
16 clinical optometry, visual field charting and orthoptics, general
17 laws of optics and refraction and use of the ophthalmoscope,
18 retinoscope and other clinical instruments necessary in the practice
19 of optometry; and

20 (3) Be of good moral character.

21 Such person shall file an application for an examination and
22 license with said board at any time thirty days prior to the time
23 fixed for such examination, or at a later date if approved by the
24 board, and such application must be on forms approved by the board,
25 and properly attested, and if found to be in accordance with the
26 provisions of this chapter shall entitle the applicant upon payment
27 of the proper fee, to take the examination prescribed by the board.
28 Such examination shall not be out of keeping with the established
29 teachings and adopted textbooks of the recognized schools of
30 optometry, and shall be confined to such subjects and practices as
31 are recognized as essential to the practice of optometry. All
32 candidates without discrimination, who shall successfully pass the
33 prescribed examination, shall be registered by the board and shall,
34 upon payment of the proper fee, be issued a license. Any license to
35 practice optometry in this state issued by the secretary, and which
36 shall be in full force and effect at the time of passage of chapter
37 69, Laws of 1975 1st ex. sess., shall be continued.

38 **Sec. 7.** RCW 18.185.020 and 1993 c 260 s 3 are each amended to
39 read as follows:

1 An applicant must meet the following minimum requirements to
2 obtain a bail bond agent license:

3 (1) Be at least eighteen years of age;

4 (2) ~~((Be a citizen or resident alien of the United States;~~

5 ~~(3))~~) Not have been convicted of a crime in any jurisdiction in
6 the preceding ten years, if the director determines that the
7 applicant's particular crime directly relates to a capacity to
8 perform the duties of a bail bond agent and the director determines
9 that the license should be withheld to protect the citizens of
10 Washington state. If the director shall make a determination to
11 withhold a license because of previous convictions, the determination
12 shall be consistent with the restoration of employment rights act,
13 chapter 9.96A RCW;

14 ~~((4))~~) (3) Be employed by a bail bond agency or be licensed as a
15 bail bond agency; and

16 ~~((5))~~) (4) Pay the required fee.

17 **Sec. 8.** RCW 19.230.040 and 2017 c 30 s 4 are each amended to
18 read as follows:

19 (1) A person applying for a money transmitter license under this
20 chapter shall do so in a form and in a medium prescribed in rule by
21 the director. The application must state or contain:

22 (a) The legal name, business addresses, and residential address,
23 if applicable, of the applicant and any fictitious or trade name used
24 by the applicant in conducting its business;

25 (b) The legal name, residential and business addresses, date of
26 birth, social security number~~((7))~~ or tax payer identification
27 number, and employment history for the five-year period preceding the
28 submission of the application of the applicant's proposed responsible
29 individual~~((7 and documentation that the proposed responsible~~
30 ~~individual is a citizen of the United States or has obtained legal~~
31 ~~immigration status to work in the United States))~~). In addition, the
32 proposed responsible individual must reside in the United States, and
33 the applicant shall provide the fingerprints of the proposed
34 responsible individual upon the request of the director;

35 (c) For the ten-year period preceding submission of the
36 application, a list of any criminal convictions of the proposed
37 responsible individual of the applicant, any material litigation in
38 which the applicant has been involved, and any litigation involving

1 the proposed responsible individual relating to the provision of
2 money services;

3 (d) A description of any money services previously provided by
4 the applicant and the money services that the applicant seeks to
5 provide to persons in Washington state;

6 (e) A list of the applicant's proposed authorized delegates and
7 the locations where the applicant and its authorized delegates will
8 engage in the provision of money services to persons in Washington
9 state on behalf of the licensee;

10 (f) A list of other states in which the applicant is licensed to
11 engage in money transmission, or provide other money services, and
12 any license revocations, suspensions, restrictions, or other
13 disciplinary action taken against the applicant in another state;

14 (g) A list of any license revocations, suspensions, restrictions,
15 or other disciplinary action taken against any money services
16 business involving the proposed responsible individual;

17 (h) Information concerning any bankruptcy or receivership
18 proceedings involving or affecting the applicant or the proposed
19 responsible individual;

20 (i) A sample form of contract for authorized delegates, if
21 applicable;

22 (j) A description of the source of money and credit to be used by
23 the applicant to provide money services; and

24 (k) Any other information regarding the background, experience,
25 character, financial responsibility, and general fitness of the
26 applicant, the applicant's responsible individual, or authorized
27 delegates that the director may require in rule.

28 (2) If an applicant is a corporation, limited liability company,
29 partnership, or other entity, the applicant shall also provide:

30 (a) The date of the applicant's incorporation or formation and
31 state or country of incorporation or formation;

32 (b) If applicable, a certificate of good standing from the state
33 or country in which the applicant is incorporated or formed;

34 (c) A brief description of the structure or organization of the
35 applicant, including any parent or subsidiary of the applicant, and
36 whether any parent or subsidiary is publicly traded;

37 (d) The legal name, any fictitious or trade name, all business
38 and residential addresses, date of birth, social security number, and
39 employment history in the ten-year period preceding the submission of

1 the application for each executive officer, board director, or person
2 that has control of the applicant;

3 (e) If the applicant or its corporate parent is not a publicly
4 traded entity, the director may request the fingerprints of each
5 executive officer, board director, or person that has control of the
6 applicant;

7 (f) A list of any criminal convictions, material litigation, and
8 any litigation related to the provision of money services, in the
9 ten-year period preceding the submission of the application in which
10 any executive officer, board director, or person in control of the
11 applicant has been involved;

12 (g) A copy of the applicant's audited financial statements for
13 the most recent fiscal year or, if the applicant is a wholly owned
14 subsidiary of another corporation, the most recent audited
15 consolidated annual financial statement of the parent corporation or
16 the applicant's most recent audited consolidated annual financial
17 statement, and in each case, if available, for the two-year period
18 preceding the submission of the application;

19 (h) A copy of the applicant's unconsolidated financial statements
20 for the current fiscal year, whether audited or not, and, if
21 available, for the two-year period preceding the submission of the
22 application;

23 (i) If the applicant is publicly traded, a copy of the most
24 recent report filed with the United States securities and exchange
25 commission under section 13 of the federal Securities Exchange Act of
26 1934 (15 U.S.C. Sec. 78m);

27 (j) If the applicant is a wholly owned subsidiary of:

28 (i) A corporation publicly traded in the United States, a copy of
29 audited financial statements for the parent corporation for the most
30 recent fiscal year or a copy of the parent corporation's most recent
31 report filed under section 13 of the federal Securities Exchange Act
32 of 1934 (15 U.S.C. Sec. 78m); or

33 (ii) A corporation publicly traded outside the United States, a
34 copy of similar documentation filed with the regulator of the parent
35 corporation's domicile outside the United States;

36 (k) If the applicant has a registered agent in this state, the
37 name and address of the applicant's registered agent in this state;
38 and

39 (l) Any other information that the director may require in rule
40 regarding the applicant, each executive officer, or each board

1 director to determine the applicant's background, experience,
2 character, financial responsibility, and general fitness.

3 (3) A nonrefundable application fee and an initial license fee,
4 as determined in rule by the director, must accompany an application
5 for a license under this chapter. The initial license fee must be
6 refunded if the application is denied.

7 (4) As part of or in connection with an application for any
8 license under this section, or periodically upon license renewal,
9 each officer, director, responsible individual, and owner applicant
10 shall furnish information concerning his or her identity, including
11 fingerprints for submission to the Washington state patrol or the
12 federal bureau of investigation for a state and national criminal
13 history background check, personal history, experience, business
14 record, purposes, and other pertinent facts, as the director may
15 reasonably require. As part of or in connection with an application
16 for a license under this chapter, or periodically upon license
17 renewal, the director is authorized to receive criminal history
18 record information that includes nonconviction data as defined in RCW
19 10.97.030. The department may only disseminate nonconviction data
20 obtained under this section to criminal justice agencies. This
21 section does not apply to financial institutions regulated under
22 chapters 31.12 and 31.13 RCW and Titles 32 and 33 RCW. The
23 requirements of this subsection do not apply when the applicant or
24 its corporate parents are publicly traded entities.

25 (5) For business models that store virtual currency on behalf of
26 others, the applicant must provide a third-party security audit of
27 all electronic information and data systems acceptable to the
28 director.

29 (6) The director or the director's designated representative may
30 deny an application for a proposed license or trade name if the
31 proposed license or trade name is similar to a currently existing
32 licensee name, including trade names.

33 (7) The director may waive one or more requirements of this
34 section or permit an applicant to submit other information in lieu of
35 the required information.

36 **Sec. 9.** RCW 19.230.090 and 2003 c 287 s 11 are each amended to
37 read as follows:

1 (1) A person applying for a currency exchange license under this
2 chapter shall do so in a form and in a medium prescribed in rule by
3 the director. The application must state or contain:

4 (a) The legal name, business addresses, and residential address,
5 if applicable, of the applicant and any fictitious or trade name used
6 by the applicant in conducting its business, and the legal name,
7 residential and business addresses, date of birth, social security
8 number or tax payer identification number, employment history for the
9 five-year period preceding the submission of the application; and
10 upon request of the director, fingerprints of the applicant's
11 proposed responsible individual (~~(and documentation that the proposed~~
12 ~~responsible individual is a citizen of the United States or has~~
13 ~~obtained legal immigration status to work in the United States)). In
14 addition, the proposed responsible individual must reside in the
15 United States;~~

16 (b) For the ten-year period preceding the submission of the
17 application, a list of any criminal convictions of the proposed
18 responsible individual of the applicant, any material litigation in
19 which the applicant has been involved, and any litigation involving
20 the proposed responsible individual relating to the provision of
21 money services;

22 (c) A description of any money services previously provided by
23 the applicant and the money services that the applicant seeks to
24 provide in this state;

25 (d) A list of the applicant's proposed authorized delegates and
26 the locations in this state where the applicant and its authorized
27 delegates propose to engage in currency exchange;

28 (e) A list of other states in which the applicant engages in
29 currency exchange or provides other money services and any license
30 revocations, suspensions, restrictions, or other disciplinary action
31 taken against the applicant in another state;

32 (f) A list of any license revocations, suspensions, restrictions,
33 or other disciplinary action taken against any money services
34 business involving the proposed responsible individual;

35 (g) Information concerning any bankruptcy or receivership
36 proceedings involving or affecting the applicant or the proposed
37 responsible individual;

38 (h) A sample form of contract for authorized delegates, if
39 applicable;

1 (i) A description of the source of money and credit to be used by
2 the applicant to provide currency exchange; and

3 (j) Any other information regarding the background, experience,
4 character, financial responsibility, and general fitness of the
5 applicant, the applicant's responsible individual, or authorized
6 delegates that the director may require in rule.

7 (2) If an applicant is a corporation, limited liability company,
8 partnership, or other entity, the applicant shall also provide:

9 (a) The date of the applicant's incorporation or formation and
10 state or country of incorporation or formation;

11 (b) If applicable, a certificate of good standing from the state
12 or country in which the applicant is incorporated or formed;

13 (c) A brief description of the structure or organization of the
14 applicant, including any parent or subsidiary of the applicant, and
15 whether any parent or subsidiary is publicly traded;

16 (d) The legal name, any fictitious or trade name, all business
17 and residential addresses, date of birth, social security number, and
18 employment history in the ten-year period preceding the submission of
19 the application for each executive officer, board director, or person
20 that has control of the applicant;

21 (e) If the applicant or its corporate parent is not a publicly
22 traded entity, the director may request the fingerprints for each
23 executive officer, board director, or person that has control of the
24 applicant; and

25 (f) A list of any criminal convictions, material litigation, and
26 any litigation related to the provision of money services, in which
27 any executive officer, board director, or person in control of the
28 applicant has been involved in the ten-year period preceding the
29 submission of the application.

30 (3) A nonrefundable application fee and an initial license fee,
31 as determined in rule by the director, must accompany an application
32 for a currency exchange license under this chapter. The license fee
33 must be refunded if the application is denied.

34 (4) The director may waive one or more requirements of subsection
35 (1) or (2) of this section or permit an applicant to submit other
36 information in lieu of the required information.

37 **Sec. 10.** RCW 42.45.200 and 2017 c 281 s 22 are each amended to
38 read as follows:

1 (1) An individual qualified under subsection (2) of this section
2 may apply to the director for a commission as a notary public. The
3 applicant shall comply with and provide the information required by
4 rules established by the director and pay any application fee.

5 (2) An applicant for a commission as a notary public must:

6 (a) Be at least eighteen years of age;

7 (b) ~~((Be a citizen or permanent legal resident of the United
8 States;~~

9 ~~(e)))~~ Be a resident of or have a place of employment or practice
10 in this state;

11 ~~((d)))~~ (c) Be able to read and write English; and

12 ~~((e)))~~ (d) Not be disqualified to receive a commission under RCW
13 42.45.210.

14 (3) Before issuance of a commission as a notary public, an
15 applicant for the commission shall execute an oath of office and
16 submit it to the department in the format prescribed by the director
17 in rule.

18 (4) Before issuance of a commission as a notary public, the
19 applicant for a commission shall submit to the director an assurance
20 in the form of a surety bond in the amount established by the
21 director in rule. The assurance must be issued by a surety or other
22 entity licensed or authorized to write surety bonds in this state.
23 The assurance must be effective for a four-year term or for a term
24 that expires on the date the notary public's commission expires. The
25 assurance must cover acts performed during the term of the notary
26 public's commission and must be in the form prescribed by the
27 director. If a notary public violates law with respect to notaries
28 public in this state, the surety or issuing entity is liable under
29 the assurance. The surety or issuing entity shall give at least
30 thirty days' notice to the department before canceling the assurance.
31 The surety or issuing entity shall notify the department not later
32 than thirty days after making a payment to a claimant under the
33 assurance. A notary public may perform notarial acts in this state
34 only during the period that a valid assurance is on file with the
35 department.

36 (5) On compliance with this section, the director shall issue a
37 commission as a notary public to an applicant for a term of four
38 years or for a term that expires on the date of expiration of the
39 assurance, whichever comes first.

1 (6) A commission to act as a notary public authorizes the notary
2 public to perform notarial acts. The commission does not provide the
3 notary public any immunity or benefit conferred by law of this state
4 on public officials or employees.

5 (7) An individual qualified under (a) of this subsection may
6 apply to the director for a commission as an electronic records
7 notary public. The applicant shall comply with and provide the
8 information required by rules established by the director and pay the
9 relevant application fee.

10 (a) An applicant for a commission as an electronic records notary
11 public must hold a commission as notary public.

12 (b) An electronic records notary public commission may take the
13 form of an endorsement to the notary public commission if deemed
14 appropriate by the director.

15 NEW SECTION. **Sec. 11.** Section 1 of this act constitutes a new
16 chapter in Title 18 RCW.

17 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2024.

--- END ---